Lynchings-1933
&
Legal Punishment for Rape

Alabama.

4148

DAY BY DAY

By WILLIAM N. JONES

Afro-American
4-22-33

OUR GREAT CHANCE
SOUTH'S LAST STAND
THE REAL ISSUES

WHATEVER ELSE HAPPENS in the Scottsboro case, there is one unmistakeable fact. It has given us one of the greatest chances for consolidated action we have had since emancipation.

If we do not accept this opportunity, the world will look upon us as not deserving the status of manhood for which we have been clamoring.

The conviction with death penalty given Haywood Patterson was not a rape verdict. It was the verdict of the South that 12,000,000 colored citizens SHALL NOT RISE TO THE STATUS OF CITIZENSHIP.

It was a verdict of a grim, teeth-clenched and eye-closed South steeped in prejudice. It was the verdict of those who are still fighting the Civil War. There is no question about it. It is Dixie's last stand against any change of the present status of colored men and women.

IF, AS DID THIS WRITER, you had watched every episode in that Decatur drama of race relations, you could not have helped coming to the conclusion that Alabama whites were resorting to every trick and agency they have used since Lincoln signed the Emancipation Proclamation, to make it a mere scrap of paper.

And, mind you, it was not the usual mob which was "crucifying justice on a cross of color." It was the constituted authority of the state's white citizenry. There are men in Alabama, like Judge James E. Horton in the Patterson trial, who would have preferred to see justice done. But like Judge Horton, this insignificantly small contingent was swept along with the rushing tide of bigotry and racial prejudice which make justice to a colored man impossible in that state.

In this rushing tide of intolerance are not only the courts but the churches, the chambers of commerce, the Rotary clubs, the civic bodies and even the so-called humane agencies. No organized force in Alabama, including even the interracial movements, is militantly opposed to what is happening in the Scottsboro case.

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But the very completeness with which Alabama believes she has won a victory in again condemning Haywood Patterson to death is her crushing defeat. For once, here is a clear case about which there can be no dispute. The International Labor Defense has smoked the monster out in all his hideousness.

I must confess that sitting there at the press table for two weeks and looking on at the grim court battle, my only misgiving came from the shameful fact that not one colored man there was actually engaged in the struggle. It may be that the shock of that laughing jury verdict Sunday will wake us up.

It may be that the real issues in this life and death struggle through which the guilt or innocene of the nine Scottsboro boys merely floated like a shadow will be brought home to us, and then every man and woman in this country will fling himself or herself into the fight.

These issues mean about the same to the doctor, the lawyer, the teacher, the laborer, the unemployed man or woman as they mean to the Scottsboro boys.

The electric current which an Alabama jailer might turn on would burn to death nine innocent boys. That would be terrible. But the current of racial hatred and color discrimination which is back of all this kills every day unknown numbers of innocent babies. It electrocutes the ambitions and opportunities of thousands of young men and women by denying them their rightful places in life. It kills some of our most valuable citizens like Miss Juliette Derricotte of Fisk.

That is why the Scottsboro fight is our fight. That is why we must not take time to quibble over ways and means. This is war. You cannot talk ethics and diplomacy to the poison gas of such race prejudice as exists in Alabama. Every church, every lodge, every club and every individual in this country should join the ranks.

[redacted]

While the right of trial by jury has been looked upon for a long period as one of the important privileges of citizenship, the notorious Scottsboro case presents an argument to the effect that in certain situations the defendant might have far better assurance of a fair trial and adjudication were his ultimate fate left in the hands of the presiding justice.

To charge nine Negroes with attacking two white girls who were hoboing their way from Tennessee to Alabama on a freight train, and to leave it to an Alabama jury to decide the question of their guilt, would indicate at the start that race prejudice must weigh heavily against the defendants, even if the jurors made a fair and honest attempt to consider the case on its merits. The first trial occurred at Scottsboro, and eight of the defendants were convicted of criminal assault and sentenced to death, in rapid succession, there being a mistrial in the case of the ninth youth.

On March 25, 1932, after a long legal fight to save the condemned men, the Alabama Supreme Court affirmed the death sentences of all except one, Eugene Williams, who, the court held, was a minor. The other cases were taken to the United States Supreme Court, where the sentences were set aside and a new trial was ordered. A change of venue from Scottsboro to Decatur was granted for the re-trials, but again comes a verdict of guilty, carrying with it a death sentence, in the case of one of the Negroes, tried separately. At both trials, National Guardsmen were stationed about the court house to prevent any disturbance and guard against possible mob violence. During the preliminaries to the re-trials, the defense made an effort to have the indictments and venire quashed on the contention that the defendants were deprived of their constitutional rights through "habitual exclusion" of Negroes from Alabama juries. Judge James E. Horton, who presided, overruled the motion.

In his charge to the jury, Judge Horton pointed out that "at one time or another, both Ruby Bates and Victoria Price (the two women who are alleged to have been attacked by the defendants) perjured themselves." "Remember," he continued, "both these women were of the underworld."

Commenting upon the outcome of the case, the New York Times, which sent a member of its staff to furnish complete daily reports on the case, says: "This result comes as a surprise and a shock to those who had followed the evidence given in court. * * *

"The presiding judge bore himself with impartiality, and was evidently anxious to make Alabama justice worthy of the name. His rulings, so far as can be determined at this distance, were correct. His charge to the jury was filled with strong protests against anything like mob law or the spirit of lynching, and of warnings to disregard everything but the evidence in the case. Whether the jury was swayed as much as it should have been by his injunctions to give no weight to the fiery denunciations and appeals to race hatred by the prosecution, it is impossible to say. Although Judge Horton took the strongest ground against anything like intimidation or threats of violence on the part of the people of the vicinage, it was all too plain that the trial was conducted in an atmosphere intensely prejudiced against the accused Negro. The jurymen deliberated a long time over the tangled evidence and the manifest untrustworthiness of the chief witnesses, both for the prosecution and the defense. But the final verdict was 'Guilty,' and it is now difficult to see how an appeal could lie to the Supreme Court again, or to any higher power except the governor. He might see fit, in view of all the circumstances, to commute the death sentence into a term of imprisonment."

Even in trials dealing with matters of less import than life and death, prejudice is prone to play an injurious part; and more than one citizen, after having the experience of serving on a jury, has come to the conclusion that were he to have a cause for adjudication he would prefer that it be passed upon by a justice trained in the law rather than submit it to the vagaries of twelve of his own fellows. "If I were in the right in a case that was going to court," we were once told by an ex-juror, "I would prefer to have it decided by the judge; but if I knew I was in the wrong, I would rather take a chance with a jury."

In the Scottsboro case, it seems apparent that race prejudice swayed the jury, as against the intrinsic value of the evidence.

Greensboro. N. C. News
April 19, 1933

AND CLEVER TOO!

Regardless of how one may feel towards Samuel Leibowitz, chief of defense counsel in the Scottsboro cases, for his scathing denunciation of the jury which convicted Heywood Patterson, it may be that Mr. Leibowitz is smart, sufficiently smart to accomplish that which otherwise appeared impossible as a result of the shock which he delivered through the New York press.

Following the clash of prejudices, racial, sectional and even political in subsequent trials and more particularly in the Patterson conviction, Mr. Leibowitz hied back to New York for an accounting to the agency by whom he was hired and, perhaps, to give vent to his feelings and receive moral support from fellow radicals. In the statement which he issued to a voracious press was this castigation of the twelve Alabamans good and true who sat in judgment upon his negro client:

If you ever saw those creatures; those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it.

And for that Judge James E. Horton, who was eminently fair during the Patterson trial and who could not have conceivably done otherwise, ordered a motion for indefinite postponement of the Scottsboro cases when trial of the remaining seven defendants was called at Decatur Monday. "No court regardful of its duty to see that trials must be fair and impartial could under such baneful influences permit the trial of this case to proceed at the present time," declared the jurist. "It therefore becomes the duty of this court at the present time to enter of its own motion a continuance of this case until such time when in its judgment a fair and impartial trial may be had."

If Mr. Leibowitz had argued until he was blue in the face, he probably could not have secured such a motion. As it is, however, resumption of the trial has been indefinitely delayed, new prejudices and developments may be cited in advocacy of a change of venue and additional grounds have been provided for appeal to the United States Supreme court should counsel so desire. If the chief of defense counsel, noticeably absent when court reconvened, successfully furthered his cause, unintentionally or deliberately, he can probably stand up under the epithets which are being hurled in his direction. Mr. Leibowitz is mean; Mr. Leibowitz is vicious; Mr. Leibowitz is a bigot himself. Yes, and Mr. Leibowitz may also be quite clever.

Chattanooga, Tenn. News
April 20, 1933

They Should Withdraw

CHATTANOOGANS have received a circular letter, signed by one William L. Patterson, who styles himself National Secretary of the International Labor Defense of New York, soliciting funds supposedly to be used in the defense of the boys of Scottsboro, though probably for propaganda purposes.

"On Sunday, April 9," runs this letter, "an all-white jury filed into the Decatur courtroom. With grins on their faces, they delivered a verdict of legal lynching for Haywood Patterson." The letter winds up with an appeal for funds and the objurgation "help save nine innocent Negro Scottsboro boys."

In connection with this letter, it is only necessary to add the statement which Joseph R. Brodsky, one of the International Labor Defense lawyers at Decatur, made in Judge Horton's courtroom last Monday, in attempting to explain the meaning of his associate, Samuel S. Leibowitz's, statement assailing the jury which had heard the Patterson case.

"Leibowitz's view," Brodsky said, "is that, in Decatur and the South, the white workers are imbued with the idea of white supremacy, and that only in union of the white and Negro workers warring against the ruling class can they gain their ends."

Here, in a nutshell, in the words of their own lawyer, is the complete expose of the hypocrisy of these appeals going forth for funds for the International Labor Defense. If these nine boys are executed, the International Labor Defense, with its tactics of trying to use this case as a pretext for preaching class war, can regard itself as their murderer. When there is added to the race phobia which exists the even worse hatred of these agitators of class struggle, it is no wonder that the Scottsboro boys are having a fearful time.

Justice for these nine Negroes accused of a heinous crime, one of which they may not be guilty, cannot be had so long as this Communist agitation insists upon masking itself as their legal defense. If the International Labor Defense really wants justice done these boys, it should immediately withdraw from the case.

Discourage the Proposed Mass March

Tribune 4-22-33

The Tribune in common, with all our kind, and the fair-minded of every kind, feel furiously indignant at the outrageous verdict rendered at Decatur, Alabama, Sunday, after two weeks' exposure of a palpable frame-up against nine black boys.

Yet, notwithstanding our feelings of indignation, horror, and outrage, we do not see that any practical good can come of a mass march on Washington to lodge a protest with the President, on this matter over which he has no legal control.

Properly worded protests and petitions, asking that he use his good offices to secure proper legal remedies for the injustice thrust upon these boys and upon us, meets the approval of The Tribune. But it would be both unwise and unjust to approach the matter on the implied grounds that the righting of this particular wrong is a prerogative of the President.

Thousands, yea millions, black and white, may and should indicate their indignation and horror by signing these protests and petitions, but a delegation of a dozen is of size sufficient to present them.

Help the I.L.D.; help the N.A.A.C.P., or any organization or group opposing this outrage. Much may be gained by arousing sympathy but nothing by stirring up antagonism where none now exists.

Hendersonville, N. C. Times
April 24, 1933

NEWSPAPERS' OPINIONS

A FRAUD EXPOSED

Whatever opinion those who have followed reports of the Scottsboro trial may have reached as to the guilt or innocence of the defendant, the conduct of the defense deserves attention for its own sake. The case has been made a world-wide sensation by the same organized propagandists as were responsible for the furor over the Sacco-Vanzetti and Mooney cases. Although citizens of conscientious motives were drawn into these activities to give them repute, the most persistent and vociferous participants in all cases were communists and radicals of other varieties. Only a very ingenious observer of these proceedings could miss their intent. Pretending to be a defense of innocent individuals from injustice and oppression and an assertion of civil guaranties, the objective aimed at was the disparagement of American courts and the American social conscience.

This has been strikingly exposed in the Scottsboro trial just ended at Decatur, Ala. The attorney brought from New York by the International Labor Defense could not be as tactless as he has been save intentionally. The very fact that he was chosen in place of counsel known and respected in the region in which the trial was to be held was evidence of lack of good faith, of a sincere concern for the fate of the defendant. In and out of court his words and actions have appeared to an impartial observer studiously provocative of local feeling, and the inference must be that he intended not to win his case but deliberately to lose it, to make sure of a martyr for his cause and an excuse for more propaganda. Immediately after the verdict he gave vent to a tirade against the community amid which the trials are being held, and, returning to New York, he publicly described the jury as "those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy." Yet he is going south in a few days for the second series of trials. The employment of such an attorney of the defense promises trouble if it does not in fact insure a miscarriage of justice. It shows no regard for the defendants but rather a deliberate determination to bring about their conviction.

At the beginning of the affair the radical agitators descended upon the community in which the trial was to be held, insulting, blatant, insolently prejudicing the case and the character of the agencies of the law. They have shown no consideration for the defendants. Pretending to defend them from mob sentiment and race prejudice, they have done everything possible to inflame both. No Klux fanatic could do more to create conditions in which even-handed justice is impossible than these pretended friends of the oppressed.

Meanwhile the well meaning public of the north has been exhorted to donate money for the support of this murderous proceeding misnamed defense. The Civil Liberties union published advertisements calling for funds to "help give these boys the best possible break at this second trial." Such appeals are frauds. The Civil Liberties union is a fraud. Its managers have no regard for civil liberties except when they can be pleaded for the protection of radical mischief makers and criminals. They are communists and sympathizers with bolshevism, which has destroyed civil liberties wherever it has gained power. The active head of the Civil Liberties union at a meeting of communists in New York has just declared that political democracy is moribund, and he wants a "united front," precious bolshevik phrase, of communists and liberals to fight Fascism. A union of communists and genuine liberals would be a union of the snake and the bird. The Civil Liberties union is such a union. Liberals who support it are either gullibles or they are not liberals. There are no civil liberties remaining except where political democracy exists, and so long as the Civil Liberties union is run as it has been and is, by enemies of democracy, its title is a flagrant hypocrisy which can no longer deceive any but liberal sentimentalists befogged by mere phrases. Even these ought to be shocked at its methods in the Scottsboro affair.—Chicago Tribune.

Fayetteville, N. C. Observer
April 24, 1933

COMMUNISTS FOOL NOBODY

Strange tactics are resorted to by attorneys in obtaining favorable legal results but when the practice of law is wedded to spreading propaganda for the Communist party in its effort to destroy the existing American government in the red furnace of racial and class hatreds even stranger tactics can be expected.

In this category falls the attack of one Liebowitz, chief counsel in the sordid Scottsboro, Alabama, criminal assault case in which seven negroes are charged with criminally attacking two white women of doubtful character.

With one of his defendants convicted a second time and sentenced to die, Liebowitz hies himself back North and proceeds to berate the jury in particular and Alabama justice in general in such a manner as would prejudice the fair trials of the other six defendants.

It is as though the Communists desired the death of the negroes they were defending in order that the circumstance of their execution might be used as international propaganda further to inflame race hatreds.

The Alabama judge, Mr. Horton, who postponed indefinitely the trials of the other six defendants as a direct result of Liebowitz' outburst has won the commendation of Northern papers for his sensible action.

Sensible people in all sections of the country discover the sinister hand of extreme radicalism in the defense of the Scottsboro negroes; and they realize that the State of Alabama is capable of administering justice within its own borders without outside interference.

This administration of justice in the Southern States is hampered by the effort of the Communists to place themselves in loco parentis to the negro race, a false parentage unwanted by the negroes and capable of producing results of the most dangerous nature.

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Asheville, N. C., Citizen
April 11, 1933

The Scottsboro Verdict

Ever mindful though it is of the difficulties and dangers attendant upon the trial of cases by persons at a distance, The Citizen confesses its own distress as it surveys what has been happening in Alabama during the past week in the case of the first of the Scottsboro negroes to go on trial for an alleged criminal attack upon a white woman.

That simple justice could be done in an atmosphere such as has prevailed at Decatur is hard to believe. The propaganda which has been waged for the accused negroes has been of a kind calculated to inflame feeling in Alabama against those who have been responsible for it. On the other hand, some of the speeches which were made before the jury by the prosecuting officers were shocking appeals to prejudice. For example, Solicitor Wright's appeal: "Are you going to let Jew money from New York buy justice in Alabama?"

The question of the guilt or innocence of Heywood Patterson, the Chattanooga negro who was on trial, was submerged in a tide of bitterness. Attorney General Knight told the jury, it is true, that the State of Alabama wanted no verdict "based on racial or religious prejudice, and that the case "must be decided on the evidence alone." But he also told the jury that "the name of the State of Alabama has been lynched" and there can be little question of the fact that this feeling is strong in Alabama, so strong as to account for the deep resentment manifested against the outside lawyers and agents for organizations which are intensely disliked in nearly every Southern community anyway.

It is tragic that these negroes could not have had a trial under conditions which would have provided full assurance that their cases would be determined without regard to any extraneous circumstances. What the public at large sees is that one of the two women involved in the case has testified that she perjured herself at the first trial while the other has been described by the presiding judge as "a woman of easy virtue" with evidence before the court that "she made false statements." The conviction of Patterson on the evidence that has been published is an outcome which must be gravely disturbing to a large part of the citizenship of Alabama, deeply offended though these same persons may have been at the manner in which that State has been put in the spotlight.

Ft. Myers Fla., Press
April 11, 1933

THE SCOTTSBORO CASE

The notorious and revolting Scottsboro case was merely given a new lease of life on the front pages by the verdict convicting one of the defendant negroes for the second time and again sentencing him to electrocution. The legal circus will now play a return engagement over the circuit of appeals to the state supreme court, the United States supreme court and probably a string of retrials.

The frenzied world-wide attention which the case has attracted is all out of proportion to the importance of the transient negroes and white trash who comprise the cast of characters. Normally—and properly—it would be settled with little excitement by the summary southern method employed in matters of that kind. It involves a social problem indigenous to the region. It cannot be understood, much less managed, by outside opinion and rules of law. Left to its own effective devices the South can control the ever-present menace. Interference, however well-intentioned, is almost never helpful and must be firmly resisted. We are lost if we ever let such woozy outfits as the international labor defense take a hand and get away with it.

Had nature been allowed to take its course the case would have been terminated long ago by a justice operating either formally or informally as occasion required. It might have been accompanied by a flare-up of publicity unfavorable to abrupt methods of deterring crimes of the nature involved but at worst what might have happened would be preferable to what has happened. The execution of a human being is a horrid vengeance but there is a thing even more repugnant and those who have to deal with it have learned by fearful experience that temporizing in its punishment is certain to bring tragic consequences.

This is not to condone lynch law. It is merely to point out that lynchings have their genesis in just such provocatives as the Scottsboro spectacle. Two juries have found a defendant guilty of the most atrocious of crimes. But instead of being on his way to the electric chair he sits enthroned as a martyr by a hysterical assortment of crack-brained radicals, fuzzy-minded reformers, habitual publicity seekers and venal lawyers with access to "defense funds."

Talk about your mobs! There's one for you. And the well-behaved negro has more to fear from it than he has from any grim posse of southern white men. Realists of both races understand this fully and join in viewing with alarm any tampering with a system which works all right when it is not subjected to meddlesome interference by misguided or mischievous zealots.

Raleigh. N. C. Times
April 8, 1933

A LADY OF THE PROFESSION IS CONVERTED AND RECANTS

On Thursday the prosecution of the group of negroes indicted for criminally assaulting two white women who were riding side-door Pullmans practically blew up with the admission of one Ruby Bates that her previous testimony was a "hoax." The other woman in the case had testified in this trial as she did in the first one, in a narrative in all points to convince a jury as well as inflame public opinion.

On the original trial, the stories of the two women clicking perfectly, the negroes had been convicted and sentenced to death. Alabama was to have a wholesale execution that would be a record breaker. Appeal to the Alabama Supreme Court resulted in affirmation of the verdict and the sentences. Various organizations having interested themselves in the case, appeal was taken to the Supreme Court of the United States. A hearing was granted, and the result was the unusual one of the high court intervening to override judicial decision in a criminal matter by a State.

No comment is necessary as to the character of Miss Ruby and her companion, both of whom had been shown to be just as moral as Mehitabel, the Alley Cat. But their character aside, the story they told pictured an atrocity which in the South is visited with death even though the victim be a prostitute.

The motive for this perjury? Apparently it rested on the idea of revenge for a group of white hoboes who had been overcome in a fight with negroes of the same genre. Two of the defeated contingent were the friends and companions at hobo camps of the two prosecuting witnesses. While Ruby evidently lies as easily as she breathes, her court confession has been supported by medical testimony.

It is difficult to understand how two women—even such as Ruby Bates and Mrs. Price—could have gone the length of attempting to perjure away the lives of a number of innocent men. But the phenomenon is a common experience in the pathology of women—sometimes good as well as bad. Ruby was snatched away to New York by a social worker, "got religion," and confessed to the ever dramatic Rev. Raymond Fosdick, D. D. Lacking the agitation about the case, including Communist outcry, the negroes would have been killed by Alabama for nothing worse than a free-for-all fight with white men not so far removed from their own social status.

The sorry business illustrates the fundamental power of the Supreme Court to do justice, if only litigants have the counsel and the means to catch its ear.

It also serves to give a solemn warning to the South, all too apt to execute judicially, as well as by lynch law, when some psychopathic woman has a day dream and sticks to it on the witness stand.

[illegible] N. C. News
April 12, 1933

SHOULD NOT CENSURE

The New York Herald-Tribune under the heading, "*A Blow To Justice,*" says:

"It is useless for any one, either in or out of Alabama, to pretend that the verdict of guilty rendered against the first of the nine Negroes to stand retrial in the Scottsboro cases will not be received with a profound sense of shock by justice-loving Americans.

"The case admittedly presented an extraordinarily difficult problem to the small Northern Alabama community into whose hands it was confided. It had become involved, over a period of two years, with nearly every kind of racial and political prejudice; its history had developed in such a way as to entangle it accidentally in all sorts of extraneous considerations which might interfere with a fair verdict, and the evidence itself was not the sort through which it would be easy to find the straight path of justice.

"The presiding judge did find that pathway, nevertheless. Though evidently feeling himself under strong local pressure to do otherwise, Judge HORTON made every effort to see that the accused was given a fair trial; he emphatically repressed any hint of mob action and guaranteed the protection of the prisoner and his counsel with the lives, if necessary, of the court officers. His charge to the jury was eminently fair in dealing with the evidence, and in its appeal to put aside every consideration save the merits of the case it reflected honor upon the standards of the Alabama bench.

"Its effect, unfortunately, has now been destroyed by the verdict. On the basis of the evidence as reported it is simply impossible to believe that the guilt of the accused was established 'beyond reasonable doubt.' Outside observers cannot tell the State of Alabama or the people of Alabama what they ought to do. One may, however, revert to the Attorney General's declaration that the new trial would demonstrate to the world the impartiality of Alabama justice; and to those Alabamans who are interested in outside opinion it seems legitimate to point out that the actual result has been the precise opposite. The fairness with which the trial itself was conducted only throws into higher relief the astonishing finding—as it will be universally regarded outside of Alabama—of the jury. Whatever the real merits of the case may have been, the fact is that National opinion everywhere will accept this outcome as proof of the impossibility of securing a really just verdict in Alabama in a case of this kind.

"We shall still hope that this conclusion is unwarranted. There are countless high-minded men and women in the State of Alabama sincerely desirous—as was Judge HORTON—of seeing justice done, and sensitive of the regard in which their State is held by National opinion. The right of appeal offers one source of hope, especially in view of the courageous dissent of the Chief Justice of the State upon the appeal from the verdict in the last trial. The Governor's power of commutation and pardon offers a second method of correcting the verdict. Moreover, the present trial concerned only one of the nine defendants. It does not seem too much to ask of Alabama opinion that it insist of its own accord that the venue for the remaining trials be changed from the Northern counties where the public psychology has been so desperately embittered. We believe that it is possible for Alabama to conduct the remaining trials in an atmosphere which will be free from the threats of lynching, the intensity of local issues and local fear and anger which marred the present case, and to arrive, with no outside help, at a verdict which the Nation at large will receive as just and honorable to the State."

This newspaper, not possessed of all facts in the case, its distance from the scene of the trial, and lack of knowledge of the people of Alabama, does the State and the members of the jury which tried PATTERSON an injustice.

Right or wrong, the verdict returned was the findings of the men who heard the evidence from beginning to end. If their findings are in error, they are not to blame. There were many conflicting bits of testimony and the jurors should not be censured for their findings and neither should the people of Alabama be measured by the verdict.

Fayetteville, N. C. Observer
April 10, 1933

THE HAND OF RUSSIA

That Decatur, Alabama, jury refused to believe the repudiation of the testimony of Miss Ruby Bates, and sentenced one of the nine negroes accused of attacking her to death in the electric chair. Six others await trial. Two have already been remanded to the juvenile courts.

We were of the opinion that the whole case should have been kicked out of court as the figment of the imagination of two women of the oldest profession, but then we were not at the trial and all we knew was the filth we read in the papers.

Execution of seven negroes in Alabama would not leave the world in general either better or worse off and it appears that the women who claimed they were attacked had little virtue to lose. It is with neither the negroes nor the women that we are interested.

What is of importance is the interest which the International Labor Defense has taken in the matter, an interest which is pointed at making the "Scottsboro Case" rival in interest the Sacco-Vanzetti cases, or the Gastonia shootings.

This organization makes a specialty of pouncing upon and injecting itself into any case which offers the opportunity of being exploited in such a manner as to arouse racial hatreds and stir up the passions of class against class.

It is patiently and almost patently laying the groundwork of the revolution which it hopes Russia will some day be able to bring about in America. It seeks to gain the sympathy of the riff-raff of both races and to inculcate into their minds a deep-seated hatred for those who through superior ambition and superior energy have amassed more of the world's goods.

The negroes and the women are just pawns or puppets in the world scheme of Red Russia to reduce all people to a common denominator.

Here is what William D. Patterson, the secretary of the International Labor Defense, says about it:

"The lynchers of the South, the landlords and mill owners, whose system of oppression and terror against the negro people and the poor whites has been most sharply challenged in the fight to save the lives of the Scottsboro boys are determined to murder them.

"These rulers of the South have common interest with the rulers of the North. The United States Supreme Court is the common tool of both."

Probably Mr. Patterson would like no better publicity than to be thrown into jail for contempt of court for making such a statement. Perhaps the best cure for him would be to put him on a boat and ship him back to Russia where he could enjoy himself in a land of free speech and perfect justice.

Atlanta, Ga. Georgian
April 12, 1933

Heywood Patterson, one of nine negroes for whom the Supreme Court ordered a new trial, is sentenced to death after the jury had deliberated nearly 24 hours. He and the eight other negroes are accused of a crime against two white women, a crime punished by death in Alabama.

One of the women who formerly accused the men swore at Patterson's recent trial that he and the other negroes were innocent, had never molested her or the second woman. The Rev. Dr. Fosdick, of New York, she said, persuaded her to tell the truth. The second woman swore that the nine, Patterson included, were guilty, as she had sworn at the first trial.

Six of the other negroes will be tried, one at a time, with one woman presumably swearing to their guilt, the other swearing to their innocence. The remaining two defendants are minors. The strange thing, which makes the case unusual, is that the Southern judge, in his jury charge, describes both women as "women of the underworld" They were traveling in a freight car with hoboes at the time the crime is alleged to have been committed.

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Third Verdict Of Death Returned Against Negro

Advertiser

Decatur Jury Seals Doom Of Heywood Patterson For Scottsboro Attack

12-2-33

Locked 25 Hours

Montgomery

Demonstration Lacking As Decision Is Announced; Second Trial Underway

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., Dec. 1.—(AP)—In a court room so quiet the sound of men breathing could be heard, the third verdict of death late today was returned by a jury against Heywood Patterson, 21-year-old Chattanooga negro Scottsboro defendant who was charged with attacking a white woman.

The silence was electric as Walter Green, clerk of the court, read the verdict "we the jury find the defendant guilty as charged, and fix his punishment at death."

The negro who twice before has heard identical words read into his case, appeared unmoved.

He was tried on an indictment charging an attack on Mrs. Victoria Price, aboard a Southern freight train on March 25, 1931.

There was not the slightest sign of a demonstration and the spectators who filled every available seat waited until the jury, which was discharged by Judge W. W. Callahan immediately, had filed from the courtroom.

The noise of shifting feet, coughs, and low talk that made a medley of sound, stopped instantly as the knock on the room adjoining the court, where the jury had been deliberating, sounded in the court room.

Judge W. W. Callahan was preparing to swear in a jury, just struck for the trial of Clarence Norris, second of the defendants to be called to trial here on charges of attacking Mrs. Price, a Huntsville mill worker, when the knock sounded at 5 p.m. and it was 10 minutes later before the jury, grave of face, and slow of step, filed in.

Negro Hears Verdict

Patterson had been brought from the ail, surrounded by six deputies sheriffs, and sat watching intently as the new jury was sworn in.

Norris, seated beside him, also showed interest in the procedure. Both negroes were removed from the courtroom after the verdict was read, before the crowd was permitted to move, and as their footfalls died away in the hall, the spectators trooped out.

Samuel S. Leibowitz, of New York, chief of counsel retained by the International Labor Defense in behalf of the negroes, asked when Judge Callahan would pass sentence and announced he would file a motion for a new trial which, if denied, will be a step toward the United States Supreme Court.

It was to the highest tribunal in the nation that the fight against the first death sentences imposed on Patterson and his co-defendants was carried after the Alabama Supreme Court had affirmed the decision of the Jackson County Circuit Court.

It was after the United States Supreme Court had held that the negroes did not have the benefit of adequate counsel that a change of venue from Jackson County to Morgan was granted.

The testimony in the Norris trial largely will be the same as that in the Patterson trial, as both sides have called the same witnesses.

Girl's Testimony

The defense however has interrogatories from Ruby Bates, companion of Mrs. Price on a hobo trip on which the attacks were alleged to have occurred, who last Spring made a sensational appearance in Patterson's second trial, to repudiate her former testimony.

She denied that she was molested in the slightest by the defendant.

The jury sworn tonight for the trial of Norris, like the one that convicted Patterson, consists largely of farmers and was completed only after several special venires were called.

The personnel of the jury is: Phil Humphrey, of Decatur, a salesman; George Dinsmore, of Eva, farmer; W. C. Martin, of Joppa, farmer; Albert M. Peck, of Summerville, farmer; W. S. Carpenter, of Decatur, a carpenter; Andrew E. Stimson, of Eva, farmer; George C. Kelly, of Eva, farmer; John W. Tomlinson, Jr., of Falkville, merchant; John . Moody, of Decatur, oil man; Walter H. Lodd, of Decatur, railroad man; L. H. McDaniel, of Joppa, a farmer; Burl Vesta, of Falkville, merchant.

Neither Leibowitz nor Atty. Gen. Knight, who directed the prosecution had any comment on the verdict.

Advertiser

The jury which was out 25 hours and 10 minutes, was given the case at 3 p.m. yesterday and after three hours of deliberation was locked up for the night.

12-2-33

Deliberation was resumed at 8:30 a.m. today and continued with exception of an hour for lunch until [illegible] p.m.

Montgomery

Five Other Defendants

In addition to Norris, in whose case testimony will get under way tomorrow, five other defendants are scheduled for trial at this term of court while the remaining two have been adjudged juveniles and are now in custody of the Juvenile Court of Jackson County.

Leibowitz, basing his motion on the number of "fixed opinions," among veniremen called up for qualification late this afternoon, again sought a change of venue. Leibowitz claimed the defendant could not get a "fair trial" and that the number of disqualifications for "fixed opinions" sustained his contention.

Judge Callahan, presiding, however, ruled that the honesty of prospective jurymen in stating they had fixed opinions, indicated that the defendant could obtain a fair trial and overruled the motion.

The motion was made just after the 29th venireman had been qualified, and two more names were drawn from the jury box in an effort to obtain the 30 men necessary for a panel before a jury can be struck.

More than 125 veniremen had been called and a large percentage had been excused for fixed opinions.

Norris, like Patterson, faces a charge of attacking Mrs. Price aboard a Southern Railway freight train as it wound through the mountains in Jackson County. They also are under indictments charging attacks on Ruby Bates, a Huntsville mill worker and companion of Mrs. Price on a hobo trip to Chattanooga and return.

Attack Denied

The Bates girl, after testifying in 1931 that she was attacked, returned here last Spring and repudiated her former testimony, declaring that she had not been mistreated.

In examining veniremen today Leibowitz questioned them at length on their knowledge of the case, reading of the accounts in newspapers, and talks with their neighbors, and as to their willingness to accept circumstantial evidence. He also asked if they held racial prejudice that would influence a verdict.

Judge Callahan put to each group a question as to whether the race of the defendant would preclude fair and impartial weighing of the evidence in event they were finally accepted to serve.

The State in the Patterson trial called Mrs. Price and Orvel Gilley, of Albertville, Ala., a "wandering entertainer" who was aboard the train as the principal material witnesses. Both said Patterson attacked the woman. Additional witnesses were called who testified as to seeing a fight between white and negro youths as the train passed their farms or where they happened to be working.

Leibowitz placed the only medical testimony in the record, calling Dr. R. R. Bridges, of Scottsboro, who was subpoenaed by the State to the stand. The physician testified Mrs. Price showed no marks of violence and no blood on her face, but had small scratches on one wrist and on one forearm and some small bruises on her back.

Patterson On Stand

Patterson took the stand and while admitting participating in the fight, denied he had attacked Mrs. Price, or that he was even aware that there were any women on the train.

Willie Roberson, Olen Montgomery, Andy Wright and Ozie Powell, also took the stand, and denied seeing any women aboard the train.

Several witnesses to corroborate the story of the negroes and to impeach Mrs. Price's testimony, were called by the defense.

Exchanges of witticisms between Judge Callahan and Leibowitz brightened the monotonous qualification proceedings for the spectators who filled practically every seat throughout the day, waiting for the jury to report.

Ruby Bates Rests After Operation; Still in Danger

11-27-33

Not Yet Able to Make Deposition for the Scottsboro Boys

NEW YORK.—Ruby Bates, Scottsboro defense witness, was resting easily in New York Hospital yesterday, after undergoing a major operation Friday, the International Labor Defense announced, but she is not yet out of danger.

It is doubtful whether she will be in a condition for several days, to make a deposition answering the questions drawn up by Attorney-General Thomas E. Knight of Alabama, and Joseph R. Brodsky, I. L. D. lawyer, in regard to her testimony at the trial of Heywood Patterson last spring, when she recanted her previous forced testimony of "rape" and became the chief defense witness, it was said. Julius Appelbaum, of 32 Broadway, has been commissioned by the Decatur court to take this deposition.

Dothan, Ala. Eagle
November 22, 1933

FIELD DAY FOR THE I. L. D.

Doubtless your nerves grated over the grandstand play staged by Samuel Leibowitz, chief counsel for the Scottsboro "boys," in the form of a 37-dollar telegram to President Roosevelt at Warm Springs which concluded as follows:

> Probability of massacre of defendants and attorneys extremely grave. We urge your intervention.

Leibowitz, of course, quite fully realized that the President had no right whatever to order Federal troops to a court in a sovereign State; he knew, moreover, that the President wouldn't do it, even if he had the authority. Leibowitz was after more notoriety of the stinking sort.

Judge W. W. Callahan, who will preside over the trial of the poor "boys" does not believe that National Guardsmen are necessary to prevent a "massacre," so he refuses to call out the Guard. However, possibly because of a sense of humor, he assigned a couple of deputies to follow Leibowitz and his buddies around in case some of what Leibowitz himself described as "bigots with tobacco juice running down their chins" feel the urge to massacre.

Despite every effort of decent Alabamians to give the Negroes a fair trial, it appears that the I. L. D. again will attempt to convert the case into a circus. Well, every circus must be paid for, and the bill for the one impending probably will be rendered the poor wretches on trial for their lives.

And the Leibowitzes? What do these degenerates of the legal profession care? After all, they are heroes to the half-wits of Harlem.

NEGRO TESTIFIES IN ASSAULT CASE

Telegraph

Heywood Patterson Denies Attack on Women After White Man Identifies Him

11-29-33

DECATUR, Ala., Nov. 28 (AP) — Heywood Patterson today denied he attacked Mrs. Victoria Price after he again had been identified as one of seven Negroes who assaulted her and Ruby Bates on a northern Alabama freight train in 1931.

Patterson was the third witness called by the defense and under questioning by Samuel S. Leibowitz, chief of counsel, said he "didn't see a woman on the train and didn't have anything to do with any woman."

The Negro was called after the state had rested with the testimony of Orvel Gilley, who identified him as one of the seven Gilley said had attacked the two Huntsville, Ala., mill workers in his presence following a fight in which other white youths were hurled from the train.

Previously Mrs. Price had identified Patterson as the first to attack her.

Patterson is the first of the Negroes to be retried in Morgan circuit court under a change of venue from Jackson county where all of them were convicted and sentenced to death on April 9, 1931. The United States supreme court set the verdicts aside and ordered new trials.

Gilley Describes Fight

Patterson was tried here last spring and was again convicted but the death sentence was set aside by Judge James E. Horton who presided.

In an easy manner Gilley on direct examination told of boarding the train with Mrs. Price, Ruby Bates, both irls clad in overalls, and Lester Carter and of having moved to the gondola car where the attacks were alleged to have taken place when the train stopped at Stevenson, Ala.

Gilley said as the train pulled out a group of Negroes piled into the car and ordered him and the other white youths out. A fight ensued he said, and several of the white boys were thrown from the train.

After that, he said, the Negroes attacked both women and desisted when he interceded with one of them who was armed with a pistol to make the others stop "before they killed that woman."

His own life had been threatened if he attempted to interfere, Gilley said.

Cross Examination Is Prolonged

Direct examination of Gilley by Solicitor H. E. Bailey of Boaz, who prosecuted in the original trials lasted but 15 minutes but cross examination by Samuel S. Leibowitz, chief of counsel for the Negroes retained by the International Labor Defense, lasted for two hours and 40 minutes.

Under Leibowitz's examination Gilley, who appeared on the witness stand clad in a worn and unpressed blue suit, identified himself as a "wandering entertainer," who recited poetry on the streets, in hotel lobbies and other places and "took up collections."

The youth is tall, ruddy faced, with tousled black hair and his replies to questions frequently caused ripples of laughter through the courtroom in which every seat was taken.

During the cross examination Leibowitz sought several times to get into the record events in a "hobo jungle" in Chattanooga, Tenn., in the Patterson trial last spring. Carter, identified as "the Knoxville Kid" testified Gilley himself and the two women spent the night in the "jungle" before starting the trip on which the attacks are alleged to have occurred.

State Calls Two New Witnesses In Decatur Trial

Advertiser

Jackson Deputy And Posse Member Testify About Events At Paint Rock

12-3-33

Surprise Injected

Montgomery

Mathematics Applied By Leibowitz In Efforts To Contradict Testimony

Adv

By T. M. DAVENPORT

Associated Press Staff Writer

DECATUR, ALA., Dec. 2.—(AP)—Surprise witnesses and new turns in the evidence of previous witnesses this afternoon, broke the monotonous recital of testimony in the trial of Clarence Norris, second of the seven defendants in the "Scottsboro case" to face a jury here on charges of attacking two white women.

The State called two men who did not testify in the trial of Heywood Patterson, who for the third time, was convicted and sentenced to death yesterday, and the defense battling to keep Norris from a second conviction, applied mathematics to testimony of several witnesses to show contradictions in the evidence.

Norris was brought to trial on an indictment charging an attack on Mrs. Victoria Price, Huntsville mill worker, and her companion, Ruby Bates, aboard a Southern Railway freight train in Jackson County on March 25, 1931.

He was convicted on a similar charge at Scottsboro in April 1931, but the United States Supreme Court set aside the verdict in his case, as well as those of his co-defendants, and the cases were brought here under change of venue.

The afternoon session started much as the forenoon with a recital of substantially the same testimony by witnesses that was offered in the forenoon, until W. H. Branum, called by the State, took the stand.

Branum on Stand

On direct examination Branum identified himself as a member of the Paint Rock posse that was organized to arrest the negroes on charges of throwing five youths off the train near Stevenson, Ala.

"Did you see any women get off the train?" he was asked by Atty. Gen. Thomas E. Knight, Jr., on direct examination.

"Yes, sir," replied Branum, "I saw between two cars a woman sink to the ground."

He was asked about the number of negroes and then was asked if he could identify Norris, seated behind his counsel, as one of the negroes.

"He looks to be," said Branum, "but I could not be positive."

Samuel S. Leibowitz, chief of counsel, retained for the negroes by the International Labor Defense, was meticulous as to Branum's position beside the train in his cross-examination.

Using a counsel table to demonstrate, he placed the station at Paint Rock, the water tank and the coal chute, where the locomotive stopped, and asked Branum to designate his position.

Branum said he was uncertain of the distance, but he was beyond the water tank from the station when he saw the woman sink to the ground.

Previous witnesses had placed the gondola from which Mrs. Price said she got off the train about 70 feet back of the locomotive which had stopped at the coal chute.

Merchant Called

Immediately after Branum left the stand, the State called Arthur J. Woodall, Stevenson merchant, and deputy sheriff at the time the negroes were arrested, to bring back into evidence the knife ruled out in the forenoon.

Woodall identified the knife as one he and C. F. Simmons, chief deputy sheriff of Jackson County, who followed him to the stand, had taken from Norris. Woodall identified Norris in the court room.

"Did you ask where he got it?" Knight asked.

"I said he took it from one of the white girls," Woodall replied.

Advertiser

12-3-33

Leibowitz's cross-examination consisted merely of reading from the record of the Patterson trial last Spring.

Leibowitz read questions and answers in which twice Woodall had testified he could not identify the negro from which he had taken the knife.

Simmons was positive in his identification of Norris as the negro from whom the knife was taken.

Montgomery Ala.

"Where did he say he got the knife?" Knight asked.

"He said it was his," Simmons replied.

An effort to identify an apparent confession was ruled out by Judge Callahan and Leibowitz's cross-examination consisted of only one question, "This is the first time you have testified in these trials, is it not?"

"Yes," replied Simmons.

Testimony Repeated

Lee Adams and Sam Mitchell, the latter a negro farm hand, were called by the State and related their previous testimony that within two miles of Stevenson they had seen the fight between the negroes and the white boys.

Arthur Rossau gave the testimony of the previous trials that he had been a member of the posse arresting the negroes, and that he had seen Mrs. Price and Ruby Bates, beneath a shade tree near the tracks.

Twc defense witnesses, R. S. Turner, conductor, and Percy Ricks, negro fireman, were called out of order, to permit them to return to work.

Through questioning of Ricks, Leibowitz established the gondola car in which Mrs. Price said she was attacked, as being about 700 feet behind the locomotive and beyond the station at Paint Rock in the direction of Stevenson.

"Did you see any women get off that train?" Leibowitz asked.

"Yes, sir, I saw two get off and run toward the locomotive," Ricks replied. He said they got off a gondolar car, but not the same one Mrs. Price had indicated in the forenoon.

"Did you see any negroes taken from that train?" was another question.

"Yes, sir, I saw some of the posse take two out of a box car near the tank car," Ricks replied.

Snuff Box Found

On direct examination Turner said he found a snuff box in the third or fourth of the string of eight gondola cars, the last of which Mrs. Price testified she rode.

Turner said he saw two women, one holding the head of the other in her lap, beneath the shade tree near the station.

In the forenoon in more than two hours on the stand, Mrs. Price for the third time in a Decatur court room told the sordid story of the attack and identified Norris as one of her attackers. She said she, with Ruby Bates, who has repudiated her story, boarded an oil tank car at Chattanooga, and moved forward to the gondola at Stevenson.

As the train left Stevenson, she said the negroes piled into the car and in a fight threw five white boys off. Orvel Gilley, of Albertville, the next State witness, she said, climbed back and witnessed the attacks that followed.

Leibowitz centered his one hour and twenty minutes of cross-examination in trying to break down her story and laid a predicate to recall Dr. R. R. Bridges for whom an attachment was issued today when he failed to appear as a witness.

The physician was subpoenaed by the State in the Patterson trial, but was put on the stand by the defense. Leibowitz asked repeated questions concerning scratches, bruises, lacerations and other hurts on Mrs. Price.

Her answers frequently were "kinda" and "a little," when asked if her face was scratched, or she was bruised.

The case probably will reach a jury late Monday.

PATTERSON JURY HELD OVERNIGHT

Telegraph

Unable to Agree on Verdict in Criminal Assault Case After Three Hours Debate

12-1-33

DECATUR, Ala., Nov. 30. (AP)—Twelve Morgan county citizens, who after three hours of deliberation had not reached a verdict in the trial of Heywood Patterson, one of seven Negro defendants in the Scottsboro case, were ordered locked up for the night at 6 p. m. (C. S. T.) by Judge W. W. Callahan, presiding.

It was the third time the Negro had kept watch while 12 men deliberated on evidence for and against him on a charge of which he denied vigorously from the witness stand.

And while that jury deliberated in Patterson's case, a new jury was being qualified in the court room, to sit in judgment on Clarence Norris, who also is charged with participating in an alleged mass attack on Mrs. Price and her companion, Ruby Bates, aboard a Southern railway freight train in Jackson county, March 25, 1931.

Judge's Charge Is Prolonged

In a lengthy charge, which took nearly an hour and a half, Judge W. W. Callahan, who presided, went into the law governing the case, defining the crime and covering the weighing of evidence.

"You must be convinced beyond a reasonable doubt of the guilt of this defendant," said Judge Callahan, "or should return a verdict of acquittal. If, however, you are convinced beyond a reasonable doubt, your verdict should be one of guilty."

The jurist instructed the jury that in event of a verdict of guilty, the jury could fix the punishment at death, or from 10 years imprisonment to life.

After he had completed his charge at 3:01 p. m., Judge Callahan held the jury for a few minutes to add to his charge, as Samuel S. Leibowitz, chief of defense counsel, retained by the International Labor Defense, called his attention to omission of the form of a verdict for acquittal. The jury retired at [illegible] p. m.

"Gentlemen," said the judge in picking up his charge again, "I have cautioned you throughout my charge, to be sure beyond a reasonable doubt . . . I have told you if there isn't sufficient evidence to convict, then it is your duty to acquit."

The two principal points for it to decide, the jury was told, was whether a crime had been committde and then whether the defendant committed it.

Lynchings-1933
&
Legal Punishment for Rape.

Alabama

4152

ROOSEVELT'S SECRETARY HEDGES ON SCOTTSBORO DELEGATION'S DEMANDS

Daily Worker
5-4-33

President to 'Consider' Question of Meeting Scottsboro March Delegation on Monday

Howe Tries to Bluff Committee; Plans for the Scottsboro March Moving Forward

WASHINGTON, D. C., May 3.—President Roosevelt will "consider" the demand of the National Scottsboro Action Committee that he receive a delegation of the Scottsboro marchers on Monday, May 8, while he rests over Sunday on the presidential yacht—but he is not likely to consider the fundamental rights of 12,000,000 Negroes of sufficient importance to see the representatives of the marchers.

That was the answer given yesterday by Roosevelt's secretary and advisor, Louis Howe, to a request for an appointment for the delegation, Monday at 2 p. m.

New York

Aim to Present Demands

The delegation to see Roosevelt plan to present him on behalf of the Scottsboro Marchers to be assembled in Washington that day, with a demand for the release of the Scottsboro boys and the "Bill of Civil Rights." The purpose of the Bill is to put teeth into the enforcement of the 13th, 14th and 15th amendment to the U. S. Constitution, which are supposed to guarantee the democratic rights of the Negro people.

Yesterday's delegation consisted of Samuel C. Patterson, chairman of the National Scottsboro Action Committee; William N. Jones, editor of the Baltimore Afro-American; Frank Spector, assistant national secretary of the International Labor Defense; Bernard Ades and Dr. Albert Blumberg of the Baltimore Action Committee, Richard B. Moore, of the League of Struggle for Negro Rights, and Elinor Mish and Louis Colman of the Boston and New York National Committee for the Defense of Political Prisoners.

Does Not "Approve" of March

Howe said he did not "approve" of the march, and declared that it "smacks of bullying." The reason Roosevelt cannot see any delegates May 8, Howe said, is that "he is seeing only those he sends for," such as foreign delegates and representatives of foreign governments and those members of our government whom he "wishes to consult about pending legislation."

"As for the Scottsboro case, that is still in the courts," Howe said, fashioning an elaborate alibi for the Democratic Party lynch rulers of Alabama. "And you know our constitution—it does not allow the President to interfere with such a thing. If the final verdict is adverse when the courts are through, that will be an entirely different matter. At this stage of the game, to infer that at the end you are not going to get justice is unfair, and it doesn't look right. The State of Alabama would resent it and would be perfectly justified in resenting it."

Tries to Evade Issue

Roosevelt's lieutenant began to count off on his fingers the branches of government, the Legislative, the Administrative and the Judicial. "You see," he told the Committee, "the President cannot interfere with either the Legislative or the Judicial."

At this point a member of the Scottsboro Delegation spoke up and called Howe's attention to the fact that since Roosevelt's inauguration he has taken dictatorial authority regardless of any department of the government. No objection was raised to this, the delegate pointed out, because the measures put forward were on behalf of the bankers and other financial interests.

Roosevelt's secretary passed this by, however, and blandly continued: "I will take your petition (referring to the statement of the committee) and put it before the President. He will read it, as he reads all these things. What will probably happen will be that he will take this with him on Sunday when he goes out on the waters to attend all the multitudinous things that he cannot take care of during the week."

Promises Answer Monday

When pressed, however, Howe said he would give an answer to the request of the committee for an appoinment with President Roosevelt on Monday Morning.

Regarding the Bill of Civil Rights, Roosevelt's secretary sought to evade this issue by "advising" the Scottsboro Committee to "present it to someone in Congress and get it introduced." That, he said, "is the proper way to do it."

Pressed again and it being pointed out to Howe that the President frequently asks congress to enact measures, Howe agreed to present the bill to Mr. Roosevelt.

"This is a pretty hopeless sort of a time to bring this bill up," Howe said solemnly. "Congress is chiefly engaged in seeing how soon they can get home before the weather gets hot. This is not a regular session. In a regular session they might take this up. You get my point? Now I can only say I'm sorry. The rule the President has laid down on the Bonus March is that everyone has the right to petition so long as it is orderly."

Ruby Bates, who denied that either she or Victoria Price were attacked by the Scottsboro boys, when she appeared as a star witness in the trial of Haywood Patterson, will be one of the principal speakers at a send-off mass meeting for the Scottsboro Marchers to be held tomorrow night at the St. Nicholas Arena, 66th St. and Columbus Ave. (Photo courtesy, N. Y. World-Telegram.)

CHICAGO, ILL.
TRIBUNE
APR 27 1933

THE TRIALS AT DECATUR, ALABAMA.

Judge James E. Horton at Decatur, Ala., has ordered the indefinite postponement of the trial of the seven Negroes in the internationally notorious case before him. One of the defendants, tried a second time, is again under sentence of death. The judge postponed the other trials for the protection of the defendants from the consequences of comment charged to their attorney, the New York lawyer, Leibowitz.

A characterization of the jury attributed to the defense lawyer upon his return to New York was circulated in Alabama and Judge Horton said that it could make little difference whether the attorney actually said it or not. The effect would be to increase the prejudice against the accused and prevent the conduct of a fair trial.

In nearly every circumstance this case has given alarm for the processes of law, and the defense itself has been guilty of indiscretions and of offenses prejudicial to the accused. The community sentiment is about as far from the judicial temperament as a popular mood could be anywhere. Judge Horton's conduct has apparently been irreproachable, but the feeling throughout the community has been one of such instinctive prejudice that a balancing of evidence was almost impossible. Into a situation so charged with everything to make a fair trial highly improbable, the defense, conducted mainly from New York, has thrown other excitements and prejudices, social, racial and political. The victims of these malign combinations have been the accused.

Justice could have hoped that members of the southern bar, as dispassionate and high minded as Judge Horton himself seems to be, would have undertaken the defense and have used their knowledge of local predispositions, passions, and instincts to have preserved the defendants from the consequences of excited hatreds. It is well known that an alien cannot enter a community and in defending an accused person indict the entire society which has brought him to trial. The defense lawyers attempted to do this and the consequences may be fatal to the accused. The defense for purposes of its own put the southern white on trial, and the southern white voted himself not guilty by voting a death penalty for the Negro. Mr. Leibowitz, with the consequences of ~~this before~~ before him, seems to have redoubled his energy in indicting the community again. Whatever chance the remaining defendants had was immediately swept away, in the opinion of the presiding judge, who gave them the only protection he could by postponing the other trials. At the best these men, accused of such a crime, had a small chance. That chance could have been nurtured for what it was worth by southern lawyers solicitous for the reputation of southern justice. It could not be promoted by hysteria in other parts of the country seeking to make a celebrated case of community barbarism and social and political terrorism. Such indictments, however much justice they might have, should be reserved for an abstract discussion and should not have involved in them the jeopardy of persons with their lives at stake.

In justification the defense relies upon the record made to show the exclusion of colored jurymen in Alabama courts, trusting that the conclusions must appear imperative to the United States Supreme court.

Berlin - [illegible]
APR 19 1933

THE SCOTTSBORO CASE

Handling of the Scottsboro ~~Negro rape case~~ has so far been an abject failure. Racial hatred, emotional horse-play, and a complete miscarriage of justice have made the simple principle of fair play of no importance at all.

As long as there remains a shred of doubt that the Negroes so charged actually assaulted two white girls of questionable repute then the death penalty placed against these men flaunts itself as a cruel display of bigotry in the face of American justice.

American justice says that a man is innocent under the law until he has been proven guilty beyond a reasonable doubt. As long as there is serious doubt in the Scottsboro case, it will be added to the long list of cases in which the will to persecute governed minds of men disordered and confused by the hatred that was bred in them.

For a resident of Wisconsin to judge the guilt or innocence of the Scottsboro Negroes would be impossible. It is also unnecessary. What the fair-minded individual can ascertain, however, is the justice or injustice of the methods employed in convicting the Negroes.

The United States supreme court reprimanded the entire state of Alabama for the conduct of the famous rape case. Unprejudiced persons must take the same view. The Negroes were rushed to their doom without proper counsel. They were intimidated by the militia. The jurors were never likely to view the charges impartially and without bias. The fate of the Negroes was decided before the right to judge them had been reached.

Outrageous pleas were made by counsel on both sides. Defense counsel deliberately antagonized the jury by calling the citizens of Alabama "lantern jawed morons and lynchers." The prosecution asked that the Negro boys be sent to the chair to teach New York and its Jews to keep out of Alabama affairs.

The merits of the case were hardly touched. Until they have been presented fairly and without prejudice, the Scottsboro proceedings will remain a black blotch on the escutcheon of American justice. — Manitowoc Herald-Times.

(The opinions expressed in the quotations above do not necessarily carry the indorsement of The Berlin Evening Journal.)

Kingsport, Tenn. Times
April 23, 1933

A BITTER DENUNCIATION

The latest debacle in the Scottsboro case serves to illustrate the resentment that is almost invariably aroused at what is regarded as outside interference in the matter of handling state or local justice. Judge J. E. Horton, presiding at the second trials of the negroes accused of attacking two white women on a freight train, summarily stopped proceedings at Decatur with the declaration that a fair trial at this time would be impossible.

This action following the publication in the Decatur Daily of a statement from Attorney General Thomas E. Knight, Jr., in which the prosecutor took issue with a purported statement of defense attorney Samuel S. Leibowitz as printed in a New York paper. Leibowitz was quoted as saying, in reply to a question as to how the jury found guilty Heywood Patterson, the first of the negroes facing re-trial, "If you ever saw those creatures; those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it."

We admit our great surprise that this negro, Heywood Patterson, was convicted and sentenced to death at the second trial when one of the women whom the negroes were accused of attacking admitted on the stand that she was lying at the first trial. Furthermore she swore at this second trial that the negroes did not assault her and, in so far as she knew, did not attack her companion either. This woman was, of course, the worst type of perjurer any way we may look at the matter, and under circumstances like this, and in the face of evidence like this, we confess our surprise that a defendant should be sentenced to death.

Perhaps, had the defense employed local council, the result of the trial might have been different. Perhaps this Mr. Leibowitz forgets the possibility that he might have himself—his own tactics and his own court generalship—to blame, when he is berating the jury which decided this case against his client. Perhaps, for various and sundry reasons, this Mr. Leibowitz was the wrong man to employ in this case.

At any rate, if Leibowitz has been quoted correctly, we would say that his harangue directed at the jury in the case is extraordinary and hardly in accordance with what we would term the best of legal etiquette. We might add that justice isn't confined exclusively to that narrow strip of Atlantic seaboard which claims the Hudson river as its western limit. Man is not infallible; we all err. Yet, taking things by and large, we would say that there is just as much justice in the South as anywhere else in the United States, and that our courts below the Mason and Dixon line are just as fair as those above the line.

We pray for justice in the matter of these negroes; yet we believe the sovereign state of Alabama is just as capable of meting out justice, and just as anxious to mete out justice, as any other state in the Union. We are not surprised that Alabama resents the insinuations of veiled accusations of outside organizations, like the Civic Liberties Union.

Forest, Miss. News Register
April 20, 19[illegible]

COMMUNIST JEW LAWER INSULTS WHOLE PEOPLE OF ALABAMA.

LEIBOWITZ YELLOW AND NARROW.

Samuel S. Leibowitz, communistic jew lawyer went to Decatur, Alabama in the famous Scottsboro rape case with the intention of making a Clarence Darrow out of himself. He showed less sense than Balaam's ass of Biblical fame and went back to New Yawk hollering instead of heehawing. Leibiwitsky gave out the follow statement concerning the people of Alabama: "If you ever saw those creatures, those bigots, whose mouths are slits in their faces, whose eyes pop out at you like a frog's chin, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it (convict a negro rapist.) When I got back home I felt that I needed a moral, mental and physical bath."

Comment on the above outburst is not necessary. All we have to say is this: He should be compelled to try the other six cases. And as he has so viciously insulted the white people, while trying these cases he should be compelled to live with and among the negros.

And to the negroes we wish to say: that as fast as you become communist you had better get the hell out of here and go to New Yawk and call on your brother Leibowitz.

Since Leibowitz has shown himself in his true light, we think more of Hitler who objected to having two thousand Jew lawyers in Berlin and ruled that one thousand would be enough.

Lynchings - 1933
Legal Punishment for Rape.

4153

Alabama

4153

Preservation of Racial Purity

For the second time one of the group of negroes who criminally attacked two young women on a freight train near Scottsboro, Ala., has been convicted and sentenced to death. The second trial was made necessary, by the action of the U. S. Supreme Court in overruling the first conviction [illegible] case for a new hearing. So, the prisoner has been afforded not only the constitutional right to a new trial [illegible] of a change of venue from the scene of the crime and from the occasio[illegible]local prejudice. Under these conditions the second conviction should, but will not, stop all radical agitation that made use of the previous convictions to launch a general attack upon our existing form of government.

4-11-33

In the new trial of the first of the prisoners even the chastity of the two women victims was made an issue, as if this amounted to anything against their right to protection from physical violence. Since we have gotten beyond the day of the stern Mosaic or other primitive code of laws under which the woman who sinned was subject to being stoned to death, the attempt to set up the victim's lack of chastity as justification for the forcible and violent attack upon them is neither pertinent nor just. Happily the new jury under a change of venue from the scene of the crime has repudiated this resort to legal atavism.

In order to conform with the academic requirements of wholly impartial and impersonal justice that no question of race or color should enter into the second hearing the court went even further than it should have been necessary to go. No factor in the dispensation of justice can be more important or more powerful than that of simple honesty. And simple honesty demands the assertion that the preservation of racial purity is a much more vital need than the preservation of racial equality. In the Scottsboro cases the two most important issues have been and still are the right of every individual to protection against unlawful violence and the preservation of the natural instinct for racial purity. This instinct is unaffected by delinquencies among individuals of the race. The fundamental demand is that the principle of racial inviolability be preserved regardless of any and all circumstances.

If you say that this is a prejudice, then you must admit that it is an equal prejudice to oppose sexual relationships between blood kin. The principle of racial purity underlies both cases. As a matter of fact it can be asserted with equal truth that every regulation limiting or curbing the natural instincts of human beings is a prejudice on the part of those denominating and enforcing such regulations. No human mind, not even that of any member of the United States Supreme Court, is free of preconceived notions and of beliefs reasoned out from elemental conceptions.

Instead of trying to avoid the issue or controvert the fact of the invincible belief in the vital need for racial purity the necessity for such should have been accepted. It is above and beyond and entirely distinct from the issue of racial equality in all other things. The negroes are denied no right not granted to them in equal measure through the assertion of racial purity. It is always better to be honest, and honesty should be more effective than plain evasion in the establishment of broad justice. So far as guaranteed rights are concerned the convicted man in the Scottsboro case has been granted greater latitude than 99 out of 100 convicted criminals.

The decree of the new court should be enforced without molestation or unnecessary delay.

Chicago South Side Demonstrates for the Scottsboro Negro Boys

7000 in Parade; 20,000 Cheering Workers Line Streets Protesting Verdict

By ROBERT MINOR

CHICAGO, April 15 (By Air Mail)—The principal streets of Chicago's South Side during the whole of this (Saturday) afternoon rang with the shouts and cheers of 7,000 demonstrato[illegible] the release of the innocent Negro boys framed up and condemned to [illegible]o, Ala., and calling [illegible] Crow discrimination in Chicago. The demonstrat[illegible]by the recent second conviction of Haywood Patterson, 19-year-old Negro boy, by an Alabama lynch court and by a campaign now being carried on for Negro rights in Chicago.

Negro and White.

About half of the marchers were white workers and half were Negroes. More than 20,000 friendly spectators cheered the parade and many hundreds joined its columns from the sidewalk in the course of the march.

In the forenoon the downtown streets were jammed by a parade of unpaid teachers.

After proceeding from 33rd to 50th St. in a circuitous route through the jim-crowed, double-rent section inhabited by Negroes, the Scottsboro demonstration halted in front of the naked and rusting steel framework that was to have been the Wendel Phillips School, the construction of which has been abandoned by the city government as a "needless" expense as the school had been in[illegible] for Ne[illegible]

[illegible]gress.

Speakers representing many organizations here addressed the meeting [illegible] lease of the Scottsboro boys, for support of the Free Mooney Congress which will open in Chicago April 30 and demanding that all workers' organizations, and also the National Association for Advancement of Colored People, the Universal Negro Improvement Association, and the religious organizations give their organized support of the Scottsboro boys and Mooney by participating in the coming huge May Day Parade, which is to wind up at the Chicago Stadium mass meeting in conjunction with the session of the Free Mooney Congress on May 1.

Many organizations participated in today's demonstration, although not in a sufficiently organized manner

By unanimous vote of the demonstration, a motion was passed that the successful carrying through in Chicago of the campaign to save the Scottsboro boys depended upon the immediate strengthening of the International Labor Defense in this city by 300 new members. The motion having carried, the crowd of workers on the street thereupon proceeded to fulfill it by themselves enlisting the 300; about 350 volunteering.

Negro children on the sidelines chanted as the parade passed, "No work, no rent, no work, no rent. . ." The demonstration passed through rows of wooden houses, the doors, floors and even side-walls of which have been torn off to be used as fuel by the unemployed during the winter.

A feature of the parade which attracted greatest attention was a pair of baby carriages side by side, one pushed by a Negro mother, with her baby, the other by a white working-class mother with hers.

A Negro boy and a white girl carried together a banner demanding the united struggle of Negro and white masses to save the innocent youths condemned to die in Alabama. Chairman Lightfood and Secretary Newhoff of the International Labor Defense made stirring addresses, followed by a representative of the League of Struggle for Negro Rights.

Speakers representing the Communist Party, Robert Minor and Bill Gebert, pointed out that never until the Communist Party was organized in Chicago had such demonstrations of Negro and white workers been possible, and urged the building of the Communist Party without which there could no successful struggle against mass starvation.

Throughout the long demonstration, Young Pioneers, both boys and girls, Negro and white, darted about the streets on roller skates selling the "Pioneer."

NEW YORK MIRROR

APR 15 1933

Scottsboro Negro Verdict Is Target Of Red Meeting

Again adopting the "cause" of the Scottsboro case for their own, 10,000 Communists last night jammed their happy hunting ground of Union Square in a typical Red demonstration to free seven Negroes who know no more of Communism than a new-born babe.

Conspicuously missing, although the International Labor Defense had listed him as a speaker, was Samuel S. Liebowitz, the New York criminal lawyer and chief of defense counsel at the trial of Haywood Patterson, first of the Negro youths to be condemned again to death for an alleged attack on two white girls.

NOT "ADOPTED."

Liebowitz made it clear his gratuitous defense of the Scottsboro Negroes was not linked with the Communist "adoption."

"I won't defend the Scottsboro negroes from a soap box anywhere, he declared emphatically at his office.

But there was no dearth of Red speakers or demonstrators at the meeting. Communists predominated, while negroes were but a sprinkling in the vast mass that jammed the Square. While the Reds sang their "Internationale" and carried placards denouncing the "lynch verdict" down in Alabama, speakers whipped the crowd to a frenzy.

NEGRO MOTHER THERE.

Mrs. Jennie Patterson, mother of the condemned negro, was led to the platform by Richard B. Moore, negro attorney and former Communist candidate fo rthe Assembly. More than 100 police, under Capt. George Heitzman were scattered through the crowd.

A second protest meeting under the same auspices was held later in Harlem at the St. Mark's M. E. Church, 137th St. and Lenox Ave.

Disappears Again

Ruby Bates, who appeared out of nowhere to testify at the retrial of Haywood Patterson, Scottsboro Negro convicted of attack, has vanished anew. Summons for Miss Bates to testify in the case of Charlie Weems, was returned marked "not found."

NEW BRITAIN, CONN.
Herald
APR 10 1933

ALABAMA ON TRIAL

Negro-haters in Alabama believe they have disposed of the case of Haywood Patterson, one of the Negroes accused of attacking one of the white girls in the Scottsboro case; but in reality it has been Alabama on trial. Again the U. S. Supreme Court will be summoned to decide the nature of the trial and whether the methods of the state set aside the 14th amendment. The Supreme Court will be asked to affirm the claim of the defense that the 14th amendment does not exist in Alabama; for out of the entire venire of talesmen for the jury not one name of a Negro was to be found. The practice in Alabama, it is admitted, is never to allow the name of a Negro to be on a jury list, regardless of how many Negroes above the average may be resident there.

The result is that an Alabama jury, where a Negro is charged with a serious crime, is a thing of prejudice. It might be a better jury in a city like Birmingham; but the state in the Scottsboro case, though conceding to a change of venue, was eager not to have the change made to any city of size.

The statements of the state's attorney in this case went beyond all reasonableness, these alone assuring that the last of the case of the bewildered Patterson has not been heard. This trial, with death to the defendant in the background, was conducted on a lower plane than an ordinary police court trial in the North. The higher courts will probably see to it that whatever the final result, a greater element of fairness is administered en route.

NEW YORK TIMES

APR 10 1933

Judge HORTON of Alabama may be said to belong to the oldest American stock, being descended from those who ventured beyond the mountains instead of clinging to the seaboard. An ancestor of his, he said, was "the first that came down that country." It could be wished that in a passage of his charge to the jury he spoke for all America to the world.

We are a white race and a Negro race here together—we are here to live together—our interests are together. The world at this time and in many lands is showing intolerance and showing hate. It seems sometimes that love has almost deserted the human bosom. It seems that hate has taken its place. It is only for a time, gentlemen, because in the great things in life, no matter what they are, it is God's great principles, matters of eternal right, that alone live. Wrong dies and truth forever lasts, and

YOUNGSTOWN, O.
TELEGRAM

APR 10 1933

The Scottsboro Verdict

THE conviction of Haywood Patterson, first of the negro defendants in the second trials of the Scottsboro cases, will be appealed. It should be.

Among other things prejudicial to a fair trial, the defense attorney was able to show that the jury law apparently was administered to exclude negroes from the panel for this case. On more than one occasion during the trial, the state attorneys conducted themselves in such a way as to prevent orderly and judicious consideration of evidence by the jury.

In repudiating her testimony at the earlier trial, Ruby Bates last Thursday swore that the other girl in the case, Victoria Price, had framed the negro youths. Lester Carter, a white friend of the two girls, confirmed the testimony of Ruby Bates.

To execute boys on the discredited evidence of a woman of Victoria Price's character, and following a trial in which racial discrimination seemed to operate in the jury panel, would be unthinkable. Just as the chief justice of Alabama dissented from the first Scottsboro conviction, and just as the United States supreme court threw out that conviction as a violation of the 14th amendment of the constitution preventing states from depriving "any person of life, liberty, or property without due process of law," so the Decatur verdict yesterday appears certain to be set aside by a higher court.

Oklahoma City, Okla.
NEWS

APR 10 1933

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SOUTHBRIDGE, MASS.
NEWS

APR 11 1933

"THE QUALITY OF MERCY"

The battle over the negroes charged with attacking two young white women in Alabama will continue unabated, and probably will draw still more attention, now that the jury sitting at Decatur on the case of Haywood Patterson has brought in a verdict of guilty and stipulated a sentence of death in the electric chair.

The jury disregarded entirely the testimony of Ruby Bates, one of the two young women, who declared in court the accusations against the colored boys were lies, and that she and Victoria Price had "framed" the defendants to shield their own misconduct with white men.

Counsel for the defense has announced intention to carry the case again to the Supreme Court of the United States on the same ground as before: that Patterson did not have a fair trial. The traditional right of any accused person to trial before a jury of his peers does not seem to hold for negroes, because the only peers (or equals) a Southern negro has are other negroes, and there is no chance to get a negro into a Southern jury.

The Supreme court will have to decide some interesting points if called upon again to pass upon this case. It will have to say whether colored defendants are entitled to have some of their own race among the jurymen, and whether prosecutors can make flaming appeals to prejudice against Jews and Jewish lawyers, New Yorkers in general and Dr. Harry Emerson Fosdick in particular, in appealing to a jury for conviction and a death sentence.

Not one of the principals in this famous case is of any personal consequence. The colored defendants were stealing rides on a freight train when arrested, and their two accusers were described to the jury by the judge as young women of easy virtue, whose word could hardly be taken seriously on any important matter.

The cause of the colored boys has been espoused by the International Labor Defense, an organization of Communists, who are said to be using the case to enroll negroes in the Communist party.

Despite these unattractive aspects, the case should enlist the interest of others than radicals and negro sympathizers. Those who care for the quality of justice in this country should wish even a colored tramp to have a rigidly fair and impartial trial when accused, and should resist any disposition to abolish the rule that conviction may come only when a defendant is proved guilty beyond a reasonable doubt.

We are horrified when Bolshevists railroad their victims to death, and we are uncomfortable when Hitlerites persecute those they do not like. We ought to be just as scrupulous in judging the course of justice in California or Alabama. or even in Massachusetts.

One of the surest tests of a high civilization is dispassionate and unprejudiced administration of justice, which is unmoved by consideration of whether the defendant may be a radical, an agitator, or a black man. The electric chair was not intended to destroy men for their color or their political views.

Two pedestrians in Weymouth, walking aft dark, took the precaution of hanging red li on their backs. Not a bad idea.—Boston C

KANSAS CITY, MO.
STAR

APR 11 1933

A Cloud on Scottsboro Justice.

It is particularly unfortunate that the retrial of the first of the seven Negroes originally sentenced to death on charges of criminal assault at Scottsboro, Ala., two years ago, should have been marked by such an appeal to racial and sectional prejudice, as was embodied in the summing up of the case for the prosecution by the solicitor of Morgan County, Alabama. Pointing to the table at which sat Samuel S. Leibowitz and Joseph Brodsky of the defense counsel, Solicitor Wade Wright called upon the jury to show them that Alabama justice cannot be bought and sold with "Jew money from New York."

The trial judge, who seems to have conducted the hearing with eminent fairness, ruled that the solicitor's plea was "simply improper and unjustified" and directed the jury to disregard it, although he refused to declare a mistrial. The attorney general of Alabama disassociated himself from the appeal and asked for a verdict "on the merits of this case." But Mr. Brodsky announced in open court that three men had threatened his life after the solicitor's speech and in a joint statement with Mr. Leibowitz declared that fiery crosses had been burned on the nearby hills and that "only the presence of the national guard prevented a mob from entering Decatur," where the trial was being held.

In view of the fact that the United States supreme court ordered these new trials on the ground that justice was denied the defendants in the original proceedings at Scottsboro and that charges of prejudice have been often in connection with the case ides, persons interested in abstrac tice must regret that the jury at Decatu ould have had to bring in a verdict of guilty and a entence of death under such circumstances. nstead of settling the Scottsboro case to the atisfaction of all reasonable persons, the first of this series of new trials seems likely merely to turn it into another Billings and Mooney case, the subject of prolonged discussion and much bitterness.

Lynchings - 1933
Legal Punishment for Rape.

Alabama.

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How the Scottsboro Frame-Up Was Discovered

4-20-33 New York N. Y. Daily Worker

By HELEN MARCY

If you look through the files of the Southern Worker, official organ of the Communist Party in the South you will find that the "Lynch Law" column was never at a loss for subject matter. Week after week, in an unending procession, appear lynchings, attempted lynchings and other outrages against the Negro masses in the South.

It was my job to edit the "Lynch Law" column. Every day I would clip from newspapers of the largest cities in the South, and hidden among insignificant items, I would find: "Negro Tenant Shot By Landlord," "Negro Lynched in——", "Negro Will Be Electrocuted Wed.; Stole $3," "Negroes Driven From Jobs On Road; One Shot." Innumerable cases of lynching that neither the N.A.A.C.P. not Tuskegee Institute were able to find, or willing to report—were exposed in the columns of the Southern Worker.

But one day the "Times" of Chattanooga, Tenn., where the Southern Worker was published, printed glaring headlines of nine Negro rapists who had desecrated the beautiful idyll of white womanhood in the South. The capitalist press frothed at the mouth, and spouted columns of vituperation against the "bestial crime" calling for mob action in no uncertain terms.

We read that the nine "fiends" were to be arraigned the next day in Scottsboro, only 60 miles away. As a representative of the Communist Party and the Southern Worker I was sent to Scottsboro to report the case and the status of the defense, since the papers had stated that the boys would be defended by a Mr. Roddy, a lawyer for the Negro Ministers Alliance of Chattanooga.

Indicative of the lynch spirit aroused by the press of Birmingham and Chattanooga was the fact that quite a number of persons from surrounding towns and counties came into Scottsboro on that day, expecting the "grand spectacle" of nine charred bodies.

I wandered about the little town of 3,500, with its half empty stores strung around the courthouse, muddy, dreary—yet an unmistakeable tenseness about the groups of lanky, weatherbeaten, snuff chewing poor whites who lined the pavements.

The owner of a lunch counter told me that these farmers had come in from the neighboring country the night before. All night they had hung around in just this manner—waiting, ominously waiting.

Flanked by a cordon of National Guardsmen, with bayonets fixed, I saw nine young boys, very nervous and scared, marched from the two story, red brick jail to the courthouse.

Mr. Roddy

Like the stage of an amateur playhouse, there was a raised platform in the courtroom on which sat the judge—around him the boys, and on the outer edge of the horseshoe, facing the audience, the guardsmen held on to their guns.

Seats were at a premium. Guards were stationed along the stairs leading to the courtroom and those who succeeded in getting through were searched for arms.

It didn't take long. Mr. Roddy, half drunk (his visits to an asylum for treatments for delerium tremens are well known in Chattanooga,—would not commit himself as being the lawyer for the boys. The judge appointed a number of lawyers from Scottsboro as the defenders of the boys, even though these men had already been assigned to the prosecution.

We learned later that Roddy had tried to influence the boys to plead guilty, but they refused to do so. In clear voices they all answered, "Not Guilty!"

"Lynch Them!"

The court is cleared. As the boys are led again to the rickety jail, shouts of "lynch 'em", "hang 'em", resound through the air.

The crowd pushes on to the jail. Many have been drinking. One, charged with corn whiskey, says to me, "I say, let 'em 'lectrocute 'em bastards. Ma brother-in-law is on the jury list. He'll make 'em burn, sure 'nuff. If not—we'll hang 'em." He appealed to my white womanhood to agree with him.

In front of the jail are the guardsmen. The miserable poor white at my side seems to be somewhat of an organizer—and thats all a mob needs—organization. He runs about trying to get the thing started. Them boys (the guardsmen) won't shoot at us—if only they would put their bayonets away." If he were not a poor white, but a business man with influence in the community, the nine Negro boys would have been doomed.

A mother with a babe in arms gloats over the fact that several men she knows have guns ready for use. Daughters of well-to-do landlords, who buy their clothes at the fashionable "Vogue" shop in Chattanooga, stop in their roadsters and laugh coquettishly to their beaus, pointing to the mob waiting for its prey.

Poverty of White Workers.

Farmers as a rule are poorly clothed. But these poor whites had lived through years of depressed cotton prices. For two years they staggered their meals with relief from the Red Cross. They looked hungry. I saw one cap on which I counted 30 patches. Others were in tatters—in the full sense of the word. And these bits of humanity — poverty stricken and long suffering—enflamed by a blind fury inspired by the master class for generations—waited outside the jail, hoping to get a chance to murder those who were their brothers.

Negroes living in the town hide in their homes.

Compare this with the hundred Negroes who zealously attended every day's proceedings of the trial of Haywood Patterson in Decatur last week. They were there for one purpose—to defend the boys. A new courage has been born in the Negro masses of the South, caused by the two years struggle conducted by the International Labor Defense and the Communist Party.

The word is given out. The bus has arrived to take the prisoners to Gadsen jail. The crowd pushes forward to rush the jail door, but gleaming bayonets are in the way.

The Negro boys come out, and hurriedly jump into the bus. The guards lay down their guns and climb into the cramped bus. The driver, a Scottsboro man, pretends that the machine is jammed. The blood hungry mob comes nearer. The Gadsen sheriff, now responsible for the safety of the prisoners, forces the driver to turn on the ignition. The crowd has reached the bus, but it starts off, only a few seconds ahead. They surge after, running down the muddy road in a frenzy but the bus slowly outdistances them. They return, climbing the hill in small muttering groups. Two years later, at a trial in Decatur, Alabama, of these same nine boys, they will try again.

First Wise to "Daily".

That night the Daily Worker got the first telegram about the Scottsboro case—a forerunner of the splendid struggle it has waged in its pages ever since.

And so ended the first page in the history of the now famous Scottsboro case. The International Labor Defense visited the mothers of the boy prisoners the very next day to get their permission to undertake a world-wide campaign to save their sons.

But not to be forgotten is the Southern Worker—which carried the news of the Scottsboro case into every Negro shack—on the South Carolina cotton plantations, in the fiery heat of the steel rolling mills in Birmingham, in the Alabama coal mines, the Mississippi swamps, the Florida pine forests.

Tens of thousands of copies, read falteringly by a half-illiterate people, often in whispers, aroused the slumbering militancy of the Negro masses of the South. That's why a Camp Hill! That's why a Dadeville! The Southern Worker was a forum and an organizer.

Now after ceasing publication because of financial difficulties, the Southern Worker will appear again. Eagerly the newly awakened Southern toilers await the first issue.

Workers of the North should give their unstinted moral and especially financial support to the leader of a new, militant generation of fighters in the South.

Burlington N. C. Times
April 13, 1933

THE SCOTTSBORO ATROCITY

The more northern of the southern states and the border states have come a long way from the Kluxer days of Reconstruction, and the Negro in North Carolina and Tennessee and Virginia is at least tolerated. But in the deep south, where radical prejudice and class hatred are seemingly as bred in the bone as shiftlessness and that languor peculiar to Dixie, the flaming mob passions and the more passive but perennial resentment toward the black brother's existence on this earth continue to make the lot of the colored man a bitter one.

Lynchings are almost as popular as ever down there in crackerland and among the bayous and on the cotton fields, but even the southland had its first legal mob lynching to see until a freakish fate gambled the lives of nine Negroes against the illiterate and admittedly false word of two white prostitutes—and the women won. The youths were sentenced in a body to hang for the alleged assault of the two women, who had been riding on a box car as hoboes with the defendants.

The Supreme Court ordered a retrial and then in the tiny village of Decatur, Alabama, was enacted as sickening a drama of bigotry, race prejudice and unbridled intolerance as

ve stained the many dark pages of class conflict in 'the fair southland.' The outcome of the trial had it been held in any civilized place would never for a moment have been in doubt: instant acquittal of all the defendants and an indictment of the two women for perjury. In Alabama the outcome also was never in doubt from the time twelve white good men and true filed into the jury box to hear the tale of Negroes assaulting white women. Inevitably death for the Negroes.

The jury heard one of the women tell of the attacks. Its mind was made up. Then it heard the story confounded by the other woman, who admitted the entire story was a fabrication and stated further that the defendants were guilty of nothing more than fighting with some white tramps. The jury's face was impassive. Then it heard the denunciations of the prosecutor who, born and bred in Dixie and knowing well his typical middle and lower class southerner, added the fuel of religious prejudices to class hatred by shouting against the 'Jew money from New York that had bought the witness.' The tale was ended as far as the twelve good men and true were concerned. Their minds were made up. The defendant was found guilty. The second defendant has now been hauled before the bar of justice (Dixie version).

"THAT BLACK THING"—Attorney General Knight

(With this article we begin a series of feature articles by John L. Spivak on the Decatur trial of Haywood Patterson, one of the nine Scottsboro boys.)

Daily Worker

DECATUR, Ala.—Haywood Patterson's mother is in the colored witness room. The door is open, for the first of the famous Scottsboro cases is drawing to a close. Only the summations of the prosecution and the defense are left and then twelve white men will tell her whether her son is to live or die.

4-19-33

The afternoon sun beats upon her blue dress and tear-stained face through a screened window. She peers hopefully, wonderingly at the immobile faces of the jurors. These are the men who will give her son back to her—alive, or a blackened, charred body.

New York
N.Y.

The perspiration shows on her forehead. The white handkerchief in her hands is rumpled nervously.

The judge's voice, soft and measured, instructs the attorneys to sum up. Solicitor Bailey of Jackson County, who had first prosecuted the Scottsboro boys and sent them into the shadow of the electric chair, rises to his full, dignified height. The mother listens as in a trance. She does not grasp what he is saying and leans forward, as though her hearing is at fault.

"This nigger is guilty of the foulest of crimes."

She looks hungrily into the faces of the twelve white men but they tell her nothing. They are cold solemn faces with not a flicker of emotion upon any of them.

"The State demands that for the safety of white womanhood in the South you send him to the electric chair!"

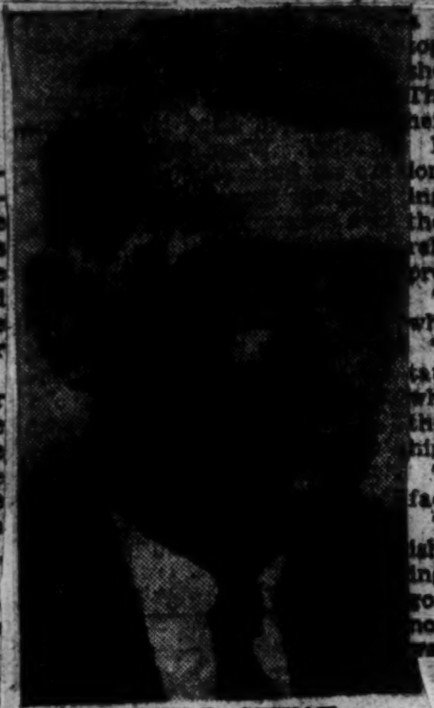
She bites her lips and tears at the pathetic, soiled little handkerchief in her hands. Her bosom rises and falls heavily and she leans against the window weakly.

When the Jackson County prosecutor finishes she looks at him wonderingly. There is no hatred in her eyes; only the look of one terribly hurt, and whose does not know why or one dazed by this vindictive bitterness on the part of the white man who for two years has tried to burn her son in the electric chair.

Solicitor Wright of Morgan County rises to his full bulk, towering, tremendous, a strapping, hulking man of the South with a roaring voice that thunders through the courtroom.

"I don't know much about this case," he begins.

The mother's eyes follow him. Here at least is a white man who does not know much about this case, a man not from the county where in-



JOHN L. SPIVAK

amed passions and prejudices of centuries are demanding her son's life.

But the man who does not know much about this case bellows of other and almost as deep prejudices common throughout the South.

"These northern lawyers...these Jews from New York defending niggers.... these niggers who commit the infamous and horrible crime of rape..."

"I don't know much about this case——"

But he does know a great deal of Southern prejudices against the black man. He does not talk of the case at all. He talks of "niggers" who want to show their independence and sit on juries. He talks of black men who want to rise from their bondage. He talks of Jews and Jew money from New York and the buying of Alabama justice....

His voice bellows furiously. The saliva drips from his mouth onto his chin and he wipes it with the palm of a hand. The mother stares at him in horror, her hands clasping and unclasping. She realizes that this man is making an appeal that will be hard for the white jurors to forget and because of that her boy's life may be taken—not on evidence of guilt, not on facts, but because his skin is black.

Leibowitz rises. He is the big northern lawyer she has heard about who was going to help the International Labor Defense save her boy. His voice is soft, restrained. She leans forward, anxious not to miss a word. He is appealing to "men of reason," pleading that they forget her son's skin is black and give him a fair trial. Her hands are clasped together. The knuckles of her hands show the intensity of her emotion. The handkerchief is buried between her palms.

Leibowitz's arms are upraised. His long, four-hour summation is ending. He is making a last plea to the jury to forget race and color and religious prejudices aroused by the prosecution.

"For Jew and for Gentile. For white man and for black man——"

The words fall upon hushed spectators. Even some of the hardened whites who have been lusting for the blood of this boy on trial for his life are wiping their tears.

The tears are running down her face. She is crying despairingly.

This white lawyer would soon finish. And then there would be nothing more to say. The jurors would go into the very room where she now stood and decide whether she was to have her son alive—or dead.

A tense silence hangs over the courtroom when Leibowitz finishes. The mother slumps into a chair. The jury's faces are immobile. If their hearts have been touched they do not show it.

Attorney General Knight rises to conclude for the State. He harps on the clothes of Ruby Bates and Lester Carter. Clothes. That is all he talks of in his sharp, bitter voice.

He points a finger at Patterson.

"I am not a murderer! I would let him loose in two minutes if I were not convinced that he is guilty. That is why I ask that you look at this black thing——"

The Attorney General is shrewd. He does not want these white jurors to forget that Patterson is after all a "nigger."

The mother rises at this contemptuous phrase that carries with it all the prejudices of the South against the black man.

"Black thing." The words echo and re-echo through the courtroom.

"Stand up!" Knight shouts.

The "black thing" stands up, looking helplessly and despairingly at the prosecutor who is venting his hatred upon him as the symbol of a race protesting its oppression.

The mother's tears are no longer running now. Her face is suffused with anger. Her fists clench. This white man demanding her son's life is using every means possible to prejudice these jurors against him.

"Black thing!"

5-11-3

There is little said about the boy's guilt or innocence. There is little said about evidence. There is little said except appeals to sectional, state, racial and religious prejudices deeply engrained in the hearts of those sitting in judgment on this boy's life.

"Black thing!"

Over everything the prosecution has said, these two words stand out with all their implications.

The little white handkerchief is crumpled in fury. Forever and ever she will understand what the black man is to the white rulers of the South:

"Black thing!"

Talladega, Ala., Home
April 13, 1933

A lot of Northern ministers have joined in with communists, reds, anarchists, loafers and bums in criticizing Alabama for its handling of the Scottsboro case.

[redacted]. Ala. [redacted]
April 16, 1933

SCOTTSBORO LESSONS

The Scottsboro case should be a warning alike to both the North ~~and~~ to the South.

The trial has shown the South that until it has won a reputation for dealing justice to its citizens without regard to their race, its courts will not have the confidence of other sections of the nation. The North has had an opportunity to learn that meddling such as has been indulged in during the Scottsboro case hearings is likely to lead to injustice instead of the justice such meddling is proclaimed to foster.

Heywood Patterson, the first of the nine Negroes indicted in the alleged assault upon two white girls of doubtful morality to have a new trial, was found guilty by a jury Sunday, the verdict carrying the death penalty.

Patterson's second trial, like the first one, has been held under most distressing conditions. It has seemed at times that the issue at stake was the right of outsiders to go into Alabama to defend the Negro before the court rather than the guilt or innocence or the prisoner. In spite of the apparent efforts of Judge James E. Horton of the Morgan County Circuit Court to give the defendants a fair trial, the many threats which were made kept the community in a constant state of racial excitement, a state which tends to relegate justice to a secondary place.

The fact that one of the girls, who at the first trial testified she had been assaulted, testified that her first story was false, was not, apparently, considered sufficient by the jurors to doubt whether there had been an attack at all.

Regardless of the fate of the accused Negroes, the Scottsboro case has turned the clock back on interracial relations in the South. The remedy, however, lies with the South. When the several states have proved that a Negro can count on obtaining justice in their courts there will be no excuse for outside interfernece.—Nashville Tennessean

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[redacted] Ala Age-[redacted]
April 14, 1933

WORTH pasting permanently in every Southerner's felt and every Northerner's derby is Judge James E. Horton's charge to the jury in the Scottsboro case retrial last Saturday. It was rebuke enough to Solicitor Wade Wright's unpardonably crude appeal to racial and sectional feeling and to ~~the~~ International Labor Defense's equally unpardonable appeal to class feeling. It spoke for a justice honorably and perfectly blind to all such influences and for a South which can be loved without either fearing or hating any other section. It introduced a refreshing note of nobility into one of the most completely ignoble pictures Alabama has ever had to look at.

* * *

Walter Lippmann paid this column the compliment last Tuesday of wiring from New York for its opinion of the Scottsboro case and asking "what, if anything, I could helpfully say?" It seems to us that the most helpful thing Mr. Lippmann could say is that enlightened Alabamians—and there are thousands of them—have their fingers crossed, that they want with all their hearts to be fair, that they believe the death penalty a social necessity in the South for the crime of which the Negroes are accused, but that they are by no means certain of guilt in this instance and that even if there is guilt the circumstances seem to call for executive modification of sentence. And that they have no more patience with Solicitor Wright than they have with the International Labor Defense. And that they do not believe in lynching—by hand or by telegram.

Florala, Ala., News
April 13, 1933

The fact that Samuel S. Leibornitz, attorney for the defense, has entered the race question in the trial of the seven negroes who attacked two white women in Jackson county, allegedly, will not make it any milder.

If the fact that no negroes served on the juries which billed an convicted these defendants were upheld it would also be reasonable to nullify other cases where all juriors were white.

All jurors are sworn to decide the guilt or innocense of the individual on trial according to law and evidence, regardless of race, color or sex, and if these sworn obligations are not fulfilled the juror responsible for the failure is subject to a purjure charge, regardless of race or color. Therefore, the race agitation brought into the Patterson trial will only be considered a point of argument between the attorneys and not a question of justice or injustice by the law abiding people of either race. There are thousands of white men and women in Alabama who have never been called on for jury duty and the fact that the race question has been entered into the trials of these negroes to our opinion will only serve to prolong the court proceedure, and not wave the rights of justice.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4155

Courier 3-11-33
Pittsburgh Pa.

WORLD WATCHES DIXIE AS YOUTHS FIGHT FOR LIVES

Second Trial, Ordered by Supreme Court of United States, Starts—Defense Counsel to Contend That Ruby Bates' Note Shows Innocence of Accused.

By Staff Correspondent

SCOTTSBORO, Ala., Mar. 9—Scottsboro's little brick courthouse, where a death sentence was pronounced while a band played jazz, less than two years ago—a death sentence that brought protests from all over the world—saw the beginning of a new phase in the famous "Scottsboro Case" Monday.

Nine boys and young men began a new fight for their lives when the case came up for a new trial, ordered by the United States Supreme Court. Eight of the youths had been sentenced to death after their conviction on the charge of attacking two white girls aboard a freight train.

Upon a letter, scrawled with pencil on rough paper, and a change of venue, the youths and their attorneys pin their hopes for acquittal and freedom.

Counsel Retained For Youths

In striking contrast with the first trial, when the youths were defended by lawyers appointed by the court, this time they have a battery of counsel employed by the International Labor Defense of New York headed by George W. Chamlee of Chattanooga, Tenn.

On the opposite side of the table, representing the State, are Thomas E. Knight Jr., Attorney General of Alabama, and T. E. Lawson, Assistant Attorney General.

The letter already is disputed evidence. The defense contends it was written by Ruby Bates, one of the complaining witnesses, and that it repudiates her testimony at the first trial. The state contends it was obtained while the girl, who is claimed by defense attorneys as a "proven prostitute," was unaware of its contents after drinking.

"—They Did Not Touch Me"

Defense attorneys contend the letter substantiates their statements that the lads were victims of a "frame-up." The letter sets forth that the girl was not a victim of an attack, but "those policemen made me tell a lie. Those Negroes did not touch me."

The case already has been reviewed by the United States Supreme Court, where the death sentences were set aside and new trials ordered. In the meantime from cities throughout the world, have come protests and pleas that the lads, who now range in age from 16 to 23 years, be released.

Mrs. Ada Wright, mother of two of the defendents, under sponsorship of organizations which had interested themselves in the case, toured Europe enlisting aid in their fight for their freedom. Many European notables, including Professor Albert Einstein, sent protests against the death sentences to Governor B. M. Miller of Alabama.

History Of the Case

The nine youths were taken from a train at Paint Rock, Ala., the afternoon of March 25, 1931. Lodged in jail here, the nine youths were guarded by Sheriff L. M. Wann and citizens he had picked, while scores of men gathered about the Court House S[illegible].

When the crowds were dispersed the prisoners were removed to Gadsden. A Jackson County grand jury returned true bills charging the youths with attacking the two girls, an offense punishable by death in Alabama.

Charlie Weems, 21, of Atlanta, and Clarence Norris, 19, of Chattanooga, were the first to be tried. Their trial began April 6, while farmers from miles around swelled the population of the town to 10,000. National Guards maintained a semblance of order. While the jury deliberated in the first case, Heywood Patterson, 17, of Chattanooga, was brought to trial. A verdict of guilty was brought in for Weems and Norris, while a jazz band played and the populace cheered.

Then Eugene Williams, 15, and Andy Wright, 17, both of Chattanooga; Ozie Powell, 16, of Atlanta; Olen Montgomery, 17, of Monroe, Ga., and Willie Robertson, 17, of Columbus, Ga., were placed on trial.

Eight Sentenced To Die

All were found guilty and on April 9 [illegible] Judge A. E. Hawkins sentenced them to death, making the first time in the history of Alabama that a judge had sentenced eight men at one time for a single offense. The ninth boy, Roy Wright, 14, was not convicted.

The International Labor Defense intervened and employed counsel, who declared they would take the case to the highest court in the land.

On March 25, 1932, one year from the day the youths were arrested, the Alabama Supreme Court affirmed the death sentence of all except Eugene Williams, reversing his conviction on contentions of defense counsel that he was a juvenile.

The other cases were taken to the United States Supreme Court where the death sentences were set aside and a new trial was ordered.

Courier 3/11/33
Pittsburgh Pa.

NEW YORK TIMES

MAR 8 1933

SCOTTSBORO TRIAL MOVED 50 MILES

Negroes Will Face Second Prosecution at Decatur on Change of Venue.

MOTION TO QUASH LOST

Ruling on the Issue of Absence of Negro Jurors Is Left for the Trial Court.

From a Staff Correspondent.
Special to THE NEW YORK TIMES.

SCOTTSBORO, Ala., March 7.—The new trial which the United States Supreme Court ordered for the eight Negroes sentenced to die after conviction of attacking two white girls nearly two years ago will not be held in Jackson County, still embittered, in which they were first convicted.

In a courtroom crowded with mountaineers, Judge A. E. Hawkins granted a defense motion this afternoon for a change of venue and set the place of trial in Decatur, the seat of Morgan County, some fifty miles west of Scottsboro.

Judge Hawkins, who presided over the first trials, declined, however, to rule on a defense motion to quash the indictments on the ground that Negroes were excluded from the grand jury which indicted the defendants and the petit jury which found them guilty and decreed their electrocution.

He left that issue, which leading members of the bar of Jackson County said never had been raised since the reconstruction period, to be decided by the judge before whom the new trial will be held. Judge Horton of Athens, Ala., is expected to preside at the new trial. He stated that a jury panel probably could not be convened before March 17, but expressed the opinion that arrangements would be made for bringing the prisoners from Kilby prison at Montgomery to Decatur for arraignment and pleading in a few days.

Ruling Not Opposed.

The State, represented by its dapper young Attorney General, Thomas E. Knight Jr., a son of the Supreme Court Justice who wrote the opinion of the highest court in Alabama affirming the conviction and sentence of the accused Negroes, but was reversed by the Supreme Federal Tribunal, did not oppose the motion for a change of venue.

"I am not opposing this motion," he said, "because I want the people of all these United States to know that these defendants will get a fair trial. They had one when they were tried here and convicted and they will get a fair trial, regardless of what county of Alabama is chosen for their trial now.

"The people of Jackson County are to be commended for their restraint in this case. They have not sought to influence any one half so much as these outside organizations which have come in here and tried to influence the rest of the country to believe that an injustice has been done here."

The "outside organizations" to which Mr. Knight referred are the radical and other groups in New York and other cities that have fought for a new trial for the defendants, especially the international labor defense which was represented by three attorneys at today's hearing. These were G. W. Chamlee, a former Attorney General of Hamilton County, in which Chattanooga is situated and two New Yorkers, Irving Schwab and Miss Carol King.

They had hoped that Judge Hawkins would select Birmingham, for the new trial in the belief that race prejudice would be less strong in an urban community and when he announced his decision to move it to Decatur, in the interest of economy, there was a slight grumble of disappointment from their table. Mr. Chamlee said that "the same need for military protection will exist there as existed here."

Promises Military Protection.

Mr. Knight interrupted him heatedly, exclaiming: "There'll be protection for them. If it's necessary to call out every company of militia in the State of Alabama to give them a fair trial, we'll do it."

The proceedings were held on the second floor of the county court house which forms the centre of the little square of buildings making up the business section of a town of some 3,500 persons.

As the hearing proceeded, the jurors, twelve bewhiskered mountaineers in the overalls and boots, uniform of the countryside, lounged in their chairs on a platform facing the bench and glared at the visitors from New York. Behind them sat twelve rows of lantern-jawed men of similar mien and costume. There wasn't a Negro in the court house or near it while the case was being considered.

The case had its origin nearly two years ago on the night of March 25, 1931, when Ruby Bates and Victoria Price, two unemployed millworkers of Huntsville, who had gone to Chattanooga in a vain search for jobs, boarded a freight car to steal a ride home. Several white men were then in the box-car.

Before they had gone half-way home, according to the story the girls told, twelve negroes swarmed into the car, picked a fight with the white men and threw all of them off at Stevenson, save one named Orville Gillis. The girls alleged that the Negroes then attacked them. Although Gillis is said to have been a witness to the crime, the State did not call him as a witness at the first trial.

The white men who had been thrown off the train telegraphed the news ahead, and at Paint Rock, a little town the other side of Scottsboro, an armed posse of deputy sheriffs and citizens stopped the train and took off the Negroes. The deputy sheriffs did not tell the others in the posse of the alleged attack on the girls, letting them believe that the arrests were made for a fight with the white men on the train. If the truth had been known at the time, say the citizens of Scottsboro, there never would have been a trial.

Convicted on First Trial.

Three of the Negroes involved in the alleged crime were said to have escaped. Nine others, ranging in age from 13 to 25, were indicted on charges which in Alabama may bring punishment of from ten years in prison to death, depending upon what are termed "circumstances." While several companies of militiamen stood guard about the court house, which was surrounded by a threatening crowd in a lynching mood, the Negroes were tried and found guilty.

Roy Wright, who at that time was only 13, was conceded to be a juvenile, and the jury which tried him stood eleven to one for conviction and death. He is in prison now in Birmingham, awaiting a new trial. Eugene Williams, who said he was 14, was tried with the others because the authorities thought he was lying about his age. The Supreme Court of Alabama, however, ruled that he must be tried as a juvenile.

The others to be tried anew are Clarence Norris, Charles Williams, Olie Montgomery, Andy Wright, Willie Robertson, Ozie Powell and Haywood Patterson.

Mingled with the racial bitterness over the trial is resentment that Jackson County and Scottsboro should bear the odium and the expense of it. All the Negroes came from points outside Alabama and the two girls were residents of Madison County, which lies between Jackson and Morgan Counties, where the second trial is to be held.

Shotguns in Crowd.

Feeling is still very strong and there are many in Scottsboro who declare regretfully that the old way of the rope was better than the newer way of the law. Yesterday when the motion to quash the indictment was offered and there were rumors that the prisoners might be brought from the penitentiary to the court house a large crowd gathered in the square outside.

Many of them had shotguns and their presence caused some anxiety to timorous visitors from New York. Old-timers reassured them, however, explaining that it was an old Scottsboro custom on the first Monday of every month to barter for farm implements and produce. It just happened that there were a lot of mountaineers who wanted to swap guns for things they needed more.

It was another coincidence, it was said, that led to reports being broadcast throughout the country that the people of Scottsboro made a roman holiday out of the conviction of the Negroes less than two weeks after their arrest. The militiamen were on duty protecting the prisoners from mob violence and had a band along with them.

When the trial was over the military went through the ceremony of guard mount and at the same time it happened a procession of automobiles led by a steam calliope was passing through town in connection with an advertising stunt. These were just coincidences, nothing more, say the townsfolk.

Just how it came about that the summation of Milo Moody, the lawyer of 70, who was the only member of the Jackson County bar to accept Judge Hawkins's assignment to defend the prisoners, was left out of the record of the trial has not been explained. The defense contends that he made none, but many who were present at the trial insist that he did. Attorney General Knight said he could not find it in the transcript.

Curiosity Unhealthy in Scottsboro.

Whatever one may think of these coincidences, it is well in Scottsboro not to speculate too much. A man who said he was a reporter from Atlanta but who was suspected of being "a Red from New York," was run out of town yesterday because he asked too many questions of Negroes.

In preparing his affidavits in support of his motion for a new trial, Mr. Chamlee said he was unable to obtain one from any white man in Scottsboro. The only white man who signed one was Wiley Sisk, a former resident of Scottsboro, who now lives across the State line in Chattanooga. He declared he was present in Scottsboro at the time of the trial, that a threatening mob surrounded the Court House and that threats of lynching were made openly.

Another affidavit was filed by the Rev. G. W. Buckner, a Negro preacher, who said that ever since the trial Negroes in Jackson County had been quaking in their boots in fear of mob violence. Mr. Chamlee also affixed the printed copy of an editorial which appeared in The Jackson County Sentinel on April 23, 1931, soon after the question of Negro membership in the trial jury was first raised. It follows:

"The plot thickens."

"We have no editorial this week on the 'Negro trial matter.' We just couldn't do one without getting mad as hell. And why? We refer you to the statement by the 'New York defenders,' appearing in The Chattanooga Times and The Sentinel today. Its arrogance is most astounding. It smacks of trouble. It is the most dangerous movement launched in the South in many years—it brands Jackson County citizenry as little short of being cold-blooded murderers.

"After we forget 'the rope' to pick up 'the code' for the safety and benefit of the Negroes, we are told that we must have Negro jurors on any jury trying the blacks if they are to get 'their rights.' A Negro juror in Jackson County would be a curiosity—and some curiosities are embalmed, you know."

Cannot Recall Negro on Jury.

The oldest citizens of Scottsboro said today they could not recall a time when a Negro had sat upon a jury. There was nothing odd about that, they explained, for there are only about twenty-five Negro voters in the county's population of 36,000. The Commissioners of Election appointed by the Governor have plenary power to decide on who is eligible to vote. White men are presumed to be competent, but Negroes have to prove it by doing something easy like reciting the Constitution of the United States from beginning to end, if they are so bold as to apply. The twenty-five or so who do vote are eligible because of the "grandfather law" which guarantees the suffrage to any descendant of a soldier of the Confederate or Union Armies.

From a legal point of view, attorneys maintain that since a white man has no right to object to a Negro on his trial jury, a Negro cannot legally complain about the presence of whites. The ratio of whites to Negroes in Jackson County is about three to one, but in counties further south the Negroes outnumber the whites nearly ten to one.

Not only were there no Negroes on the first trial juries but the white men who sat in judgment were nearly all from what is known as the Sand Mountain section where the natives boast of signs reading:

"Nigger—don't let the sun go down on your head."

No doubt exists in Scottsboro that the result of the second trial will be the same as the first, regardless of the change in locale. However, a new complication has arisen. Sheriff T. W. McBryde received a report today from a deputy at Huntsville, who said that Ruby Bates had disappeared from her home there. She was reported to have sent a letter home saying that she was tired of the unwelcome publicity and did not want any more to do with it. The State's attorneys, however, were confident that they could find her.

Search for Missing Witness.

HUNTSVILLE, Ala., March 7 (AP). Mystery enveloping the disappearance of Ruby Bates, a principal witness for the State in the Scottsboro case, deepened today as the police met a blank wall in their efforts to pick up her trail.

Mrs. Mary Bates, her mother, told investigators that her daughter left home on Monday night, Feb. 27, and that she had not been heard from since.

"I was afraid she had been kidnapped, and I wouldn't go to the police through fear," Mrs. Bates said.

Mrs. Victoria Price, the other alleged victim of the accused Negroes had not heard from the missing girl.

"I am afraid of trouble, and I never leave my house at night, and in the day time, only when I have some one with me," she told the police.

ASSAIL PRISON RULI
IN SCOTTSBORO CASI

Defense Lawyers Will Seek Private Interview With Negroes, Thus Far Denied.

3-15-33

NDICTMENT ACTION ASKED

State's Attorney Urged to Agree on Date for Argument—Move for New Venue Change Given Up.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

BIRMINGHAM, Ala., March 14.—A legal tilt in the battle to free nine Negroes, once condemned to death for an alleged attack on two white girls, is expected tomorrow when Samuel Leibowitz of New York, chief of defense counsel, demands the right to interview privately the eight defendants confined in the death house of Kilby prison.

Thus far the privilege of consultation with their clients beyond the earshot of officials or prison guards has been denied to other lawyers associated with him in the defense of the Negroes, who have been in prison for the past two years.

Up until the present, prison officials have given no indication of relaxing that rule and it was expected that Mr. Leibowitz would meet with the same rebuff as George W. Chamlee, Irving Schwab and Joseph Brodsky, the other lawyers in the case.

Mr. Leibowitz declared today, however, that he would not take "no" for an answer without appealing to the courts for a writ of habaes corpus, demanding the immediate presence of the eight men who, he holds, are illegally incarcerated in death cells, since the United States Supreme Court set aside their death sentences and ordered the courts of Alabama to grant them a new trial.

Warden Walls of Kilby prison, in refusing earlier requests of defense attorneys to see their clients, privately asserted that he is merely holding them for safekeeping for county officials, whose prisoners they are.

Interview Unconvicted Youth.

Not without an order from the court in which they will be tried, he has said, will he relax the rules of his prison, which prohibit private conferences with death house inmates.

Thomas E. Knight Jr., Attorney General, considers that the whole thing is an academic question anyway, on the ground that conversations between lawyer and client are privileged and could not be used in court, even though an effort were made to present the testimony of an eavesdropper.

Accompanied by Mr. Chamlee and Mr. Brodsky, Mr. Leibowitz came here from Chattanooga today and spent the afternoon in consultation with Roy Wright, the 15-year-old Negro, who alone among the nine accused by Ruby Bates and Victoria Price was not convicted of the crime, which in this State carries a penalty of death in the electric chair.

Wright was tried as a juvenile and the jury which heard the evidence against him was unable to agree upon his guilt, dividing eleven to one for conviction. Since he never was placed under sentence, he was not transferred to Kilby prison.

The defense lawyers say they never have experienced any difficulty in seeing him alone, and today, with Mr. Leibowitz along, was no exception, although last week he gave an interview in which he charged militiamen and deputy sheriffs of jabbing him with bayonets and beating him with sticks.

To Visit Prison Today.

The defense attorneys planned to go to the State capital at Montgomery tonight and make their attempt to see the eight men in Kilby prison the first thing in the morning.

While they are there they intend also to try to reach an agreement with the Attorney General on an early date for hearing on their motion to quash the indictments.

This motion is based on the contention that Negroes are systematically excluded from jury service in Alabama in defiance of the Fourteenth Amendment to the United States Constitution.

It will be heard before Judge Horton in Circuit Court in Decatur, where the trial is to be held.

As both sides are prepared to call witnesses, the trial of the Negroes themselves may be preceded by a trial of Alabama's jury system, unless Judge Horton decides to rule upon the motion without going beyond the affidavits which have been submitted.

The affidavits presented by the defense are for the most part from Negroes who assert that members of their race never have been placed upon the jury rolls, although it is alleged that there are many—Negro lawyers, teachers, land owners and doctors in the State—whose "sound judgment" and general character is high enough to entitle them to a place in the jury box under the terms of a statute, which, the State concedes, does not specifically exclude Negroes because of their color.

Venue Plea Reported Abandoned.

Although the defense attorneys had announced their intention of renewing their fight to have the trial, originally held in Scottsboro, transferred to Birmingham, Mr. Leibowitz indicated this afternoon that the plan had been abandoned.

While no explanation was forthcoming, it was understood that the reason for the change of front was that the lawyers had reached the conclusion that it would be fruitless to ask a reconsideration from Judge A. E. Hawkins, who selected Decatur in granting their plea for a change of venue.

In order to support their plea for a rehearing, it was said, the defense would have to present evidence that Decatur was a hotbed of bias and prejudice and that it would be impossible for the defendants to receive a fair trial there.

This, it was felt, would serve only to inflame sentiment against the defense in the community where, in all probability, they would have to go to trial anyway.

Alabama

4156

Lynchings-1933

Legal Punishment for Rape.

NEW HITCH DELAYS SCOTTSBORO MOVE

Defense Finds Signatures of Distant Officials Necessary for Prisoners' Transfer.

3-17-33

HEAVY GUARD FOR TRIP

New York, N.Y.

Negroes Will Be Protected on Way to Birmingham but No Great Force Will Be at Trial.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

CHATTANOOGA, Tenn., March 16.—Although Thomas E. Knight Jr., Attorney General of Albama has consented to the transfer of eight Negroes in the Scottsboro case from the death house of Kilby Prison to the Jefferson County Jail at Birmingham, the actual moving of the prisoners probably will not take place before next week.

Before it can be accomplished, the consent order into which the Attorney General entered with G. W. Chamlee, one of the defense attorneys, must be signed not only by Sheriff McBryde of Jackson County, where the Negroes are said to have attacked two white girls, but also by two circuit court judges.

They are Judge A. E. Hawkins, before whom the Negroes were convicted and sentenced to death two years ago, and Judge James A. Horton, who is to preside at the new trial at Decatur, the seat of Morgan County.

Defense lawyers asked the transfer of the prisoners from Kilby Prison to Birmingham so that they can consult privately with their clients, without relaxing death-house rules.

In the petition which Sheriff McBryde will be asked to sign it is requested that, if the prisoners must be moved, they be sent to the Birmingham jail "for safekeeping on account of the present insecurity of the jail of Jackson County," where under normal circumstances they would be confined.

Order Speaks of Insecurity.

The order which has been prepared for the signatures of Judges Hawkins and Horton reads as follows:

"To the Sheriff of Jackson County; to the warden of Kilby prison and to the Sheriff of Morgan County, Ala.:

"Application having been made to us by the Sheriff of Jackson County, Ala., for the transfer of the prisoners, Haywood Patterson, Olin Montgomery, Clarence Norrie, Chalrie Weems, Andy Wright, Eugene Williams, Willie Robertson and Ozie Powell, to another jail on account of the insecurity of the jail in Jackson County, and proof having been made of such fact to us, we hereby order and direct that you or each of you forthwith transfer said prisoners to the jail of Jefferson County, Ala., and the Sheriff of Jefferson County, Ala., is hereby directed to take said prisoners into his custody and safekeep them until further orders."

The form of the order was prepared jointly by Attorney General Knight and Samuel Leibowitz, chief of defense counsel, and the stipulation was signed by Mr. Knight and G. W. Chamlee, attorney of record for the prisoners.

The text of the agreement between them follows:

"Counsel for the prisoners named in this order and the Attorney General join in the request for the transfer of these prisoners to the Jefferson County jail and agree to this order on the part of the court it being understood that these prisoners are to remain in the custody of the Sheriff of Jefferson County Ala., until the cases are called for trial in the Circuit Court of Morgan County."

Officials at Distant Points.

The delay in obtaining the judge's signatures to the order was occasioned by the inability of Mr. Chamlee to ascertain definitely where they were sitting. It will be impossible to obtain the signatures of the Jackson County Sheriff and the two judges before Sunday or Monday because all are at widely separated places.

Mr. Knight's consent to the transfer of the prisoners to Birmingham does not mean of course that they will be tried there, much as the defense wishes they might.

Some time before March 27, when the trial is scheduled to start, they will be moved to the Morgan County jail and kept there until they are acquitted or sent back to Kilby prison.

Preparations for the transfer are being made with great care. Extremely anxious that no mob violence blemish Alabama's reputation for orderly administration of her laws, Mr. Knight and prison officials were planning to make the transfer under the cover of secrecy and a heavy guard if and when the proposed order is signed and served upon them.

No Large Force for Trial.

Although the prisoners probably will be moved in a prison van or motor bus over 100 miles of almost uninhabited territory between Kilby prison at Montgomery and the jail in Birmingham, no untoward incidents are expected. Birmingham is about 150 miles away from Scottsboro and is separated rrom that community by rough roads and mountains.

ecatur is only about fifty miles from Scottsboro and less than thirty miles from Huntsville where the Negroes accusers live, but it is not the present intention of Governor Miller of Alabama nor his Attorney General to mobolize any large body of militiamen for the trial.

Mr. Knight said he thought the situation could be handled by about ten picked men, thus avoiding a military display which, the defense attorneys feel, might be prejudicial to their clients.

MONTGOMERY, ALA
JOURNAL & TIMES
MAR 10 1933

SURPRISE AT SCOTTSBORO

It is a matter of surprise that the attorney general's department did not go to Scottsboro better prepared to meet the issues to be raised at the new hearing of the negro attack cases.

According to the dispatches the state's representatives went to Scottsboro fully expecting the defense to move immediately for a change of venue, and the attorney general had previously announced that if such motion were made it would not be resisted. Instead of this the defense first moved to quash the indictments on the ground that negroes were excluded from the grand jury which returned the bills. The dispatches relate that this took the state representatives completely by surprise and that time had to be asked of the court to prepare their answer to the motion.

Laymen in Alabama have not been especially concerned about where these trials are held, for they have felt that Alabama courts anywhere would give the negroes a fair trial. But even laymen have been greatly concerned in recent months over some of the race angles in the case and its handling which must pass muster before the supreme court of the United States. It may have been a surprise to the attorney general's office that this point was raised immediately, but it was no surprise to the average citizen. That is the angle of this case to which is going to require legal talent and generalship of the highest order.

NEW YORK TIMES
MAR 14 1933

MAP DEFENSE PLAN IN SCOTTSBORO CASE

Leibowitz of New York Confers With Aides in Alabama on a 3-Point Program.

TO PRESS VENUE CHANGE

Counsel Will Argue Today for Shift to Birmingham and Then Meet With Attorney General.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

CHATTANOOGA, March 13.—Samuel S. Leibowitz, New York criminal lawyer, arrived here today and took charge of the defense of the nine Negroes held in prison for two years on charges of attacking two while girls in the now famous Scottsboro case.

Mr. Leibowitz and Joseph Brodsky, who is associated with him as counsel, conferred at length with George W. Chamlee, former prosecutor of Chattanooga, who is helping them prepare their case. The lawyers mapped a three-point plan of action to be pressed before the opening of the new trial, ordered by the United States Supreme Court in setting aside death sentences originally imposed.

They will try tomorrow to induce Judge A. E. Hawkins to reconsider his decision at Scottsboro last Monday, when on a motion for a change of venue he named Decatur instead of Birmingham as the place for the second trial.

Regardless of the outcome of their efforts, Mr. Leibowitz and his associates will proceed to Montgomery to seek an understanding with Attorney General Thomas E. Knight Jr. on a date for argument on a motion to quash indictments. This plea is based on the ground that Negroes were barred from the grand jury which returned the bills.

While they are in Montgomery the lawyers intend to demand the right of private audience with the eight prisoners who are confined in Kilby prison there. It is expected that this privilege will be denied, and in that case Mr. Leibowitz said he would appeal to the courts to transfer the prisoners to the place where they will be tried or sue out a writ of habeas corpus on the ground that the eight defendants are illegally incarcerated in the death-house.

Seeks to Avoid Militia Call.

The defense lawyers are hopeful that they will be able to convince Judge Hawkins that Birmingham is a more suitable place for the trial of a case which has begun to assume the proportions of a Sacco-Vanzetti trial of the South than is Decatur, a rural community in a county contiguous to Madison County, home of Ruby Bates and Mrs. Victoria Price, victims of the alleged attack.

The jail and prison are under the same roof in Birmingham, and Mr. Leibowitz pointed out that it would not be necessary to call out the militia to provide the adequate protection which Governor Miller of Alabama has promised the defendants, if the trial were held there. He believes that the very presence of the militia about the court room would be prejudicial to the defendants.

The first legal tilt in the coming battle will probably come over the issue of the right of counsel to confer privately with the eight defendants in the death-house at Kilby prison. Warden George B. Walls has said that he will not permit unsupervised consultation without a court order, and Attorney General Knight has declared there is no need for it, because the laws of privilege governing the relations of lawyer and client are broad enough to prevent the introduction of testimony by an eavesdropper, even though his capacity be an official one.

Mr. Leibowitz made it clear that these conditions were unsatisfactory to him and that he would resort to legal action if State officials persisted in their refusal to permit lawyers for the defense to have private audience with their defendants. Their incarceration in the death-house after new trials were ordered was without warrant in law, he said.

Divorced From Red Activities.

One of the first things the New York attorney, who has won eighty-four of the eighty-five capital cases in which he has represented defendants, sought to do was to divorce himself from the Communist activities which have helped crystalize sentiment in the South against the accused Negroes since the International Labor Defense interested itself in their case.

Governor Miller has been bombarded, under Communist direction, with telegraphed and written protests and threats in what has been interpreted here as an organized movement to coerce the courts of Alabama.

Communist organizers are also said to have capitalized on the help they have extended to the accused Negroes to further the organization work they are carrying on among the share-croppers of the black belt.

Not only did Mr. Leibowitz deny any Communist connections, but he made public letters which passed between him and William L. Patterson, the Negro secretary of the International Labor Defense, before he consented to accept the assignment to defend the accused Negroes.

"Lest there be any misapprehension among the people of the great State of Alabama regarding my entry into this case, I wish to make my own position clear at the very outset," said Mr. Leibowitz in a statement issued after his arrival.

"I have consented to defend these Negroes because the highest court of our country has decreed that they shall have new trials on the ground that they were not adequately defended at their first trial in Scottsboro.

"Nine human lives are at stake, but almost equally important is the preservation of our tradition and ideal of equal justice for all regardless of race, color or creed.

"It is true of every local community that when an outsider comes into it he runs the risk of antagonizing its people. I want the people of this country, and especially the South, to know that I am not presuming to come here to try to tell them how to administer their laws or run their affairs.

"The International Labor Defense has interested me in the case. I have become identified with it regardless of the fact that I have no connection with the Communist party or any other radical organization.

"I am not a 'Red' by the widest stretch of the imagination. As a matter of fact, it is only recently that I was a candidate for Democratic leader of an Assembly district in my home town of Brooklyn. I am a stanch supporter of Franklin D. Roosevelt and served my country to the best of my ability in the World War.

No Pay From Labor Defense.

"I am not in sympathy with the political activities of the Communists or any other radical organization. The fact is that I am receiving neither pay for my work in the case, nor have I permitted the International Labor Defense to pay 1 cent of the necessary expenses I have incurred in the defense of these boys.

"I am coming here simply as a lawyer to try a law case, fully mindful of the sincere desire of the good people of the great South to give every living thing on God's green earth a square deal.

"If these men really committed this atrocious crime charged against them, they should suffer the penalty provided by law, which is death. On the other hand, if these girls are making false accusations, then I know that there is not a red-blooded, upstanding American citizen below the Mason-Dixon Line who will not pray with heart and soul for their acquittal. I cannot subscribe to what in some quarters is the prevailing notion, that the Southerner will not give these Negro youths an absolutely fair chance for their lives."

In the letter from the International Labor Defense in which Mr. Liebowitz's assistance was sought, there was the following statement:

"We do not ask you as a condition of your acceptance as trial counsel to give up any of your social, economic or political views."

In reply Mr. Leibowitz wrote under date of Jan. 9, 1933:

"While, as you are quite aware, your organization and I are not in agreement in our political and economic views, your letter arouses my sympathetic interest, because it touches no controversial theory of economy or government, but the basic rights of man.

"Let me say at the outset that if I serve this cause, as you suggest I should, I will not serve it for money; nor will I permit you to repay the expense I may incur.

"The limits of the Scottsboro case, if I measure them correctly, rest somewhere outside the fate of the seven defendants. Within its compass reside our national conscience, our Caucasian sense of even-handed justice, and our dignity and reputation before the world.

"Not Doomed by Color of Skins."

"To help keep sacred these ancient shrines of our civilization and our national life is a duty which any man should render freely, and ask no payment except that which his fealty to his country and his pride in its ideals will provide.

"You have given me to understand that the defense was not properly presented before the first trial court, and in that assertion you have the support of the appellate tribunal's reversal of the conviction.

"At the moment, when I stand on the threshold of the case, I think it improper to discuss any of its ramifications. But it is gratifying to enter it with a warrant from the courts of Alabama to exert whatever talent I may possess in the defendants' behalf.

"I do not believe it has ever been the desire of the people of the South to deal unfairly with the Negro. Customs differ; social usages and points of view are dictated by tradition. But persons of substance in the Southern States have recognized for many generations a moral obligation toward the simple and generous folk whom slavery brought them first as chattels.

"Some of my friends have advised me to take no part in this case. They fear that the defendants have been prejudged. That irrespective of the action of the Appellate Court they are doomed because their skins are black. I cannot partake of that opinion.

"North and south, east and west, we Americans have a common tradition of justice. And if it is justice that these black men be adjudged innocent—if it is justice, I repeat—I cannot believe that the people of Alabama will be false to their great heritage of honor and to those brave and chivalrous generations of the past in whose blood the history of their State is written.

"If the views I have expressed match yours, then I will accept the task of conducting the defense."

NEW YORK TIMES

MAR 13 1933

SCOTTSBORO TRIO TELL OF TRAIN RIDE

Saw No White Girls and Fought No White Boys, Say Wright, Patterson and Williams.

WELL TREATED IN PRISON

But Eight at Kilby Penitentiary Are Kept in Death Cells to Avoid Riot, Warden Asserts.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 12.—George B. Walls, Warden of Kilby prison, where eight of the nine Negroes accused of attacking two white girls on a freight train near Scottsboro two years ago are confind, explained today that they were held in the death house to protect them from other prisoners.

Lawyers defending the Negroes have complained that they ~~are not~~ permitted to discuss the case with their clients except in the presence of the warden or prison guards, and they hold that confinement of the prisoners in the death cells is no longer justified because the Supreme Court has set aside death sentences imposed at Scottsboro and ordered new trials.

Warden Walls, admitting that prison rules forbade private interviews with prisoners in the death house, declared that to transfer the Negroes to the prison proper would be unsafe. When the inmates of Kilby prison are not working in the cotton mill or in the fields, they have full liberty within the prison walls until 9 P. M., when they are locked in their cells.

While the white prisoners and the Negroes occupy separate cell blocks, since Alabama laws prevent mingling of races even under prison roofs, the warden asserted that a riot would certainly follow transfer of the "Scottsboro boys" from the death house to the prison itself. The mess hall, in which all the prisoners except the inmates of the death house eat, is divided only by a partition eight feet high.

Allowed to See Prisoners.

The warden readily consented to escort a reporter through the prison, of which he is extremely proud, and into the death house itself to talk with the Negroes in the Scottsboro case. The death house cells are as roomy as the other cells, and each has a window and modern plumbing.

The only difference in the treatment of death-house inmates and others is that the former are kept locked in their cells all the time, except twice a week when they are taken singly to the shower room for baths. Since the Scottsboro Negroes are being held for safe-keeping for Jackson County, they cannot be put to work in the prison shops.

The death house is really one end of a wing of the main prison building, separated from the rest by steel doors. It contains a dozen cells, each of which is occupied by a Negro. A metal door and a short passageway lead to the execution chamber with its yellow-varnished electric chair in the centre.

In the presence of the warden each of the prisoners was asked if he had been mistreated since his arrival at Kilby prison in April, 1931. Most of them solemnly assured the visitor that they were "treated all right." A few, who have been cautioned not to discuss the case with strangers, simply said:

"See my lawyer."

Andy Wright, Claude Patterson and Charles Williams declared they knew nothing about the crime of which they were accused and that they had seen no white girls on the train, nor had they engaged in a fight with white boys. They had been on an oil-tank car, they said. What had happened as the freight train traveled from Chattanooga to Paint Rock they had learned only when they were taken off by an armed posse there and accused of attacking the girls.

Leibowitz to Arrive Today.

Their story conformed with that told by Roy Wright, the 15-year-old Negro boy held in jail at Birmingham, who has denied any part in the crime and has described the mistreatment he says was administered to him and his companions by militiamen and deputy sheriffs while he was awaiting trial at Scottsboro.

Samuel Leibowitz of New York, who will head the battery of legal talent engaged by the International Labor Defense to try to save the accused youths from the electric chair, is due in Chattanooga tomorrow to confer with George W. Chamlee, the Tennessee lawyer, who last Tuesday won a change of venue.

Judge A. E. Hawkins, who granted the motion of the defense, transferred the trial to Decatur instead of Birmingham, thus going counter to the wishes of the defense. Upon Mr. Leibowitz's arrival, there will probably be a decision on whether to ask Judge Hawkins to reconsider the motion for a change of venue to permit defense counsel to introduce evidence of prejudice against the Negroes in Decatur.

A motion to quash the indictments on the ground that jury commissioners of Jackson County systematically excluded Negroes from the grand jury which indicted the Negroes will be argued before the judge who will preside at the trial.

It is this phase of the case which is causing the greatest concern to the people of Alabama who regard it as a challenge to the whole jury system of the State. Attorney General Thomas E. Knight Jr. has said that he will fight the attack on his State's jury system in the United States Supreme Court if necessary.

Scottsboro Trials Set For March 27

Advertiser

3-26-33

Montgomery

Ala.

Cases of the seven negroes convicted of criminally assaulting [illegible] young white girls near Scottsboro in March, 1931, and who are to be retried through a change of venue [illegible] County, will be [illegible] Circuit Court at Decatur on Monday, March 27.

The date was announced following a conference at the Capitol yesterday with Atty. Gen. Knight [illegible] Samuel S. Leibowitz, of New York, and George W. Chamlee, of Chattanooga, Tenn., prominent figures in the array of defense counsel for the negroes.

The visitors who were here to discuss the time for calling the cases, suggested to the Attorney General that March 27 would be agreeable to them. Mr. Knight made no objection to the suggestion and Judge James E. Horton, of the Morgan Circuit Court, being communicated with by telephone, formally designated that date.

When the cases are called, Judge Horton will set the trials to begin within a few days, this additional space of time being required on account of the necessity of drawing the venire for selection of jurors in the presence of the defendants. At that time also, Judge Horton will rule on the motion of defense attorneys to quash the indictments, based on the contention that negroes are not included in the jury roll of Morgan County, nor the jury roll of Jackson County where the defendants were originally tried.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4157

NEW YORK WORLD Telegram
MAR 1 1933

A Moderate Liberal from the South.

"GENERAL" GEORGE W. CHAMLEE, of Chattanooga, Tenn., a loyal Southern Baptist, a supporter of Governor Horton's Democratic machine, raised his voice on behalf of nine Negro boys at Scottsboro, Ala., this [illegible], although he didn't get everything he wanted, he at least obtained a change of venue to hold the trial in another county.

The title comes from his twenty years' service as solicitor general of Hamilton County, district attorney here, a position in which he prosecuted some 500 murder cases, other crimes in proportion. The Negroes have come to adore him as their shield and protector, but he retains the trust of the better element of white Southerners too, since, as he explains it, he is fighting to get those boys as fair a trial in the South as any State could give them.

He's no radical. He was brought to New York last fall and given a banquet by the Scottsboro Boys' causers here. He hadn't heard so much radical talk in all his life before. When he was asked to speak he said he was "Powerful glad to be here," and then told a story:—

• • •

"THERE were two sons down in Tennessee who inherited a flock of sheep from their father. One was kind of dull, and he had raised up a young ram lamb called Alec that he was very fond of. The other brother was smart, and he said, 'I'll divide the sheep into two flocks, and you can take your choice between them.' So he put all the fat fine sheep in one flock and the scrawny ones in the other, and Alec in with them. That was to catch his brother.

"'The dull brother went out to take his pick. He went right up and put his arms around Alec and he said, 'Alec, I love you and I'd certainly like to have you, but you're in the wrong flock.'"

Tall, lanky, gray-haired, about 60, fearless when threatened in unpopular causes, he is the moderate Southern liberal. He feels out of place among the radicals. He is what he himself would describe in another as a good "co'te house lawyer."

Once in Chattanooga he was defending two Northern strike leaders. The prosecutor assailed the Reds and foreigners who "came in and shot the Red, White and Blue full of holes."

"Stop! Stop!" objected General Chamlee. "Your daddy and my daddy lie buried side by side out here in the Confederate graveyard, honored for doing just that. You can insult the memory of your daddy if you want to, but you can't insult mine."

"Not guilty" reported the jury.

The Scottsboro Case Again

WITH THE opening of the second Scottsboro trial the old fires of violence and intimidation have broken out afresh. They seem, indeed, to burn even more hotly than they did during the first trial, when mobs of armed men surrounded the courthouse and, after the verdict was announced, jubilantly paraded the streets behind a brass band blaring, "There'll Be a Hot Time in the Old Town Tonight." During the hearings which recently took place in Scottsboro, when the defense was granted a change of venue to Decatur, the atmosphere in the town resembled to an alarming extent that which pervaded it during the first trial. Armed men crowded the courthouse or loitered in the streets. Farmers in their Sunday best came in from the country to see the sport and everything suggested that the mob was ready to execute justice in its own fashion.

New Republic

The change of venue to Decatur was in no way a victory for the defense, which is now endeavoring to have Judge E. A. Hawkins rescind his order and have the trial held in Birmingham. There the chances of mob violence are less. Decatur, a town of 20,000 inhabitants, is but fifty miles from Scottsboro and there is little reason to believe that the contagion of violence from the latter town has not spread to it. Moreover, the jail in Decatur is a flimsy structure, the doors could be battered down easily and in case the boys are acquitted there, an eventuality which grows more and more remote as feeling rises, attempts would certainly be made upon their lives. "The boys will burn," a representative citizen announced to one of the International Labor Defense lawyers handling the case. "They'll either burn in the chair—or they'll burn otherwise."

3-22-33

New York N.Y.

During the last few months there have been two developments which show on what dubious testimony the boys were convicted. The first of these was the repudiation of her testimony by Ruby Bates—one of the two girls who brought charges of rape—in a letter which we reprinted two weeks ago. Since the publication of this letter and the opening of the new trial Ruby Bates has disappeared. It is highly improbable, however, that the prosecution is sitting up nights waiting for her—so discredited a witness would hardly be of much value in the new trial, even though her testimony nearly sent the nine Negro boys to their death two years ago.

The other interesting development was an interview with Roy Wright, published on March 10 in The New York Times, which, incidentally is displaying a remarkable degree of journalistic integrity in its handling of the case. Roy Wright, it will be remembered, was the youngest of the Negro lads—he was only thirteen at the time of his arrest—and his testimony was used to convict two of his friends. In the interview with the Times reporter, the first which the prison authorities have permitted in the last two years, Roy Wright alleges that he was whipped into turning state's evidence. This is his story as reported by The New York Times:

> I was sitting in a chair in front of the judge and one of those girls was testifying. One of the deputy sheriffs leaned over to me and asked me if I was going to turn state's evidence, and I said no, because I didn't know anything about this case.
>
> Then the trial stopped awhile and the deputy sheriff beckoned to me to come out into another room—the room back of the place where the judge was sitting—and I went. They whipped me and it seemed like they was going to kill me. All the time they kept saying, "Now will you tell?" and finally it seemed like I couldn't stand no more and I said yes.
>
> Then I went back into the courtroom and they put me up on the chair in front of the judge and began asking a lot of questions, and I said I had seen Charlie Weems and Clarence Norris in the gondola car with the white girls.

There is danger that the Sacco-Vanzetti case will be reënacted in Alabama—that "those damned niggers" will burn as a lesson to their race, just as "those anarchist bastards" were killed to preserve the good name of the Massachusetts courts. If anything, the animus against the Scottsboro boys is more violent. It is all the more imperative that their case should receive the widest support, and that the I.L.D. should be given every possible aid in its fight to save the boys from the onrush of class fear and race hatred.

BARS NEW CHANGE IN SCOTTSBORO CASE

Times

Attorney General Refuses to Aid Shift From Decatur—Trial Set for March 27.

3-16-33

NEGROES WILL BE MOVED

New York Times

Leibowitz Wins Transfer to Birmingham, Where Private Interviews Are Not Prohibited.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 15.—Seven of the nine Negroes accused of attacking two white girls on a freight train near Scottsboro two years ago will go on trial for their lives a second time at Decatur, Ala., the seat of Morgan County.

Judge Horton, before whom the Negroes will be tried, agreed today to give the case precedence over all others on his calendar. This was the most important result of a conference here between Thomas E. Knight Jr., the young Attorney General who will prosecute the Negroes, and Samuel S. Leibowitz, chief of defense counsel.

Prior to the conference with the Attorney General, Mr. Leibowitz, George W. Chamlee and Joseph Brodsky, the defense attorneys, failed in an effort to obtain the right to interview without surveillance by prison officials the eight prisoners confined in death cells at Kilby prison.

Leaving the prison, Mr. Leibowitz went straight to Mr. Knight and announced his intention of making immediate application for a writ of habeas corpus calling for the immediate production of all the prisoners except Roy Wright, a 15-year-old prisoner in jail at Birmingham.

Mr. Knight asked for a few minutes' delay while he discussed matters with members of the Supreme Court, which was then in session. Returning to his office, he informed Mr. Leibowitz that he would not oppose an application by the defense for transfer of the eight Kilby prisoners to Birmingham, where prison rules do not forbid private interviews with inmates.

Youth's Charges Are Cited.

Papers were then drawn up to be signed by the Sheriff of Jackson County, where the crime was committed; Judge A. E. Hawkins, before whom the first trial was held, and Judge Horton, who will preside over the new trial. The latter was ordered by the United States Supreme Court when it set aside the death sentences originally imposed on the ground that the negroes did not have adequate representation by counsel.

Mr. Leibowitz sought to win Mr. Knight's consent to a reopening of the argument on the already granted motion for a change of venue, in order that he might submit proof that Birmingham was a more suitable place for the new trial than Decatur, because of the necessity of calling the militia for protection of the prisoners at the latter place.

The Attorney General refused to assist in that matter in any way, taking the position that it had been settled finally by Judge Hawkins when he named Decatur.

Mr. Leibowitz then called the Attorney General's attention to the Wright boy's statement that he was stabbed by a member of the State militia while the troops were protecting him and his fellow defendants from a lynching mob at Scottsboro.

Mr. Leibowitz said he was anxious to avoid the necessity of depending on the militia for the protection of his clients during their trial and urged the Attorney General to summon the troops who were on duty at Scottsboro for a line-up to permit Wright to identify the man who assaulted him.

Mr. Wright said he did not regard the unsupported word of a Negro prisoner as sufficiently important to warrant such an order, but he told Mr. Leibowitz that he would prosecute the offender if the Negro made a formal complaint against a specific individual and the New York lawyer could locate the alleged offender.

Defense to Assail Jury System.

Although Judge Horton agreed to set the trial down for March 27, the selection of a jury to try the accused Negroes will not begin until the 30th. Before the Negroes are tried, Mr. Leibowitz plans to place the jury system of Alabama on trial by calling witnesses to support a motion now pending to quash the indictments on the ground that Negroes are systematically excluded from jury duty.

It is this phase of the case, touching on one of the fundamentals of the Negro question of the South, which has come to be the paramount issue involved, overshadowing in interest here the fate of the accused men themselves.

Both sides are searching the law books and records for precedents and decisions to bolster up their respective positions.

With the trial date set and a way found to overcome the barriers to private consultation with the eight death-house prisoners, Mr. Leibowitz started at once to Atlanta to catch an airplane tomorrow morning for New York, where he is to appear as defense counsel in a murder trial scheduled to start on Monday. He expects to return to Alabama a week from Friday.

Mr. Brodsky will accompany him and in their absence Mr. Chamlee will be in charge of preparation of the defense case.

Mr. Chamlee is expected to go to Scottsboro tomorrow to try to obtain Judge Hawkins's consent to the order for transferring the prisoners and arrange for the issuance of subpoenas for several witnesses whose presence at the trial is desired by the defense attorneys.

HATRED UNDER THE MAGNOLIA BLOSSOMS!

Advertiser

3-19-33

Montgomery Ala.

The hired pens of the International Labor Defense League, it seems to us, have taken to writing their little hyms of hate in faded violet ink.

Not that the paid hack writers are altogether lacking in imagination and sulphuric splutters. Nothing of the kind! They still show gifts for grinding out fiction and always they can repeat "Legal Lynching," "Legal Murder," and "Boss Control," not to mention the other half-dozen words of the American Communist Party vocabulary.

But the dirty-collared, long-haired young men who sit in New York offices of the International Labor Defense League and write "news" dispatches of what is happening in Scottsboro, Ala., have not been earning their daily bread. Or at least, they are failing to make good on a job which any mediocre hate-propagandist should succeed.

Unembarrassed by questions of truth, and unhampered by any prejudices in favor of facts, which they might feel if they actually were on the scene, it seems to us that these gentlemen at least should make the poison more painful than they have of late.

Now since these paid scrubs of journalism are trying to make a case and are not embarrassed by numerous flights of fancy and are not concerned with justice in either direction, there is no complaint to make against the phrase, "nine innocent Negro boys," and "Attorney General Knight's legal lynch plans," which flower in nearly every piece of literature coming from the League's Hate-Hokum factory.

They make no pretense that they are not painting the prisoners lily-white in "Uncle Tom's Cabin" fashion. And they make no pretense that they are not trying to picture the State of Alabama and its law enforcement agencies, its courts and its people as red-eyed monsters with blood-stained, spurred boots, horsewhips and noosed ropes, up to God knows what, plans for making existence more unbearable for pig-stuck Workers.

But former experiences with these literary gentlemen had taught us to expect more from them.

Take the following paragraphs which were culled from one of the latest "dispatches" manufactured in the I. L. D. workshop, mailed to newspapers, churches and not a few of the Do-Or-Die "liberal" organizations.

It seems that the defenders of the Scottsboro rapists object to Decatur as a trial site. They write:

> Decatur, I. L. D. officials pointed out, is a town of 20,000 population, only about 50 miles from Scottsboro, and about the same distance as that from Huntsville, the center from which the organization of "vigilance committee" to make sure of the lynching of the boys, has spread.
>
> It is also the center for gangs of criminals who infest the railway lines of Alabama, and make a special practice of terrorizing and beating Negroes. Described by Northern Alabamians as a "big Saturday town," it is another Scottsboro on a larger scale. By the expression, it was explained, is meant that it is a town whose normal population is swelled on Saturdays, holidays, and court days, by a huge influx of white farmers, who come in armed and ready for a lynching or any other form of excitement that might present itself.
>
> The population being about nine times that of Scottsboro, and of much the same composition, Decatur on court day would present much the same aspect as Scottsboro did on the April, 1931, day when a band played "There'll Be A Hot Time in the Old Town Tonight," as the lynch-verdicts were handed down against the Negro boys.

Decatur, the quiet but kindly little North Alabama town, doubtless is surprised to learn of its lawlessness. The citizens of Decatur do not care to stage the Scottsboro trial in their city. And if the trial is held there, they will endure it as an expensive duty just as Scottsboro did. (And Scottsboro, a victim of geographical circumstances, is downright sick of the mess.)

But we should like to help the weary hate-hacks.

Why not go the whole hog and spread some real hatred toward Alabama and Alabamians?

We submit to them that:

There is an unwritten law in this State that every male white Boss in Alabama must practice bird hunting first on the down-trodden white and Negro workers, before reaching the age of twelve years.

The police departments of all Alabama towns have been ordered to remove corpses of Workers from the streets every 24 hours, except on "court days."

And on "court days" as all good I. L. D. public relations advisers know, the entire Boss population appears in spangled uniform to serenade jurors who have promised before-hand to send a batch of innocent Workers to the electric chair.

But by far the greatest gala occasion in Alabama is the mid-Winter festival at which the wealthy Boss class, (of which nine-tenths of Alabamians are members) gather in the court rooms of their respective counties to enjoy the wholesale scalping of the children of the Worker classes.

But why go further? We extend a personal invitation to the New York typewriter-snipers as sportsman to sportsman to visit Alabama and take part in the Anti-Worker Field Day, marking the beginning of the annual open season on the proletarians.

No guns are necessary in this sport as the State Government furnishes specially-trained native Alabama jaguars and laughing hyenas (abundant in this State) with which to track down innocent Workers.

We Alabamians thoroughly enjoy our native sports!

SCOTTSBORO BOYS' REMOVAL HELD UP

Trial in Decatur to Begin March 27

Daily Worker

3-18-33

New York

N.Y.

CHATTANOOGA, Tenn., March 17.—Following the victory of the attorneys of the International Labor Defense in compelling Alabama's attorney-general, Knight, to consent to transfer the Scottsboro boys from the death house in Kilby prison to the Jefferson county jail in Birmingham Ala., legal obstacles have been placed in the way which will postpone this action.

Two circuit judges as well as Sheriff McBryde of Jackson county, where the original frame-up of the innocent Negro youths first originated, must sign the "consent" order before they can be removed to the Birmingham jail.

Will Be Taken from Death Cell.

Not only will the removal take the Scottsboro boys out of the death cells in Kilby prison, but will enable defense attorneys to discuss their case with them privately, without interference by prison officials and guards—a situation which has existed during the entire time the boys have been imprisoned.

The trial is scheduled to begin on March 27. Some time before that date the Negro boys will be removed to the Morgan county jail from which they will be taken to Decatur where the fight to free the boys will be made by the International Labor Defense. Decatur, which is only 50 miles from Scottsboro, is the place to which the trial scene was moved, after the defense attorneys sought unsuccessfully to win a change of venue to Birmingham, one of the large industrial centers of the South.

Protest Drive On.

Meanwhile, from its national office in New York, the I.L.D. urged an intensification of the protest campaign against the legal lynching of the Scottsboro boys. Recently Gov. Miller of Alabama admitted that he had received "no less than 150,000 protest wires and resolutions" demanding freedom for the framed-up youths.

Lynchings-1933
&
Legal Punishment for Rape.

Alabama.

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Temper and Venue.

In the Scottsboro case a change of venue has shifted the new trial ordered by the United States Supreme Court fifty miles from Jackson County, Ala., to Morgan County, in the same State. It is not to be supposed that fundamentally there is much difference in public sentiment between the two places in a case involving charges of criminal assault on white women by Negro men. But the difference of fifty miles hardly measures the change for the better that has come over public feeling everywhere in Alabama since the intervention of the Supreme Court.

3-9-33

New York

It was all very well to protest against interference by outsiders and in particular by "radicals" from New York. Chief Justice HUGHES and his associates are neither outsiders nor radicals. Their caveat against imposing wholesale death sentences in a doubtful case could not but bring even the people of Scottsboro to a soberer state of mind. The change of venue was probably welcomed in Scottsboro. It averted a formal recantation.

N.Y.

SCOTTSBORO MEETING SLATED FOR TONIGHT

A program of addresses of five radicals and liberals on the exploitation and injustices meted Negroes in the South, sponsored by the National Scottsboro Committee, will be offered tonight at 8:30 at Radamsky's Studio, 66 Fifth avenue.

3-25-33

The Amsterdam News erred last week in stating that the program would be last Wednesday night. The speakers scheduled are Malcolm Cowley, editor of the New Republic; John L. Spivak, auhtor of "Georgia Nigger"; William L. Patterson, national secretary of the International Labor Defense; Joseph R. Brodsky and Allan Taub, chief counsel and associate in the Scottsboro defense. The Labor Defense has started a campaign to raise $10,000 to conduct the legal fight for the youths held in Alabama.

NEGRO LAD TELLS SCOTTSBORO STORY

Roy Wright, in First Interview Allowed, Protests Innocence and That of 3 With Him.

3-10-33

ONLY SAW GIRLS LATER

New York, N.Y.

Forced by Beatings During Trial to Testify Falsely Against Eight Fellow-Defendants, He Says.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

BIRMINGHAM, Ala., March 9.—Roy Wright, 15-year-old Negro, who with eight others of his race is awaiting trial for his life for an alleged attack on two white girls, denied his guilt today and made grave charges against militiamen and deputy sheriffs in the first interview any of the prisoners has given since their arrest nearly two years ago.

The interview took place in the Bertillon room of Birmingham's $5,000,000 modernistic jail. Only Wright's counsel, Irving Schwab, sent here by the International Labor Defense to try to save the accused Negroes from the electric chair, and a reporter were present with the youth.

Wright's fellow-defendants, three of whom at least he said were as innocent of wrongdoing as himself, are in death cells at Kilby Prison in Montgomery, although the United States Supreme Court on Nov. 7 set aside their conviction and ordered new trials for all. They are not permitted to talk to any one beyond earshot of their guards.

Of the nine accused men, Wright was the only one who was not found guilty of participating in the alleged attack on Rudy Bates and Victoria Price on a freight train bound from Chattanooga to Memphis on the afternoon of March 25, 1931. Because of his apparent youth, he was tried in Juvenile Court, and the jury which heard the evidence against him was unable to agree on a verdict.

Wright Tells His Story.

A slender figure, four inches taller now than he was when he entered jail, the young Negro charged that deputy sheriffs whipped him in the court house at Scottsboro, where the first trials were held, until he agreed to testify falsely for the State against his fellow-defendants.

Upon his right cheek between his ear and his nose, there is a scar like a vaccination mark. It is a reminder, Wright says, of the day when he and his companions were taken from the freight train at Paint Rock by an armed posse and carried to the Jackson County jail, where the militia was called to save them all from lynching.

One of his protectors, Wright said, jabbed a bayonet through his cheek just before he was locked in a cell.

The hours and days that followed between his arrest and the trials which were held in less than a fortnight, were full of terror and horror to him, according to Wright, whose memory of the events seems somewhat confused.

He knows that he had a trial, he says, because he has ben told that the Supreme Court ruled that he must be tried again. He remembers that two lawyers asked him questions, but he is not quite sure which was the State Solicitor and which was Milo Moody, the lawyer assigned by Judge A. E. Hawkins to defend all the prisoners. He remembers that Stephen Roddy, a lawyer who appeared as a friend of the court, urged him to plead guilty "and get a life sentence instead of the chair."

Recalls First Day of Trials.

Most vivid in his mind, however, is the memory of what happened on the first day of the trials, which were all finished in three days, just before he was called to the witness stand in the case of Haywood Patterson, one of his friends from Chattanooga. Not all the Negroes were tried together, but all were brought from the jail to the court house at each session of the court.

This is the way Wright described what happened:

"I was sitting in a chair in front of the judge and one of those girls was testifying. One of the deputy sheriffs leaned over to me and asked me if I was going to turn State's evidence, and I said no, because I didn't know anything about this case.

"Then the trial stopped awhile and the deputy sheriff beckoned to me to come out into another room—the room back of the place where the judge was sitting—and I went. They whipped me and it seemed like they was going to kill me. All the time they kept saying, 'Now will you tell?' and finally it seemed like I couldn't stand no more and I said yes.

"Then I went back into the courtroom and they put me up on the chair in front of the judge and began asking a lot of questions, and I said I had seen Charlie Weems and Clarence Norris in the gondola car with the white girls."

Wright insisted today that this testimony which he gave was entirely false and declared he made the statement only because he knew that if he didn't he would be subjected to another beating.

Account of Ride on Freight.

As he related the events of the day when the attack on the girls is alleged to have taken place he and three other Negro youths from Chattanooga, Tenn., hopped a freight in the yards there, intending to go to Memphis in search of work. The others, who Wright says were with him "on an oil tank car between two box cars," were his brother, Andy Wright, Patterson and Eugene Williams.

"I didn't see no white girls and no white boys either," said the young Negro, hitching up the blue overalls which are the uniform of colored inmates of the prison.

Wright remembered that the freight slowed down almost to a stop at Stevenson, a way station between Chattanooga and Scottsboro, but he declared he neither saw nor heard anything of a fight between Negroes and the seven white hoboes, who were thrown off the train there before the alleged attack took place. It was there, too, that the girls were supposed to have crawled from a box car into a gondola car, in which they testified they were attacked.

"The firstest I knowed anything was wrong, or knowed who else was on that train," said Wright, "was when that crowd of white men stopped the train at Paint Rock and took us off. They took us up the railroad bank to a white rock and stood us against it with their guns aimed at our heads.

"One of the white men said to me, 'Come on now, nigger, tell us who pushed those white boys off the train, 'cause we don't want to punish anybody but the guilty ones. If you tell us which ones did it we'll let you others go.' And I told them I didn't know anything about it and hadn't seen nothing.

Ordered to "Get Going."

"Then one of them said to me 'you know, nigger, we don't let no darkies hang around here, and if we catch you anywhere near here after dark we'll shoot you. Now get going.'

"Andy (that's my brother), Haywood, Eugene and me—we started away. Nobody said nothing until we had walked some little way and then they called us back and loaded us on a truck, tied our hands and feet with rope and carried us to the jail in Scottsboro."

According to Wright, he first set eyes on the two white girls when he saw them among the crowd along the railroad tracks. Nothing was said there about the alleged attack he asserted.

The crowd around the jail at Scottsboro was small when the Negroes arrived there about 2:30 P. M. By 4 o'clock, however, the militia had been called out to keep the mob from rushing the jail.

Twice during the late afternoon and evening, Wright said, the girls were brought into the section of the jail where the Negroes were held. Twice, according to Wright, they said they could not identify any one.

They were brought in a third time, he said, and the Price woman, who has been married three times, said she could identify them all. The Bates girl, who disappeared nine days ago from her home in Huntsville, still refused to identify any one, according to the young prisoner.

The seven white men who were routed from the train after the fight with Negroes, some of whom also are said to have jumped off the train before it got to Paint Rock, were rounded up before the first trial and held in jail until the sentences were imposed. They were never called upon to identify.

Wright, who will be 16 years old next Oct. 27, went to school only "about three or four years," and can "read and write a little bit." His eyes "went bad," he said, and he had to leave school to take a job sweeping out a store. He has a tortoise-shell-rimmed pince nez, which won't stay on his flat nose, but of which he is very proud. It was given him by a fellow-prisoner.

The young Negro, whose mother, Mamie Williams, lives in a two-room shanty in the Negro section of Chattanooga, declared he never had been in trouble with the police except on one occasion, when he spent the night in a cell for "keeping late hours."

He and the three Chattanooga Negroes arrested with him in the present case, he said, had been to a motion-picture show and were returning home, about 11:30 P. M., when a policeman picked them up for disregarding the curfew.

Beaten After Conviction, He Says.

The beatings to which he said he and his companions were subjected after their arrest two years ago continued, he alleged, even after they were convicted. At Gadsden jail, where they were transferred after death sentences had been passed upon them, he said, Patterson seized a gun from a deputy sheriff and warned him not to come one step nearer.

"Haywood," said Wright, "ain't afraid of nothing or anybody. He just took the gun away from that deputy sheriff and said, 'We've been sentenced to death already for nothing and we ain't going to take any more beatings. Go ahead, now, and shoot if you want to, but I'll shoot too.'

"It wouldn't have been no good, though," said Wright, "because the gun Haywood got was only a .32 and they had all those machine guns and things. I don't believe it would have gone off, even."

Young Wright is anxiously awaiting his new trial. He was not especially pleased, however, when he was told it probably would be held at Decatur, in Morgan County.

"I don't like that much better than Scottsboro," he said. "It's right next to where those girls live."

Preparations for the new trial are proceeding. G. W. Chamlee, the Tennessee lawyer who argued successfully for a change of venue from Scottsboro, was preparing several new motions at his office in Chattanooga.

Thomas Knight Jr., the Attorney General, who will take personal charge of the prosecution, was waiting for his assistant, Thomas Lawson, to finish collating the voluminous record of the case before taking any steps toward bringing the Negroes to trial for the second time.

SCOTTSBORO TRIAL BEGINS TOMORROW

Times

Nine Negro Youths to Start New Fight for Their Lives in Alabama Court.

3-5-33

HOPES PINNED ON LETTER

New York, N.Y.

Defense Counsel Contend Note Written by Girl Shows the Innocence of Accused.

WORLD WATCHES CASE

Supreme Court of United States Ordered New Trial for the Young Men.

SCOTTSBORO, Ala., March 4 (AP).—Scottsboro's little brick court house, where a death sentence was pronounced less than two years ago that brought protests from all over the world, is to see the beginning of a new phase in the famous "Scottsboro case" Monday.

Nine youthful Negroes will begin a new fight for their lives when the case comes up for a new trial, ordered by the United States Supreme Court. Eight of them had been sentenced to death after their conviction on the charge of attacking two white girls aboard a freight train.

Upon a letter, scrawled with pencil on rough paper, and a change of venue, the Negroes and their attorneys pin their hopes for acquittal and freedom.

Counsel Retained for Youths.

In striking contrast with the first trial, when the youths were defended by lawyers appointed by the court, this time they will have a battery of counsel employed by the International Labor Defense of New York, headed by George W. Chamlee of Chattanooga, Tenn.

On the opposite side of the table, representing the State, will be Thomas E. Knight Jr., Attorney General of Alabama, and T. E. Lawson, Assistant Attorney General.

The letter already is disputed evidence. The defense contends it was written by Ruby Bates, one of the complaining witnesses, and that it repudiates her testimony at the first trial. The State contends it was obtained while the girl was unaware of its contents, after drinking.

Defense attorneys contend the letter substantiates their statements that the Negroes were victims of a "frame-up." The letter sets forth that the girl was not a victim of an attack, but "those policemen made me tell a lie. * * * Those Negroes did not touch me."

The case already has been reviewed by the United States Supreme Court, where the death sentences were set aside and new trials ordered. In the meantime, from cities throughout the world have come protests and pleas that the Negroes, who now range in age from 16 to 23 years, be released.

Ada Wright, mother of two of the defendants, under sponsorship of organizations which had interested themselves in the case, toured Europe enlisting aid in the fight for their freedom. Many European notables, including Professor Albert Einstein, sent protests against the death sentences to Governor B. M. Miller of Alabama.

The nine Negroes were taken from the train at Paint Rock, Ala., the afternoon of March 25, 1931. Lodged in jail here, the Negroes were guarded by Sheriff M. L. Wann and citizens he had picked, while scores of men gathered about the Court House Square. When the crowds had dispersed, the prisoners were removed to Gadsden. A Jackson County grand jury returned true bills charging the Negroes with attacking the two girls, an offense punishable by death in Alabama.

Charlie Weems, 21, of Atlanta and Clarence Norris, 19, of Chattanooga were the first to be tried. Their trial began April 6. National Guards maintained order, and while the jury deliberated in the first case Heywood Patterson, 17, of Chattanooga was brought to trial. A verdict of guilty was brought in for Weems and Norris.

Then Eugene Williams, 15, and Andy Wright, 17, both of Chattanooga; Ozie Powell, 16, of Atlanta; Olen Montgomery, 17, of Monroe, Ga., and Willie Robertson, 17, of Columbus, Ga., were placed on trial.

Eight Sentenced to Die.

All were found guilty, and on April 9 Judge A. E. Hawkins sentenced them to death, making the first time in the history of Alabama that a judge had sentenced eight men at one time for a single offense. The ninth boy, Roy Wright, 14, was not convicted.

The International Labor Defense intervened and employed counsel, who declared they would take the case to the highest court in the land.

On March 25, 1932, one year from the day the Negroes were arrested, the Alabama Supreme Court affirmed the death sentence of all except Eugene Williams, reversing his conviction on contentions of defense counsel that he was a juvenile.

The other cases were taken to the United States Supreme Court, where the death sentences were set aside and a new trial was ordered.

Scottsboro Mothers Wait for Boys to Come Home

By GRACE LUMPKIN

Daily Worker
New York, N.Y.
3-6-33

When the International Labor Defense sent representatives to Alabama, and hired lawyers to defend the nine Scottsboro boys, the mother of one of the boys wrote—"We thought we were alone in the world without friends, and suddenly we found people ready to defend our boys."

When the United States Supreme Court ordered a new trial for the Scottsboro boys another mother said,—"We are glad and happy over the new trial. You tell us the workers are glad, too. It is fine to know that others are rejoiced."

I would like to make a map of the South, the sort of animated map that is sometimes used in the movies. On the map, throughout the South, in Memphis, Tennessee, in Chattanooga, in Atlanta, I would like to draw, single and isolated, the sort of shacks in which the mothers of the Scottsboro boys—working women—are forced by the rich owners of this country to live in misery and poverty. From these shacks and cabins, I would draw straight lines running toward and centering in Kilby prison in Alabama where the sons of those mothers lie in death cells waiting for another trial which will decide whether they are to be free, or are to be murdered in the electric chair. For it would be murder, since it has been proved that these boys are innocent.

If you have children, you probably know the anxiety of waiting for a small son or daughter who has not come home from school or from an errand on which you sent him. Has he been run over by a car or a truck, you ask yourself. It is getting dark. Why doesn't he come? You are tense with anxiety. If you have felt this distress, you will know, partly, what the mothers of these boys have gone through since their children left home nearly two years ago to find jobs.

You will know how they waited for word, and the misery which came to them when they heard that the boys, instead of finding jobs, found the death cells of a prison. These mothers are still waiting. And while they wait, isolated in their cabins, they are helped only by the fact that other mothers, other workers, are standing by them.

* * *

ON the map of the South with the cabins and the lines running toward Kilby prison, I would like to add other lines. These would come from places all over the world, and all over the United States, showing that workers in these places are rejoicing because of the new trial that has been set for the boys, rejoicing with those mothers, waiting in their cabins.

Mrs. Netrefa, a working woman, heard about the Scottsboro boys and their mothers. She came to the office of the International Labor Defense.

"I read and read the appeal," she said, "until I was crying and praying till I come here. I had a little boy once and he died. I know how I would feel if he was in that jail. I make four dollars washing clothes, but I gladly give three dollars to help the fight, so the poor boys get free and go home to their mothers."

* * *

NOT only our sympathy goes to these mothers, but, like Mrs. Netrefa, our money, our hard earned, scarce pennies and nickels should go to them through the International Labor Defense.

We have rejoiced over the new trial. Now it is necessary to work, so that in March, when that trial is carried on in Alabama there will be enough money to fight it through. So there can be a full and complete celebration of a full and complete victory.

* * *

IF I were making that animated map of the South, I would draw another line, straight from Kilby prison in Alabama, to Atlanta, Georgia, where Angelo Herndon, another young Negro worker is in jail, sentenced to a living death on the chain gang.

Angelo Herndon wished to help unemployed white and Negro workers get the relief that the city of Atlanta had promised them. These workers were without food, and the city of Atlanta was keeping back $6,000 which would give them food. Angelo Herndon led a crowd of white and Negro workers to the City Hall to demand that the city use that money to keep them alive.

The "City Fathers" of Atlanta were forced to give the food, but they revenged themselves by having Angelo Herndon arrested. They dug up an old law under which they could convict him.

Since these "Fathers" are interested in digging into the past, they might also remember that the Declaration of Independence says that every citizen has the right to "life, liberty, and the pursuit of happiness." It is evident that they do not think workers are "citizens," and that they feel that anyone who leads workers toward life, liberty and the pursuit of happiness, should be punished with a life that is really death, a life of hard work, of blows from a chain gang guard, of heavy chains and sweat box punishment.

In thinking of the Scottsboro boys, we must not forget this other boy who was brave enough to risk his life in order to lead these workers toward life.

It is a curious fact that the prosecutor who had Angelo Herndon arrested, who is trying with all his power to send him to the chain gang, is a preacher. This preacher sings at church that hymn which says, "Rejoice ye pure in heart, rejoice, give thanks and sing." He believes that the "pure in heart" will go to heaven. He believes that workers who will accept starvation, who do not fight for the right to live, are "pure in heart." And if they do not fight, he promises them heaven when they die. He, really, leads them to death. Angelo Herndon wished to lead the workers to happiness on this earth, to life. For this the death preaching prosecutor is trying to give a death sentence to this young Negro.

We want, with our words, our fist upraised together, with all the money we can give, to save Angelo Herndon from the living death this preacher and the rich people he represents have prepared for him. We want to give Angelo Herndon life. Then we can rejoice. It will be workers rejoicing in Life when we have freed the Scottsboro boys.

* * *

WE may never see them. We may never see their mothers. But we will feel that line drawing us to them, and not only to them, but to all workers who are thinking of life for the working class instead of death. We will look about us and say, when we have freed them—"This is not only my joy. It is the joy of the whole working class. Others are rejoiced."

But in order that we may say this, there is, between now and the trials of all these young Negro workers, much to be done—pennies and nickels to get together. A steady stream of them must go down from the office of the International Labor Defense in New York to the offices in Atlanta and Alabama. Let us help with all our power to swell that stream.

Lynchings-1933
Legal Punishment for Rape.

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The Scottsboro Case and the International Labor Defense

4

By WILLIAM L. PATTERSON

(National Secretary, International Labor Defense)

Daily Worker [illegible]

The International Labor Defense is an organization of defense based upon the principles of class struggle. It believes that "every class struggle is a political struggle," and its experience has been that every defense struggle at once takes on a political character.

Against the worker or poor farmer defendant at every point stand the united forces of the State. Whether the arrest be for picketing, as in the mining strikes in Kentucky, Pennsylvania, West Virginia and Ohio; in the farmers' milk strike in Rochester, New York, or the food strikes of the farmers in the Middle West; whether it be for participation in strike demonstrations like the New England textile strikes, the steel strikes, etc.; whether it be for engaging in a struggle against evictions, the shutting off of water, gas and electricity for non-payment; whether the arrest grows out of a demonstration of international solidarity against the deportation of alien workers or to develop unity and solidarity between Negro and white workers against lynch law justice, jim-crowism, or on the broader front of defense struggle, it makes little difference.

If the worker, black or white, native or foreign-born, or those sympathizing with him, has sought to protect working class interests or lives, he finds, in the administration of the law, the hand of the State against him. The class struggle begun on the streets or in the shop is carried into the court room. The forces of working class defense rally the forces of capitalist "justice" and "democracy."

Capitalist "Justice"

Capitalist justice in theory is expressed in the beautiful democratic phrases contained in the constitutions of the capitalist governments, in the high-sounding phrases by which the Judge and the Prosecutor proclaim even-handed justice. The real class essence of capitalist justice is exposed when an Angelo Herndon is given 18 years at hard labor on a chain gang—his "crime" was that he demanded bread and work for unemployed and starving "forgotten" black and white toilers; when Mooney and Billings, whose "crimes" were that they demanded for the working class the right to apply its right to organize, its right of free speech, are given life imprisonment by a capitalist court; when Sacco and Vanzetti are ruthlessly murdered to terrorize an awakening working class; when nine innocent youths of an oppressed nation are railroaded to the electric chair to smash with terror any striving of their people for national liberation. A clear analysis of these events helps to destroy the illusions of the impartiality of capitalist justice and capitalist fair play.

• • •

The "Militant," organ in the United States of Mr. Trotzky, who enjoys such prestige in the press of the capitalist world, hurls a bouquet of slander and invective at the International Labor Defense because of its utilization of the services of Mr. Samuel S. Leibowitz, prominent attorney, in the Scottsboro case. These "defenders" of principle tell us that this is proof that the International Labor Defense has fallen upon evil days. "It begins to look as though the International Labor Defense were teetering on the brink of a piece of rotten and dangerous opportunism," we are informed.

To these saviors of the International Labor Defense, who seek also to "save" the only political party of the working class by betraying its fundamental principles, we answer, dear "friends," we are afraid that the wish is father to the thought.

But our contempt for these friends does not relieve us of the duty of dispelling the confusion they seek to create in the minds of their followers. Their demagogy must be exposed as relentlessly as we expose the democratic illusion about the impartiality of justice which appears in the pages of the degenerate capitalist press which so readily hires the services of their leader, Mr. Trotsky.

Lawyers and Mass Action

We are told by the "Militant" that the International Labor Defense, when it retains lawyers, swears them to silence "on all points where they disagree with it." But the "Militant" editors lie deliberately. The International Labor Defense imposes no such obligation, nor is it so simple as to regard this as possible.

International Labor Defense lawyers are engaged to serve it on the basis of their ability as "court-room technicians." The services of Mr. Walter Pollak, for example, were retained to argue the Scottsboro appeal in the Supreme Court because he was regarded as an expert in his particular field of law. The question of whether he agreed or disagreed with the basic policy of the International Labor Defense was not an issue. Certainly there was no talk of his agreeing "to interfere neither in word or deed with the International Labor Defense's conduct of the political struggle."

Mr. Pollak could not interfere with the mobilization of mass pressure by the International Labor Defense one way or another. Nor can any other attorney.

The opinions of Mr. Leibowitz on questions of politics and economics are not considered by the International Labor Defense. His attitude in the court room is, however. Were he to hesitate "to speak and compel the court to adhere to the rules of court procedure formulated by the government itself, but which were systematically violated by the agents of the court" when workers and their sympathisers were on trial, his connections with the International Labor Defense would be severed.

Leibowitz's Task.

Mr. Leibowitz is carrying out the line of the International Labor Defense in the court room in this particular case. This was the condition imposed upon him. He was not asked to nor could he engage in the political defense of the accused, but his legal defense of the accused is political. It is not a condition that he agree with the entire viewpoints of the International Labor Defense. But he has openly declared in the court room, "If it were not for the International Labor Defense these nine boys would now be dead."

Mr. Leibowitz is asked to fight the Scottsboro frame-up from the legal point of view, to take advantage of every contradiction in the bosses' law, and Mr. Leibowitz is satisfactorily carrying out this task. Our own task is to draw the correct political conclusions from the attempts of Mr. Thomas E. Knight, Jr., representative of the State, to deny to Negroes that constitutional rights and to

WILLIAM L. PATTERSON

own task is to awaken the working class!

Our dubious friends of the "Militant" demand a united front with members of the bar. So, gentlemen, this is your conception of the "Leninist tactic of the united front" on the field of working class defense struggles. We contemptuously reject your viewpoint. It was not in this sense, take note, that Lenin ever said that the lawyer was "the instrument, the tool of the class which employs him." You say: "Only if the relationship is on such basis (united front with the lawyer.—W. L. P.) **can the International Labor Defense relate a good legal fight to the fundamental and essential political fight.**" (Emphasis mine—W. L. P.). The International Labor Defense does not "relate" the one to the other. With the International Labor Defense these struggles remain inseparably related.

Gentlemen, it is not the lawyer who represents the working class in the capitalist courts. We are the representatives of the working class, as is also the defendant. The lawyer is not a revolutionist, nor does the sale or contribution of his services to a revolutionary organization make him one. It is, of course, not unnatural that you should think in terms of the purchased "revolutionist." The sale of so much of Mr. Trotsky's "revolutionary" writing to the capitalist press undoubtedly has been a factor in leading you to this "mistake."

It is the worker defendant who uses the court as his forum. It is he who introduces the social and economic questions so vital to an exposure of the court as the weapon of class rule. It is not the lawyer who politicalizes the defense struggles led by the International Labor Defense, but his legal defense which is politicalized by the International Labor Defense. Mr. Leibowitz, under the direction of the International Labor Defense, is fighting for the constitutional rights of Negroes and of white workers as well.. Thus he is helping to politicalize the Scottsboro case.

Where Verdicts Are Rendered.

The courtrooms of the working class are the streets. It is in the streets that they must pass their verdict of innocence on a class war victim. When they in sufficient numbers have done this, that verdict will be reflected by a judge and jury in capitalist courts. That Mr. Pollak did or did not express any disagreement with the policy of the International Labor Defense did not influence the Supreme Court in the reversal of the lynch verdict of Alabama. The Scottsboro boys were saved by mass pressure. The campaign of the International Labor Defense balanced the scales in favor of the boys. The united voice of an outraged working class was too loud to ignore.

Incidentally, the ruling class of the South threatens Mr. Leibowitz with death because in the court room his fight is tearing at the basis of their system. Mr. Leibowitz's conduct has strengthened the basis of struggle for the International Labor Defense. He has exposed the hypocrisy of capitalist law. **The danger to the lives of the boys lies in the failure of the entire labor movement to mobilize around their defense. What part have the gentlemen of the "Militant" played in this mobilization?**

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The determining factor in the class struggle in the capitalist courts, as elsewhere, is the relation of class forces. That is why success rests with the working class defendant only where the mobilization of the working class and its sympathizers around him is raised to an overwhelming high political level. The center of support must be shifted from reliance upon "justice" dispensed in capitalist courts to reliance upon mass pressure.

Basic International Labor Defense Policy.

The International Labor Defense believes that only mass pressure can bring about the release of a class war prisoner; that pressure must be supplemented by legal defense. The legal defense must be of the most expert character. Every legal technicality must be used. The more far-

[illegible] the knowledge of the lawyer retained by the International Labor Defense, the more easily and effectively can the worker be shown that the guarantees of justice extended him by the ruling class are meaningless.

Mr. Leibowitz has this expert knowledge. Every report coming out of the Decatur court house shows him in the forefront along the line of the International Labor Defense of the legal battle for every right supposedly guaranteed the innocent defendants, by State and Federal Constitutions. He has brought out the class character of this case with the utmost clarity because he followed the International Labor Defense line.

Mass Pressure Only Guarantee.

Mass pressure by the American working class, mobilized to that point where the ruling class recognizes its potential force, is the only guarantee of safety for the Scottsboro boys. This mobilization does not rest alone in the hands of the International Labor Defense. It rests in the hands of the entire leadership of the American working class. This mobilization can be realized only to the extent that the American working class is made to recognize that the struggle against the system of national oppression, and for the democratic rights of the Negro masses, is part and parcel of the struggle for the democratic rights of the working class as a whole.

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In the Scottsboro case, the International Labor Defense has achieved its greatest success defending the rights of members of an oppressed nation. It has, therefore, achieved its greatest success in the defense of the democratic rights of the working class of America as a whole. It has advanced this defense to a high political level under Lenin's slogans repudiated by the righteous "defenders of principles" who control the "Militant." Without a relentless united struggle for equal rights for Negroes, white workers cannot realize complete democracy. Without the right to self-determination, the toiling Negro masses cannot secure equal rights.

Onward to mass mobilization of the American working class in defense of the Scottsboro boys, of Tom Mooney and of all class war prisoners! An end to capitalist justice!

ALABAMA "ON THE SPOT"

Decatur

4-8-33

THE silver lining in the cloud of the Scottsboro trial in Decatur, Ala., is the bringing out into the pitiless light of world publicity the evils of the exclusion of Negro citizens from jury service in that State, regardless of the qualifications of such Negroes to serve. Alabama is painfully trying to deny that such a policy of Negro exclusion exists, but nobody either inside or outside of the State is fooled. The effort to fool the outside world on this issue indicates what chance there is of the Scottsboro boys getting justice. While white Alabama contends with some heat that the Negroes will get a fair trial, in almost the same breath it declares that they are guilty.

Pittsburgh

Pa

There can be no justice in the administration of the law in any State or community when a large section of qualified citizens are excluded systematically from jury service. This is especially true in the South, where Negroes constitute one-third of the population and three-fourths of all offenders hailed before the bar of justice. In almost all parts of the South Negroes are excluded from jury service. In other words, Negroes can be sent to prison, but Negroes are not permitted to sit in judgment. That is still considered a white man's job.

If the fight of the International Labor Defense attorneys accomplishes nothing else, the revelation of the jury jim-crowism of the unreconstructed South will be a great service to the cause of right and justice.

IN SOUTHERN PRISONS FOR "TWO YEARS AND FIVE DAYS"

4-7

(In Tuesday's issue of the Daily Worker, on the special Scottsboro Page, we published an interview with the Scottsboro Boys with one of our correspondents now in Decatur. The following is another interview of a slightly different character written by another of our correspondents at the trial. —Editor's Note.)

Daily Worker

THE jail is situated directly in back of the Morgan County Courthouse. It is a squat two-story red brick building. Every morning, lunch hour and evening the boys are marched to and from the side entrance to the courthouse, a distance of about 30 yards, with a squad of soldiers in front and back. There is always a group of spectators numbering between fifty and a hundred, most of them Negroes, gathered along this short line of march.

4-7-33

Members of the National Guard Company stationed at the jail had told us of the complete change in the spirit of the boys as soon as they left the jail house door. They immediately straighten up, become more self-confident and more at ease.

New York

Only when we entered [illegible] and after spending two ho[illegible] the boys in the cell block

really understand why.

IN THE JAIL

One gains entrance to the jail through the dwelling quarters of the sheriff. No sooner do you descend the two steps into the first tier of cells when an acid stench strikes your nostrils. It is a mixture of urine, bugs and antiseptic. One gets the impression of a medieval dungeon, with its stone slab floors, damp, stuffy.

One flight of steps up is the second tier of cells where the Scottsboro boys are kept.

Opposite the loose-hinged door to the cell block is an old gallows. The rings are still fastened on the crossbar ready for the rope. The trapdoor on the floor still works. Four times a day the boys pass by the gallows, they can see it from their cell block. They have been transferred from death cells within the sight of the electric chair in Kilby Prison only to be placed here within sight of the gallows. The last time the trapdoor gave way and the rope tautened was in 1926 when the State of Alabama abolished legal lynching. Who can tell how soon these gallows will be in use again without the official sanction of the sovereign State of Alabama?

The gallows haunt the boys restlessly pacing the capitalis[illegible] itself, togethe[illegible]

acceptable to Poland, judging by a leading article in the semi-official Pilsudski paper, Kurjer Poranny which denounces them as a trap for Poland. The official Polish Gazette says that frontier revision is a nonexistent question for Poland, and criticizes the French version as much as the Italian.

It is also announced that Goering and von Papen are to visit Italy, the former to see Mussolini and the latter to see the Pope

Christ, completed by a Negro prisoner just before he was hanged. He succeeded in imparting to the eyes of the mother a pensive melancholy, and to the child a hopeful reaching out to life. This picture standing in the shadow of the gallows, despite its religious subject, is symbolic also of the new life lying in the lap of the Scottsboro case.

With the boys free—and freed as the result of a persistent world-wide mass movement—the road to a new life will become more evident to the Negro masses.

We first became aware of the boys as dim shadows behind bars. A flimsy door separates the small hall with the gallows from the cell room. As you enter this door the stench becomes even sharper. The cell block itself is in the center of the room with a narrow corridor around it. There are six individual cells within the cell block, the light from the small windows across the corridor barely penetrating. An uncovered toilet is situated in the center of a narrow passageway separating the individual cells for the common use of all the boys. The dirty cream paint on the cell walls has pealed, and numerous bugs of all sizes roam leisurely about.

The cell block reminds one of the traveling cages used for chain gang prisoners on road work, into which up to twenty-five prisoners are crowded and shackled.

When we first caught sight of the boys they were attempting to clean out a mattress. It seemed a hopeless job.

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OUR artist wished to draw each one of the nine boys and we asked the Captain of the guardsmen to let us into the cell block with the boys. But the turnkey could not open the door into the group of cells. This jail is so old, that the bolts jammed. It was only after a few hours of work that he finally succeeded in opening the door. I was reminded of the fire two years ago on a Georgia chain gang, in which a number of Negro prisoners roasted to death because the guards could not or would not open the door to the traveling cage.

While our artist sketched the boys through the bars, we talked with them. Soldiers and curious visitors who had come to see an artist sketch the "niggers" stood about. At first the boys were retiscent, refusing to let us draw them.

"Are you from a local paper?" asked Haywood Patterson who was to go on trial the next morning. When we explained to them that we were "from outside," the word went around that we were friends.

"No Southern paper would print a Negro's picture, anyway," one of the boys told me later.

Whatever suspicion remained was dispelled when the boys saw the finished drawing of Haywood Patterson. There was no mistaking the truthful and sympathetic portrait, so different from the distorted pictures first taken of the boys. They all crowded against the bars to convince themselves by looking at the drawing that we were friends.

• • •

WITH the exception of old scars from beatings suffered at the hands of sheriffs and prison guards at their first trial and subsequent transfers, the boys looked well. They were all dressed in blue denim overalls. Roy Wright who was 14 and Eugene Williams who was 13 at the time they were picked off the freight train at Paint Rock, Alabama, have not permitted two years of imprisonment and nervous tension during their formative years to warp them. Instead they have been busy making up for lost time in reading and writing. Their youthful vigor still bursts out into laughter and all the boys manage to pass jokes.

"NONE OF THEM BEST"

When someone asked the boys which of the five jails they have been in during the last two years they liked best, Andy Wright answered, "We like none of them best, although this is the dirtiest we have ever been in. We want to get out of here."

And they are all hopeful that the International Labor Defense will be able to obtain their freedom, although extremely nervous about the strong likelihood of an attempt at lynching if the court would be forced to return a verdict of "Not Guilty." Every minute they spend in the cell block is full of tension. They must stand the gaze of visitors who come to "look the niggers over." They have formed a chorus among themselves singing Negro spirituals. This singing seems to be the only moment when the tension is relaxed, when they seem to forget their growing hunger for freedom.

It is hard to forget that soft, intense longing in their eyes. It bursts upon you with tremendous force when they raise their eyes to look at you.

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"WE have been in prison for two years and five days," one of the boys said, brushing a huge bug off his knee.

And during this time they have managed to build a friendly discipline among themselves and a keen sense of the role these nine unemployed boys looking for jobs have been made to play by circumstances. The Wright brothers and Ozie Powell have probably done most to impart a keen appreciation of the significance of the Scottsboro case and a feeling of social dignity to all the other boys.

WHAT THEY CRAVE

The boys long for letters, fruit, candy, books — anything to make the nerve-racking experience they are now going through easier to bear. Flood them with these and even in this medievel dungeon they will remain more keenly aware of the tremendous movement which has risen in their defense and which is determined to free them.

Alabama

4160

Lynchings-1933
Legal Punishment for Rape.

THAT SCOTTSBORO VERDICT

Argus
8-4-33
St. Louis

The conviction by a jury of Haywood Patterson, one of the nine Scottsboro boys, and the fixing of his punishment at death in the electric chair is quite a reflection on the people of the State of Alabama.

Judging from the information we have, it looks to us as though no attempt at justice was made on the part of the jury which sat in on the Patterson case. In fact, the whole proceedings, so far as the prosecution was concerned, bore all the earmarks of a fiasco so far as justice is concerned. There is no doubt in our mind but that every juror in the panel had already made up his mind to return a verdict of guilty, regardless of the facts presented in the case. We do not believe that there is a sane person in the United States, or elsewhere for that matter, who will say that the State proved that Patterson was guilty beyond a reasonable doubt. If the jury had any sense of fairness or justice, it undoubtedly would not have assessed the severe punishment of death; because the best the State could do was to offer the testimony of persons whose character, standing and veracity was questionable from start to finish. The defense put on contradictory witnesses which, to say the least, matched any testimony which had been given for the prosecution; and therefore, under the circumstances, the judge, we believe, would have been fully justified in throwing the whole matter out of court.

Surely, there was no effort made on the part of the court to see that the case was properly tried. Judge Horton allowed the prosecution, including Attorney-General Knight, to get in its "dirty work" by constantly referring to "Niggers" and "Jews," etc., without rebuke, all of which we regard as prejudicial to the rights of the defendant. To be sure, it was easy for Judge Horton to give what may be called a fair instruction to the jury before it retired when he said that the jury should disregard the reference which the attorneys had made. But the jury had heard these expressions. The dirty work had been done, and the verdict was sure.

Because of this case and the miscarriage of justice which has characterized it from the beginning, the whole system of administering justice to the Negroes in the South is brought to the fore in the eyes of all the civilized world. The big question which ultimately must be settled by the public is whether a white jury is capable of sitting in judgment in cases where Negroes are defendants, particularly where life and death are at stake.

Everybody knows, if this case was just reversed and there had been nine white youths accused of criminally assaulting two colored girl hobos, just what would have happened in Alabama. There would have been no arrests made in the first place. At least, we doubt it. And, if by chance the case had reached the court, it would have been outlawed by the first appearance of a demurrer. Thus, we see just how one-sided the so-called justice of the South is.

Further comments in the case which may be mentioned here are, can any man, white or black, anywhere in all the world receive a just trial in an atmosphere of mob-lynch spirit? Is not the spirit of the Constitution of the United States violated when a person is tried by a juror not of his "peers?" "A juror of his peers" means absolutely a juror of his equals, a person on the same plane, same standing, etc. We cite these few incidents to show that it is impossible for these boys to get a fai trial in Alabama. There ought to be some way in which their cases could be tried in Illinois or New York.

Should this case go to the United States Supreme Cour or to the Alabama State Supreme Court, we have no doub but that it will be thrown out.

SCOTTSBORO JUSTICE

Tribune
8-3-33
Philadelphia, Pa.

DURING the week just passed America has been honoring the memory of Booker T. Washington, who labored and sacrificed for better relationships between the white and colored races in his beloved Southland. In the State of Alabama he erected an Institute, which is a model for industrial schools all over the civilized world.

Tuskegee Institute, Alabama, is known and appreciated in every section of the world where men read, because of Booker T. Washington. It stands as a beacon light of culture and human brotherhood. Within its confines are peace, love and hope for those eternal truths which are right and just. It teaches a doctrine of work and love and mutual understanding. America and the world is a better place because Booker Washington lived and worked at Tuskegee in the benighted State of Alabama.

Until a few months ago Scottsboro was unknown. Its prejudices and bigotry were buried until the civilized world was alarmed and startled when a Court of Justice sentenced eight boys to death for alleged rape on two white girls, admittedly prostitutes.

The Supreme Court of the United States found as a fact that the boys were tried and convicted without the benefit of counsel; that the trial was a Roman holiday, so pitched that justice was under the circumstances impossible. As a result of this finding, a new trial was granted.

The scene shifted from Scottsboro to Decatur, Alabama, last week. A change of venue was granted on the theory that racial feeling was so bitter it would be impossible for the accused boys to have an impartial trial. But it is submitted that the feeling was just as tense in Decatur as it was in Scottsboro.

This is well explained in the statement of Samuel Liebowitz, chief counsel for the defense: "This verdict is an act of bigots spitting upon the tomb of the immortal Abraham Lincoln." "I think the prosecutor of this county when he resorted in his bombast to the mud gutter in hurling vilification on the great people of New York and its vast body of Jewish Citizens, perhaps represented in his way a cross section of what the defendants and lawyers representing them were faced with."

The racial identity of the defense counsel was interjected with malice: "Are you going to permit Alabama **justice** to be bought with Jew money from New York?" asked the prosecutor. These are the same kind of expressions used by Jew-baiting Hitler of Germany. They have no place in a court of law. The race of neither the Jew or Negro was on trial. It was put into the case to prevent a fair trial.

No intelligent, unprejudiced individual can read the facts and believe those nine boys guilty of rape. About two years ago on a freight train were two white women, Ruby Bates and Victoria Price. On that train were twelve Negro boys and seven white hoboes. There was a fight, which ended when the whites were forced off the train. The whites flashed word of their battle to Paint Rock, where a white posse stopped the train, arrested 9 of the Negroes and took the two women into custody as material witnesses. At Paint Rock the girls charged they had been raped by the nine Negroes, one of them a boy 13 years of age.

The white hoboes were not called to testify by the State. Victoria Price stuck to her story. Ruby Bates said she had not been touched by the Negroes. Stating that her former testimony was untrue; that so far as she knew the Price woman was not attacked and they were together. Lester Carter, one of the hoboes, supported this statement. It was shown by the defense that Victoria Price had made several untrue statements.

Upon the foregoing evidence one of these boys has been sentenced to die in the electric chair. No sane man will believe that if he was white the same verdict would have been reached. And unless some superior court takes a hand, the other boys will receive the same sentence.

The unfair name of Alabama has been made blacker. The courts upon which rest the last vestige of respect for American institutions have been soiled with racial bigotry and narrow sectionalism. Decatur, Alabama, cowed by hatred, has been unable to rise above the thinking of morons and cowards.

Advertiser
3-11-33
Montgomery
Ala.

THE DECATUR VERDICT

Once more an Alabama jury, hearing all the testimony, has said that Heywood Patterson is guilty of a capital offense against the laws of Alabama and once more he has been sentenced to the electric chair.

The State of Alabama gave this man a fair trial. When the defense asked for a change of venue from Jackson County, the request was granted. When Morgan County was selected the defense squawked. Having lost a case before a Morgan County jury the defense will ask for a change of venue for the remaining defendants.

The State provided the utmost protection to the person of Heywood Patterson.

The trial judge, (an Alabamian!) presided with such impressive fairness that even the chief of the defense counsel while denouncing the jury in scandalous terms, pays Judge Horton the tribute of saying that he would have been "delighted" to leave the case in the Judge's hands!

That is to say, he would have been willing for this lone Alabama judge to decide whether his client should live or die.

Twelve jurors, friends and neighbors of Judge Horton, sat in judgment on the facts in this case. They heard the whole sordid story, including the highly suspicious testimony of La Bates whose staged appearance at the eleventh hour with her avowal of perjured testimony in the previous trial, proved a dud.

These twelve jurors did not go out, smoke a round of cigarettes and return with a hasty verdict. They deliberated for 21 hours. In the end they agreed that Victoria Price had told the truth and that Ruby Bates had not.

Mr. Samuel Leibowitz wanted to be the hero of this unpleasant drama and emerge from it with an enhanced professional reputation. He says that he acted without remuneration, even without expense money. No doubt he did, but if Leibowitz had succeeded in his natural ambition to set his man free, he would have had ample compensation in his enlarged fame. He is perhaps less of an altruist than he represents himself.

But he lost, in spite of his device of using the Lord's prayer as a peroration.

He lost because the jury believed the facts did not support his fervid oratory.

Did Leibowitz accept the verdict with becoming grace, after the manner of lawyers everywhere? Not at all. His answer was a brutal attack upon the jury. Said he:

"This verdict is an act of bigots, spitting upon the tomb of Abraham Lincoln.

The chief of all the bigots at Decatur was Mr. Leibowitz himself.

He left little if anything undone to arouse the resentment if not the bitterness of everyone in the courtroom, including members of the jury.

He was not content to try his client on the facts, as other clients in Alabama are tried.

His purpose was to put the State itself on trial.

From the beginning of the trial he was arrogant, contemptuous and domineering.

Anyone of 100 Alabama lawyers would have handled Heywood Patterson's case far more effectively.

Mr. Leibowitz came into Alabama as the voice of bigotry and arrogance. Instead of seeking to make the way easy for his client he exercised his talents to make the way as difficult as possible.

What a stupid lawyer poor Patterson had!

Solicitor Wade Wright, of Morgan was unfortunate in his reference to "Jew money" in the case. This was an appeal to prejudice and Judge Horton asked the jury to disregard it, as he should have done.

But this one aberration does not offset the sustained appeal to prejudice on the part of Mr. Leibowitz and his friends of the I. L. D.

But even Mr. Leibowitz refrains from accusing the Attorney-General of Alabama to whom he lost after a long and bitter struggle, of any improper remarks.

Mr. Knight was chief counsel for the prosecution, for whom it should be said by the way, that he managed the case with fine ability and a coolness which must have been difficult to maintain at times.

Mr. Leibowitz bestows high praise upon the presiding judge, he is silent on the conduct of his opponent, Mr. Knight.

But he denounces the jury in savage terms.

Mr. Leibowitz is a poor sportsman.

A good lawyer should know when he has a bad case, and hope for better luck next time.

Times
4-12-33

New York N.Y.

PLAN NATIONAL AID AT NEGROES' TRIAL

Leaders of Race Here Move to Raise Funds and Stir a Country-Wide Protest.

Defense Attorney Will Speak Tonight at Labor Defense Meeting in Union Square.

Nationally organized Negro defense of the nine Negroes involved in the Scottsboro case is being planned by New York leaders of the race.

CONFER WITH LEIBOWITZ

Bill Robinson, Negro dancer, visited Samuel Leibowitz, counsel for the Scottsboro defenants yesterday and submitted a proposal that funds be raised with several benefit performances. Delegations representing various Negro organizations also called on the attorney.

"It now become apparent," said Mr. Leibowitz said last night, "that irrespective of any small differences that may have arisen in the past between different organizations seeking to lead this fight, the race has reached the conclusion that this case marks a turning point in the life of the American Negro, who has been kept shackled by intolerance of the bigots. They are going through with the fight."

Mr. Leibowitz was announced as one of the principal speakers for a demonstration in Union Square at 8 o'clock tonight by the International Labor Defense. Mrs. Janie Patterson, mother of the Negro reconvicted in Decatur this week, is due in New York this afternoon and will attend the meeting.

Hays Listed as Speaker.

Others scheduled to speak are Joseph R. Brodsky, chief counsel for the International Labor Defense; John Haynes Holmes, Arthur Garfield Hays and Roger Baldwin.

The International Labor Defense, through William L. Patterson, its national secretary, assailed the National Association for the Advancement of Colored People yesterday for its statement of Monday to the effect that the injection of communism into the trial affected the verdict in the Patterson case.

"The directors of the N. A. A. C. P. have seen fit to gloat over the death verdict against Heywood Patterson," said the defense secretary. "They take the occasion of this verdict to bring forward a ridiculous claim that had they been in the case, the verdict would have been different.

"They say that 'racial prejudice closed the eyes of the jurors' and at the same time that 'the injection of Communism into the case brought about the death verdict.'

"Aside from the completely gratuitius confusion of the International Labor Defense, a non-partisan organization, with the Communist party, which is brought forward merely to hide the existence of a workers' organization of defense, this statement is in itself a contradiction.

Statement Declared Untrue.

"The statement that the N. A. A. C. P. has twice offered to cooperate with the International Labor Defense is a deliberate untruth. The statement that the N. A. A. C. P. went to the aid of the Scottsboro boys at the trial is another. The records prove this conclusively."

Harlem Negroes, led by several ministers of their race and by W. H. Davis, owner of The New Amsterdam, a Negro publication, plan to hold a number of mass meetings in Negro churches and at various outdoor points in Manhattan as well as in the other boroughs, Davis announced last night.

A. J. Muste, chairman of the conference for Progressive Labor Action, sent a letter yesterday to President Roosevelt asking that he use his influence to obtain a new trial for Patterson.

The conference, in a letter to The Amsterdam News, suggested yesterday that 50,000 Negroes be enlisted to March to Washington to protest against the Patterson verdict and that 50,000 white workers be asked to join the march.

BROOKLYN N. Y. EAGLE
APRIL 11, 1933

✓ Alabama Self-Convicted.

Not the Scottsboro Negroes but the State of Alabama was on trial at Decatur. To the regret of all fair-minded Americans, Alabama is self-convicted. There is one commonwealth in this Union where the judicial murder of innocent persons can be forced on a jury by an outside mob loudly threatening lynching.

Doubt in many minds as to the legalistic innocence of the accused was common enough before the Supreme Court of the United States set aside the earlier conviction. That doubt was strengthened when one of the alleged victims of outrage, Ruby Bates, having come to New York was persuaded by the Rev. Dr. Harry Emerson Fosdick to go back to Alabama and tell the truth in court. She explained under oath that the Negro youths had been "framed." That she faced possible conviction for perjury in the first trial can hardly be denied.

It is fair to say that Judge James E. Horton who presided at this trial, showed no prejudice in his rulings or in his charge to the jury. Under Alabama law the jury decides for or against the death penalty. That is why the jurymen were out 22 hours. They agreed on a guilty verdict on the first ballot, but one juror held out for life imprisonment. The accused men are being tried separately. Technically, the verdict only affected the defendant Patterson.

There is a strong probability that the other defendants will be convicted as this one was. There is a vague possibility that the Governor of the State may prevent judicial murder by his power of commutation. The Brooklyn lawyer who headed the defense, Samuel S. Leibowitz seems to have done all that was possible for his client up to date and is likely to use tact and discretion in appeals proceedings. And, though he received many threatening letters, he appears to have been treated with courtesy and respect by the court and by the prosecuting attorney.

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4161

IN THE COURT ROOM AT DECATUR

Haywood Patterson With His Counsel, Samuel Leibowitz.

Times Wide World.

NEW YORK CITY TIMES
APRIL 16, 1933

BACKGROUND STUDY OF SCOTTSBORO CASE

Scenes That Marked the Clash of Issues In the Little Courtroom of Decatur

By F. RAYMOND DANIELL.

DECATUR, Ala.

ONE HUNDRED AND THIRTEEN years ago, on Jan. 13 last, President Monroe ordered his Surveyor General to lay out a town to be named in honor of Stephen Decatur, the distinguished naval commander dear to the 100 per cent American for his words:

"My country—may she ever be right, but, right or wrong, my country."

The selected site, in Northern Alabama on the south bank of the tortuous, muddy Tennessee River, remained part of the Cherokee Indian Reservation until 1826, when it was incorporated. From then until a little more than a month ago it continued on its tranquil, almost somnolent, way with only an occasional disturbance, such as a strike in the Louisville & Nashville Railroad shops or a crime of purely local significance.

Then, through no fault of its own, Decatur inherited the now famous Scottsboro case—a Southern cause célèbre involving nine Negro youths and two white girls of a stratum of society only a little above the inexorably drawn color line. The little community, drafted for a part in history which it did not seek or relish, approached its task of rendering fair judgment under the play of conflicting public opinion with an added mélange of emotional and intellectual contradictions. It wanted to be impartial and unbiased, but many of its more thoughtful citizens wondered if that were possible.

Rustic Southern Traditions.

Despite its external appearance, suggesting a small Middle Western town, Decatur is Southern and rustic in its traditions and its background. Some of its buildings bear the scars of Union shells, many of its residents bear in their hearts the wounds left by the war between the States. The memory of the reconstruction period which followed the peace is a vivid and haunting one to many of its people and the people of Morgan County, of which Decatur is the seat of government.

A few days before the Negroes were brought from the Jefferson County jail in Birmingham to the vermin-ridden jail in Decatur, condemned two years ago as unfit for white men, the little city buzzed with anticipation and preparation. The one hotel, its three stories topped only by the water tower dominating the town's main street to the west, threw open a whole wing of rooms long out of use.

A long wooden table was built in the second-floor courtroom, its floor dotted at one-yard intervals with cuspidors for the tobacco-chewing gentry, and places were marked off for visiting newspaper men. Cards of admittance were printed and issued carefully to exclude gate-crashers, Communists and trouble-makers from the arena before the judge's bench.

The National Guard Called.

Sheriff A. W. Davis—Bud to his friends—had a final conference with Judge James E. Horton, who was to preside over the wrangling lawyers with such enlightened impartiality that he won the admiration of neutral observers and even the most radical of the Negroes' sympathizers. At that conference they decided to call upon the National Guard to see that mob spirit did not interfere with the orderly processes of justice.

Sheriff Davis let it be understood that the call for troops was prompted more by a wish to prevent escape of the Negroes from the flimsy old jail [illegible] of trouble from the townsfolk. They were a law-abiding lot, he said, patient and willing for the law to take its course. The Negroes, he said, had nothing to fear from the citizens of Decatur.

So it seemed as the proceedings got under way on March 27 with the defense, led by Samuel S. Leibowitz, New York criminal attorney, calling Negroes as witnesses in the most formidable legal onslaught against the selective jury system of Alabama and the South that the last sixty years of jurisprudence has seen.

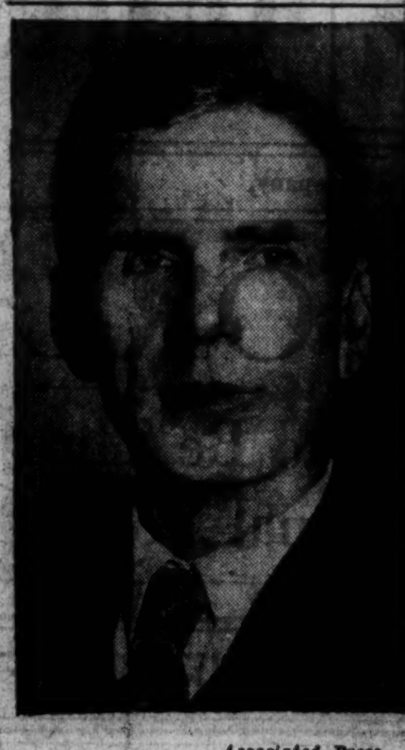
The court room was as quiet and as orderly as a church, even when the New Yorker, after addressing one of his dark-skinned witnesses as "Mr.," questioned the veracity of a white official of Morgan County, who had said that he did not know whether any of the persons whose names appeared on the jury rolls was a Negro. Row upon row of rough-faced, unshaven countrymen in blue denim overalls and cowhide boots chewed their tobacco meditatively, but uttered no sound of disapproval. Their faces were set in hard, unsympathetic lines.

The Judge on the Bench.

Upon the bench sat the lank, raw-boned jurist who was called upon to rule upon questions of law involving in fact matters which he had grown up believing were undebatable. He allowed the defense much leeway—so much in fact that he was criticized privately in some quarters for leaning backward, and newspapers of the South declared in headlines that the time-honored jury system, which is held necessary by many to preserve white supremacy below the Mason-Dixon line, was in greater jeopardy than ever before.

Judge Horton's physical resemblance to the Emancipator, Lincoln was observed and noted. Photogra

PRESIDING JUDGE



Associated Press.

James E. Horton.

termined that if they were not to have the final word in a case that had disturbed the peace and quiet of their community and brought it unwelcome publicity for two years past they wanted desperately to have the case tried by people of their own kind. They were pleased when Judge Hawkins "for reasons of economy" sent the case to Morgan County.

Thus when twelve citizens of Morgan County raised their hands before Judge Horton and swore they would "a true verdict render," they were swimming in strong currents. A complexity of issues intruded upon the plain issue of guilt or innocence of the defendants.

Handicaps of the Defense.

The Negroes were under the natural handicap of appearing as defendants in a case in which a white woman was their accuser. Communist support, though it saved them from the electric chair, at least for a time, was another handicap. There was another. That was the almost unexpressed resentment among many Alabamians at what was considered a rebuff to the Supreme Court of that State, a rebuff that could only be offset by a new conviction, which would be a ratification of the Jackson County jury's verdict, which the State's highest court upheld.

The supposed wealth of the defense, despite the repeated assertions of Mr. Leibowitz that he was serving without a fee, made the hill folk suspicious of the Negroes' defense; led to the charge in open court that its witnesses were "bought and paid for" by "sinister influences" in New York.

The Semitic complexion of the defense led by Mr. Leibowitz and assisted by Joseph Brodsky, an admitted Communist, helped to increase the antagonism of the natives of Decatur toward the Negroes. A common comment of the townsfolk, after a medical exper had been called by the defense t estify that the story told by th Price girl did not gibe with scientific findings, was:

"When a nigger has expert witnesses, we have a right to ask wh is paying for them."

"Real Issue" of Trial.

It remained for Wade Wright circuit solicitor associated wit the prosecution, to lift the curtai on what had become a real issu of the trial. He thundered anathema at the city and city way until the walls of the court hous seemed to shake. He stamped u and down before the jury a though transported in religiou ecstasy, as he summed up the cas for the Southland against th meddlesome East, which had sol slaves at a profit and then taken them away.

"Show them," he shouted, "show them that Jew money from New York can't buy Alabama justice."

Judge Horton told the jury to disregard the inflammatory words, but he could not stop them from appearing in print from one end of the country to the other. Whether the jury did disregard them is a question which the United States Supreme Court may yet be called upon to decide.

Whatever the result of an appeal may be, in all fairness it should be said that Attorney General Knight and many of the more enlightened people of Decatur wish that the earnest young circuit solicitor had prepared a manuscript and submitted it for approval before delivery.

phers gamboled about his court room. Typewriters clattered so that lawyers finally asked him to quiet the din. It seemed as if he scarcely noticed any of it as he rendered his rulings first for one side and then the other, occasionally sending unabashed for law books to look up some moot legal point.

He held—to the surprise of many, after several Negroes had laid claim to the very qualifications laid down in the statute for jury service, and after the defense had shown there were no Negroes on the jury rolls of Morgan County—that Mr. Leibowitz had established a prima facie case of systematic exclusion on racial grounds in violation of the Fourteenth Amendment. The courtroom crowd gasped and frowned. Not long afterward they recovered their composure and faith in the jurist and the orderly processes of law which he represented.

The Jury Board's View.

The State, represented by Attorney General Knight, sharp-faced and sharp-voiced, had to call only one white witness to refute the evidence the defense had offered. Arthur J. Tidwell, President of the Jury Board, testified that while it might be true that only the names of white men were inscribed upon the jury rolls it was not because of any arbitrary discrimination against the African race but merely because he and his fellow-commissioners in the exercise of their discretion had not encountered a Negro fit to serve as a juror when judged by the terms of the statute.

Thus, with the issue one of fact rather than law, since the defense conceded that the Alabama statute fixing the qualifications of jurors was constitutional while contending that it was misapplied by the jury commissioners, Judge Horton rendered his final ruling on a question which agitated the Southland considerably more than the question of the guilt or innocence of the accused Negroes. The court room breathed more easily.

"I am going to deny the motion of the defense," he said. "Let's get on with the trial."

The attack by the defense on a time-honored jury system was only one of the factors which so combined extraneous matters with the main facts at issue—the question of whether two white women were attacked by a dozen Negroes on a freight train—that it is doubtful if any jury of twelve good men and true could have rendered a verdict based solely on the evidence presented to them.

The Trial at Scottsboro.

To understand this fully it is necessary to go back more than two years to the little town of Scottsboro nestling in contented isolation among its beloved hills. There it was that the Negroes were taken by the armed posse, which removed them and their white accusers from a freight train at Paint Rock, a few miles beyond, and lodged them in the Jackson County jail. There, two weeks later, they were tried for their lives, with the result that eight of them were condemned to die in the electric chair.

While their trials progressed the Negroes could hear, welling up from the court-house square, the cheers that greeted the announcement of each verdict of guilty. No witnesses were called in defense of the accused at the hastily ordered trials, and the lawyer appointed by the court to defend them prefaced his defense with a protest to the court against his assignment.

Into this atmosphere, attracted by the publicity that accompanied the Negroes' arrest and conviction, there walked one day, while the trials were still under way, a New York lawyer associated with the International Labor Defense, which is the legal arm of the Communist party. He wired a description of the scene to New York headquarters, and immediately there started a flood of telegrams, couched in the accepted phraseology of Communist diplomacy, demanding protection for the Negroes and holding the officials of Alabama responsible for their safety.

Reds Become Interested.

Whether from pure altruism or a desire to make capital of the plight of the Negroes for organization work among the members of that race, the Communists became as interested in the case as though a member of their own group were under arrest.

Lawyers were engaged and the verdict was appealed. The Alabama Supreme Court, holding that one of the convicted Negroes was a juvenile, ordered a new trial for him and affirmed the death sentences imposed upon seven others. Attorney General Knight's father wrote the prevailing opinion of the court. The case then went to the United States Supreme Court, which last November reversed the original verdicts of guilty, set aside the death sentences and ordered new trials.

On the date set for the opening of the new trials defense attorneys moved for a change of venue, and Judge A. E. Hawkins, after inspecting the affidavits charging fevered prejudice in Jackson County, granted the motion. The defense, seeking a trial of the issues in the urban community of Birmingham, sometimes called the "Pittsburgh of the South," had sought to disqualify all the other county seats in the vicinage.

Through some oversight in drawing the papers Morgan County and Decatur had been overlooked. The people of Jackson County were de

Lynchings - 1933

Legal Punishment for Rape.

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Avon Park, Fla., Times
April 21, 1933

We would make the friendly suggestion to Mr. Liebowitz, the New York lawyer who volunteered to defend the Scottsboro negroes on trial for attacking two white women, that there might be healthier places for him than Alabama in the future. The attorney explained the conviction of the first of his clients to go on trial by a statement to the New York Herald-Tribune; "If you ever saw those creatures, those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it." The members of that jury might not be flattered at Mr. Liebowitz' colorful word picture of them, and his next contact with them might make his opinion of them still less favorable. Judging merely from this uncalled-for and malevolent outburst, there was not a member of the jury who wasn't more of a man and a gentleman than this ill-conditioned, poor losing lawyer, bursting with preconceived prejudices that totally unfitted him for his self-appointed role.

CITIZEN
Dalton, Ga.
APR 13

The Scottsboro Case

Two years ago some girls of questionable character were riding a freight train in Alabama. According to reports they were accompanied by some white boys. At a small station they were set upon by a bunch of negroes who threw the whites off the train and took charge of the girls. These negroes were charged with rape by the girls. The cases were tried and the negroes found guilty and sentenced to be executed. Here the saviors from the north entered the case, and as usual in such circumstances made a mess of it.

It is the same old story, and the results are the same. The "buttinskys" did not receive a warm welcome, and their influence on the jury was what was expected by all who know anything about human nature. It would have been the same had the south, through some of its zealots, sought to interfere with a case in the courts of the north. Meddling with the affairs of other people is reprehensible, and this is especially true when those doing the meddling are radicals who have no regard for right or wrong, but are only interested in tearing down the established order and customs of the people, and establishing in their places their peculiar ideas of how things should be.

The result is that the jury in the second trial of Patterson, one of the negroes, found him guilty. The penalty is death. Another very peculiar circumstance is that one of the girls, who swore in the first trial that she had been attacked by Patterson, after going north and spending some time, returned to the stand in the second trial and swore that she had not been attacked. The question is, did she swear falsely in the first trial or the second one? Certainly she swore falsely in one of them.

At any rate it seems to be an underworld case which has been magnified out of all proportions to its importance.

N. Y. EVENING POST
APR 18 1933

A JUST POSTPONEMENT

It is with the greatest satisfaction that we note the action of Judge Horton in the so-called "Scottsboro cases." He has postponed indefinitely the trial of the second of the nine Negro boys accused of rape upon two white girls. In so acting Judge Horton, whose fairness and dignity have been constantly impressive in this difficult trial, made a most interesting and fitting statement. He first cleared the race-prejudice record for the four Alabama counties that compose his district, taking up the three cases of assaults upon white women by Negroes which have made up the entire court record of that crime for the last twelve years and showing that in two out of the three cases white juries acquitted Negroes. He then quoted from the utterly shameful statement attributed to Samuel S. Leibowitz in the columns of the *Herald Tribune*. It is the one picturing the Alabama jury as "those bigots, whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy.' Judge Horton said from the bench that such a statement, even if not accurately quoted, "must of necessity make impossible any just and impartial verdict to be arrived at at this time. The accused Negro must now be the victim of this statement. His leading attorney would be a millstone around his neck." This is precisely the decision at which dispassionate observers have arrived concerning the intervention of the Communists and their attorneys in the Scottsboro cases. It is refreshing to find a judge with sufficient regard for justice to act firmly in line with it.

NEW YORK TIMES
APR 19 1933

LEIBOWITZ PLANS A NEW COURT TEST

May Seek Ruling by Supreme Bench Before Resumption of Scottsboro Trials.

SAYS "WE MEAN BUSINESS"

"We Will Not Pussyfoot on the Constitutional Question," He Writes to Judge Horton.

Characterizing the postponement of the remaining trials in the Scottsboro case as "undoubtedly a blessing to both sides," Samuel S. Leibowitz, chief counsel for the Negro defendants, informed Judge James E. Horton of Decatur, Ala., in a letter yesterday that he may utilize the opportunity offered by the postponement to bring the case before the United States Supreme Court on the issue of race discrimination. This, it is presumed, will be in the form of an appeal from the conviction of Heywood Patterson, the first of the defendants to be retried and again sentenced to death.

At the same time Mr. Leibowitz declared his belief that Judge Horton, the presiding jurist in the case, was desirous of according the defendants a fair trial and asked the judge's assistance in having the trials of the remaining cases transferred to Mobile, where "the Ku Klux Klan is practically extinct" and where "it will not be necessary for militiamen to protect the entrance to [illegible] town with machine guns against invasion by a band of hooded bigots bent upon murdering the defendants and their counsel."

Disputes Judge's Statement.

In his letter to Judge Horton, Mr. Leibowitz took sharp issue with the jurist's statement that the attack made by Mr. Leibowitz upon Alabamans for their alleged prejudice against the defendants and Negroes in general made impossible a fair trial for the remaining defendants by creating prejudice against them.

Mr. Leibowitz said "the prejudice you refer to was there long before the trials were transferred to Decatur."

"No verdict of any jury has received more universal condemnation at the hands of the enlightened press of the world than the verdict of this jury," Mr. Leibowitz wrote. "Anything said by me by way of criticism of the verdict did not create one-thousandth of the prejudice against this Negro that already existed at the beginning of the trial and that was intensified immeasurably by the conduct of the prosecution and others during the trial.

"The prosecution must now realize that we mean business; that we will not pussyfoot on the constitutional question and that we will fight honorably and diligently for the freedom of nine innocent men. Perhaps with the spotlight of public opinion now focused upon the Scottsboro case they now see that the world will not tolerate the execution of these defendants.

"The Negro as a Chattel."

"The sentiment expressed by many of the unthinking in your State that a Negro is a chattel and that he can be referred to as 'my nigger' just as the master refers to 'my dog' is symbolical of that attitude which excludes worthy citizens from service upon juries solely because their skins are black.

"As for the defense, we are delighted with the postponement because it may give us the opportunity to obtain a ruling from the highest court in our land upon this major issue which means so much to millions of Americans."

The International Labor Defense, the Communist organization which has taken a leading part in the defense, issued a statement yesterday through William L. Patterson, its national secretary, asserting that the basic reason for the postponement of the remaining trials "was solely the tremendous world protest against the lynch verdict handed down against Heywood Patterson."

. EVENING POST

APR 19 1933

LEIBOWITZ GIVES NOTICE OF APPEAL

Writes Judge, Lauding Delay of New Trials, Condemning Attack on Himself

Samuel S. Leibowitz, chief counsel for the Negro defendants in the Scottsboro case, plans an appeal to the United States Supreme Court from the conviction in Alabama of Heywood Patterson, the first of the defendants to be retried and again sentenced to death.

He declared his intention to utilize thus the interim, occasioned by the postponement of the trials of the remaining defendants, in a letter to Judge James E. Horton, who had presided at the Patterson trial. Judge Horton had deferred the remaining trials on the ground that a statement of Mr. Leibowitz in New York describing the Alabama jurors had prejudiced the cases of the other defendants. Mr. Leibowitz called the postponement of the remaining trials "undoubtedly a blessing to both sides."

"The prosecution must now realize," he wrote, "that we mean business; that we will not pussyfoot on the constitutional question and that we will fight honorably and diligently for the freedom of nine innocent men. Perhaps with the spotlight of public opinion now focused upon the Scottsboro case they now see that the world will not tolerate the execution of these defendants.

"The sentiment expressed by many of the unthinking in your State that a Negro is a chattel and that he can be [redacted]to as 'my nigger' just as the master refers to 'my dog' is symbolical of that attitude which excludes worthy citizens from service upon juries solely[redacted]r skins are black."

Mr. Leibowitz took sharp issue with the Judge on his statement that the lawyer's attack on Alabamans for their alleged prejudice against the defendants and against Negroes in general had made a fair trial for the other defendants impossible.

He declared: "The prejudice you refer to was there long before the trials were transferred to Decatur."

"No verdict of any jury," he continued, "has received more universal condemnation at the hands of the enlightened press of the world than the verdict of this jury. Anything said by me by way of criticism of the verdict did not create one-thousandth of the prejudice against the Negro that already existed at the beginning of the trial and that was intensified immeasurably by the conduct of the prosecution and others during the trial."

He asked Judge Horton's assistance in seeking a change of venue for the remaining cases to Mobile, where "the Ku Klux Klan is practically extinct," and where "it will not be necessary for militiamen to protect the entrance to the town with machine guns against invasion by a band of hooded bigots bent upon murdering the defendants and their counsel.' "

N. Y. EVENING POST

APR 17 1933

"OUTDOING ALABAMA"

To the Editor of the Evening Post:

Sir—There is an old European saying which, in a somewhat stilted translation, goes something like this: "They flogged him and they wouldn't let him cry."

In your editorial entitled "Outdoing Alabama" you submit that the radical, Northerner and Jew, Leibowitz, is just as bad as, if not worse than, Alabama at its worst. Why? Because in an interview with a news reporter he spoke his opinion of the jurors in the Scottsboro trial and did so in language which was bluntly unmistakable? The closing sentence of your comment on Leibowitz's statement is, I think, largely rhetorical. Or am I to understand that you really believe, cross your heart, that the remark made by Leibowitz is more vicious, if it may be considered vicious, than deliberately sending a man to death for a crime which it is highly probable he did not commit? Even if Leibowitz is entirely wrong, can his offense to justice in general be compared even remotely with that of Alabama?

But just a minute. Are Leibowitz's words entirely out of order? If they are, then what do you think of Dean Swift, Voltaire and Bernard Shaw, who at one time or another gave the entire world a good, swift kick in the pants? They used the same weapon employed by Leibowitz, and that weapon is ridicule. Can anything be more bitter in its implications than "Gulliver's Travels"? It is all a matter of literary skill and brilliance of expression. Leibowitz, as it is, struck out with a bare fist instead of a gloved one.

There is no doubt that he and his client got a rotten deal in Alabama. It hurts. What would you do, Mr. Editor, if some one let you have it in a very cowardly fashion and you were hurt not only spiritually but physically? I notice you retaliate readily enough in your captions on letters that do not meet with your approval. If you think for a moment that vitriolic words hurt more than actual physical injury, ask that sadistic imbecile who at present is running the show in Germany if his health is rapidly declining. I am afraid it is not. But his victims are suffering terribly, as you ought to know. Would you say that the Jews were worse than Hitler if they protested and in protesting used some pardonably hard words?

One of the things the world needs today is more intolerance of intolerance. With so many economic headaches annoying us, this is no time to pamper bigots. They deserve whatever they get, even if the wounds are inflicted by an ax instead of a rapier. Whether it be Germany, Alabama or anywhere else, give them the barbs of ridicule full in the face, and let them be thankful in the stony kernels loosely called their hearts that, for the time being, they are being punished with nothing more substantial than words.

MITCHELL PARISH.

New York, April 13, 1933.

[Editor's Note: We think that the interjection of the Communists into the Scottsboro case endangered the lives of the defendants as much as did the Alabama prejudice against Negroes.]

Brooklyn, N. Y. Eagle

APR 19 1933

s Scored By Priest, Films Hit by McKe

Mons. Belford Also Urges 'More Recognition' at Brooklynites Dinner

Mons. John L. Belford, pastor of the R. C. Church of the Nativity, last night assailed anti-Negro sentiment in the Scottsboro[redacted] South and anti-Semitism in Germany as "contemptible and inexcusable."

The Catholic priest decried prejudice against Negroes and Jews in an address before 250 business and professional leaders of Brooklyn at the 53d annual dinner of the Society of Old Brooklynites held at the Towers Hotel.

At the same time he hit the "hoggishness" of Manhattan in grabbing an undue share of the city's political plums and civic improvements, declared that a Brooklyn man should be in City Hall and called on Brooklynites to make a concerted drive "to get what we deserve."

Cites 'Bad Influence'

Aldermanic President McKee followed Monsignor Belford with a criticism of the tendency in this country today to shift more and more responsibility on the Government and attacked the movies and modern fiction as a "bad influence" on the younger generation.

McKee sidestepped any mention of the political situation in this city despite the fact that Richardson Webster, first vice president of the society, who acted as toastmaster, said the residents of Brooklyn will not stand for any charter revision that invades borough autonomy.

The Aldermanic President was given a rousing reception when he was presented as 'the man of the hour" and "the man who very many people believe is destined to be the next Mayor of New York City."

'Dodge Responsibility'

"There is too much turning to the Government and giving up responsibility that should be ours," McKee said.

In attacking the movies and present-day fiction he declared "the average boy and girl today is being subjected to a corroding influence that is bound to have an effect on their morals."

In decrying racial and religious prejudice Monsignor Belford attacked any "holier-than-thou attitude" as 'inexcusable in intelligent people" and warned that "the Lord who made us free holds us responsible for the freedom He has given us."

'Fair Trial for All'

"I hope we shall never live to see the day when any individual because of his race, creed, sect or color cannot get a fair trial because some one in power does not like it.

"The nation or the individual that tries to dominate any other person or group of persons because it does not agree with that group's tenets of religion or race is unfit to be a nation or the citizen of a nation."

In deploring Brooklyn's dependence on Manhattan he saw a 'great many inconveniences and privations" under the consolidation of the five boroughs and decried the fact that "we must take second place here because the great wealth is on the other side of the river."

'Treated as Foster Child'

"Brooklyn has always been treated as a sort of foster-child of Manhattan and anything that has been cast off as third or fourth hand has been considered good enough for us," he said.

"If we had anything to say about it I think we would have an entirely different type of person than the Mayor we have today. I don't want to criticize the present Mayor but I think we should have selected a Brooklyn man.

Deplores Borrowing

Monsignor Belford cited reports of more city borrowing and said the "question now is how long we can keep this up and avoid going into bankruptcy."

Former Register Edward T. O'Loughlin and the Rev. Dr. Charles William Roeder, pastor of the Flatlands Dutch Reformed Church and honorary chaplain of the society, also spoke.

Brig. Gen. Sydney Grant, retired president of the society, delivered a brief address of welcome.

Mr. Webster announced that on May 24 the society will sponsor a celebration marking the 50th anniversary of the completion of the Brooklyn Bridge and that on April 8 next year the society will hold a celebration in honor of the 100th anniversary of the establishment of the old City of Brooklyn.

Following the dinner the guests were entertained by May Singhi Breen and Peter De Rose; Robert Simmons, tenor; Erva Giles, soprano; Baby Rose Marie and Herbert Steiner, accompanist.

Seated on Dais

Those on the dais in addition to the speakers were:

Mrs Sydney Grant, Edwin B. Wilson, Miss Sarah E. Campbell, Mrs. Charles William Roeder, Kenneth F. Sutherland, assistant to the Aldermanic President and Democratic leader of the 16h A. D.; U. S. Attorney Howard W. Amell and Mrs. Amell, Henry L. Redfield and Frederic W. Hinrichs.

Committee Members

Arthur Hoffman, secretary of the society, was chairman of the dinner committee for the 14th consecutive year.

Others on the committee were:

Charles C. H. Leopold, James H. Fletcher, Robert H. Haskell, Richardson Webster, Bernhard Klein, Harry Lucas, Hartt E. Esterbrook, Ernest H. Holton, Lee Ennis and H. M. Marks.

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NEW YORK
NEWS

JAN. 9

COLORED BOYS' CASE IS TAKEN BY LEIBOWITZ

Samuel Leibowitz, prominent attorney, announced last night that he had agreed, conditionally, to conduct the defense of eight colored youths in Scottsboro, Ala., recently snatched from death by a United States Supreme Court reversal.

Samuel
Leibowitz

The prisoners were convicted of an attack upon a white woman, a capital offense in Alabama, and were sentenced to die. In the reversal decision a new trial was ordered.

In accepting the invitation to defend the men, Leibowitz made it clear at the outset that he is not in sympathy with the political and economic views of the International Labor defense which has made a cause celebre of the case. He declared he would try it solely on its merits, insisting he would not be involved in any controversy over racial prejudice.

Offers Services Free.

He also informed William L. Patterson, secretary of the International Labor Defense, who extended the invitation, that he would give his services free and would not even permit the organization to repay him for the expenses he may incur.

"If the views I have expressed match yours, then I will accept the task of conducting the defense," he wrote Patterson.

Leibowitz said that he would not discuss the case nor its ramifications.

Calls South Fair.

"I do not believe it has been the desire of the people of the South to deal unfairly with the colored man," he continued. "Customs differ; social usages and points of view are dictated by conditions.

But persons of substance in the southern States have recognized for many generations a moral obligation toward the simple and generous folk whom slavery brought them first as chattels.

"Some of my friends have advised me to take no part in this case. They fear that the defendants have been prejudged; that irrespective of the action of the Appellate Court they are doomed because their skins are black. I cannot partake of that opinion."

Scottsboro Eight Find New Friend

Advertiser
1-9-33

NEW YORK, Jan. 8—(AP)—Samuel Liebowitz, widely known New York criminal lawyer, expressed a willingness tonight to undertake the defense of the nine negroes involved in the Scottsboro, Ala., case.

Montgomery, Ala.

The negroes, eight of whom were convicted on charges of assault and later won new trials on appeal, are scheduled to be retried in March. The case of the ninth defendant ended in a mistrial.

Liebowitz, in a letter to William L. Patterson, national secretary of the International Labor Defense, said that while his political and economic views differed from those of the organization, he was willing to enter the case at the I. L. D.'s request.

Advertiser

The attorney said he would serve in the case without compensation. He added that his first move would be to seek a change of venue.

SCOTTSBORO HEARING IS PUT OFF TO JANUARY 23

Argus 1-20-33

Habeas Corpus Hearing On Which Freedom of Juvenile Is Sought, Is Delayed.

St. Louis, Mo.

DECISION IS AWAITED

Case of One of Nine Indicted Has Important Bearing in Determined Fight.

BIRMINGHAM, Jan. 19—Hearing on a petition of habeas corpus seeking the release of Roy Wright, one of nine colored youths indicted in the Scottsboro-attack case, has been postponed until Jan. 23.

The petition, filed by George W Chamlee of Chattanooga and other lawyers employed by the I. L. D., seeks the freedom of Wright on allegations that he is illegally held because a juvenile. When seized with the other youths March 25, 1931, on a freight train at Paint Rock, Ala., Wright gave his age as 14 years. The prisoners were charged with attacking two white girl hoboes, who were on the train with a gang of white youths.

A jury failed to agree on the punishment for Wright and a mistrial was declared, but the other eight indicted were convicted and sentenced to death. The Alabama Supreme Court reversed the sentence of Eugene Williams, holding he was a juvenile and should be tried in a juvenile court. The U. S. Supreme court reversed the other seven death sentences.

Judge J. P. McCoy postponed the hearing of Wright Monday in Jefferson circuit court. The postponement was agreed on by attorneys.

The Revolutionary Press and the Scottsboro Case

By CYRIL BRIGGS

Daily Worker
1-31-33
New York, N.Y.

THE Scottsboro case presents one of the most dramatic proofs of the absolute indispensability of the Daily Worker in the developing struggles of the toiling Negro and white masses against the misery and hopelessness of the capitalist system and its increasingly murderous terror.

It was the Daily Worker that sounded the alarm when in March, 1931, the landlord court at Scottsboro, Alabama, attempted to rush eight of the nine innocent Scottsboro Negro lads to the electric chair, at the same time paving the way for a living death of life imprisonment for the ninth boy, 14-year-old Roy Wright. It was the Daily Worker that smashed through the conspiracy of silence of the capitalist press and the Negro reformist leaders of the National Association for the Advancement of Colored People. It was the Daily Worker that rallied the white and Negro masses behind the International Labor Defense and the League of Struggle for Negro Rights for a vigorous mass defense of the nine child-victims of capitalist justice, framed up on a lying charge of "rape."

The mass fight has won several tremendous partial victories. The Negro and white workers, in joint struggle, have four times forced back the outstretched murderous claws of the Alabama ruling class, have four times forced the lynch courts of the United States to set back the date of execution. The mass fight forced the U.S. Supreme Court to reverse the lynch verdicts last November and to order new trials for the boys. These great partial victories could not have been achieved without the daily leadership, agitation and constant vigilance of the Daily Worker, expressing in its news articles and editorials the clear line of the Communist Party in the fight to free the Scottsboro boys, in the fight against ruling class terror, against national oppression of the Negro People and against all attempts to split and divide the working class and disrupt the mass fight which, life itself teaches, alone can free the Scottsboro lads and other Negro and white victims of capitalist class justice.

The Scottsboro boys are still in danger. The U.S. Supreme Court verdict returned them for new trials to the Scottsboro court which originally rendered the lynch verdicts. The mass fight must be intensified and broadened out to draw in new sections of the working class, new sections of intellectuals and all elements opposed to the brutal persecution and oppression of the Negro People. In this fight and other defense campaigns the Daily Worker is absolutely indispensable.

* * *

PRECISELY because the Scottsboro Case is an expression of the horrible national oppression of the Negro masses, any real fight for the Scottsboro boys must necessarily take the character of a struggle against the whole brutal system of landlord robbery and imperialist national oppression of the Negro people. The struggle for the Scottsboro boys and for Negro national liberation is thus a direct menace to U. S. imperialism, directed against its weakest link: the existence of a brutally oppressed and resentful nationality, at the very heart of American imperialism.

This explains the viciousness of the attacks on the Scottsboro defense, the police attacks on white and Negro workers demonstrating for the freedom of the Scottsboro boys, the deportation of militant foreign-born workers (Yokinen, etc.) who rallied to the defense of the Negro people.

This explains the frantic mobilization by the imperialists of all their corrupt agents in the ranks of the working class and the Negro people: the Norman Thomases and

Heywood Brouns, the Walter Whites and William Pickens. This explains the attempts of the U. S. State Department to disrupt the European tour of the Scottsboro Mother, Mrs. Ada Wright, and the late J. Louis Engdahl—their arrest by "socialist" and capitalist police chiefs in many European cities, their deportation from Belgium, Czechoslovakia and other countries.

This explains the vicious attacks by the authorities of the State of Georgia and the bosses and their agents throughout the country on the growing unity of the white and Negro workers, which is being forged under the leadership of the Communist Party in the Scottsboro struggle, as well as in the mounting resistance of the toiling masses to the bosses' program of hunger, fascist terror and imperialist war.

The Daily Worker is the weapon of the whole working class and of the Negro people in the fight against the rapidly worsening conditions of the toiling masses, in the fight against starvation and national oppression. Rally to the support of the Daily Worker! The Daily Worker must be saved from suspension! Rush funds at once! Mobilize your organizations, your clubs, etc., for immediate aid to the Daily Worker!

ACCUSER OF NEGROES DENIES REPUDIATION

Constitution

1-26-33

HUNTSVILLE, Ala., Jan. 25.—(AP)—Miss Ruby Bates, 22 years old, textile operative and one of the accusers of the nine negroes in the Scottsboro case today reiterated previous denials that she had written a letter repudiating the testimony given in the trials in April, 1931.

"I didn't write any such letter, and I don't know who did," the girl hotly declared when questioned today.

Chief of Police H. C. Blakemore said the letter in question which was taken from Danny Dundee, a pugilist, the night of January 5, 1932, had been sent to court officials in Birmingham, where habeas corpus proceedings are pending in behalf of Roy Wright, 14, one of the nine defendants.

Atlanta Ga

The girl signed an affidavit January 6, 1932, repudiating the letter and declaring if she had signed such a document "it was when I was so drunk I did not know what I was doing." She reiterated her testimony against the negroes was true.

$10,000 Fund Sought For Scottsboro Defense

1-23-33

NEW YORK, Jan. 22.—(AP)—The International Labor Defense set out today to raise within the next month a $10,000 emergency fund for the defense of the negro youths involved in the Scottsboro, Ala., case. Contributions were asked in a nationwide appeal. The defendants ranging in age from 14 to 21, are to be retried in March on charges of attacking two white girls.

SCOTTSBORO VICTIM DENIES 'CONFESSION'

Girl Assaulted By Negroes Says She Did Not Repudjate Testimony

Advertiser

1-26-33

HUNTSVILLE, ALA., Jan. 25—(AP)—Miss Ruby Bates, 22-year-old textile operative and one of the accusers of the nine negroes in the Scottsboro case, today reiterated previous denials that she had written a letter repudiating the testimony given in the trials in April 1931.

"I didn't write any such letter, and I don't know who did," the girl hotly declared when questioned toay.

Police Chief H. C. Blakemore said the letter in question, which was taken from Danny Dundee, a pugilist, the night of Jan. 5, 1932, had been sent to court officials in Birmingham where habeas corpus proceedings are pending in behalf of Roy Wright, 14, one of the nine defendants.

Montgomery Ala

The existence of the letter was brought out before Judge John P. McCoy in Jefferson Circuit Court last Monday, by Irving Schwab, one of the negroes' attorneys employed by the Internationational Labor Defense. He said the letter "repudiated" the testimony of the Bates girl.

Dundee at the time the letter was found on his person, signed an affidavit in which he accused an attorney of hiring him to obtain the letter. Dundee's affidavit said he got the girl drunk and forced her to sign the letter, stating that she had testified falsely against the negroes.

The letter was addressed to "Earl Streetman."

The girl also signed an affidavit Jan. 6, 1932, repudiating the letter and declaring if she had signed such a document "it was when I was so drunk I did not know what I was doing." She reiterated her testimony against the negroes was truc.

The attorney named by Dundee later was absolved by an affidavit by George Proctor, of New York, who said he was a writer and had employed Dundee to obtain information on the character of the two girls involved in the case but denied instructing Dundee to get them drunk.

Seven of the nine negroes indicted for an alleged attack on Miss Bates and a girl companion aboard a freight train near Paint Rock on March 25, 1931, are facing retrial at Scottsboro in March. Death sentences imposed on the seven in their first trial at Scottsboro were set aside by the U. S. Supreme Court last November.

Scottsboro Boys Framed, Girl Admits In Signed Statement

1-26-33

BIRMINGHAM, Ala., Jan.—A letter written by Ruby Bates, upon whose testimony of "rape" the Scottsboro boys were railroaded to lynch-verdicts, and which categorically denies all the charges she made in the lynch-court, was produced in court here Wednesday at the hearing on a writ of habeas corpus for the release of Roy Wright youngest of the boys.

Philadelphia

The hearing, in a courtroom crowded with Negroes, while hundreds more stood in the corridors and street, was adjourned when the court refused the demand of Gen. George W. Chamlee and Irving Schwab, International Labor Defense attorneys, to order Solicitor-General Thomas E. Knight to come to court to testify. Knight said he was "too busy". The hearing will be resumed Tuesday, January 31.

Mrs. Ada Wright, mother of Roy Wright, and his sister, Beatrice Maddox, were in court, to testify as to his age. Ruby Bates herself was also present, as was Chief of Police Blackmore of Huntsville, whb was forced to give up Ruby Bates' letter.

Police Forced Girl to Lie

The letter, examined by the I. L. D. attorneys, contains startling disclosures. The police forced her to lie with threats of keeping her in jail, and lodging charges against her, Ruby Bates wrote.

None of the Scottsboro boys ever touched her, the letter says categorically. In this letter, written to Earl Streetman, Ruby Bates tells of her remorse for her testimony which assisted in obtaining death-verdicts for the boys. She repeats again and again that the whole case was a frame-up, and that this letter is "the Gods truth."

The letter was impounded by the court and filed in the clark's office upon motion of the I. L. D. attorneys, who were denied the right, however, to obtain photostatic copies before the reopening of the hearing, and at the hearing would make a fight to obtain possession of the letter itself.

Continue Effort to Lynch Boys

This letter knocked the last legal props from under the prosecution's frame-up of the nine innocent Negro boys. The attitude of the prosecution, however, and the maneuver of Knight in obtaining an adjournment of the hearing, indicates that the southern boss lynchers will continue their effort to legally lynch the boys.

SET SCOTTSBORO TRIAL FOR MAR. 6

Daily Worker

I. L. D. to Demand a Change of Venue

2-15-33

BIRMINGHAM, Ala., Feb. 14.—The new trial of the nine Scottsboro boys has been set for March 6, in Scottsboro, before Judge Alfred E. Hawkins, who presided over the original lynch trials which resulted in death-penalties for eight of them, it was learned today.

On that day General George W. Chamleee, Samuel S. Leibowitz, Joseph Brodsky, and Irving Schwab, International Labor Defense attorneys, will appear in the court to demand a change of venue from the town in which the local band played "There'll be a Hot Time" while the jury sanded down its hideous lynch verdicts of death against the innocent boys in April, 1931, to Jefferson County, which is the city of Birmingham, Ala.

Scottsboro Case Trials Are Reset

Advertiser

2-21-33

Knight Advised 7 Negroes Must Appear March 6 Before Judge Hawkins

New trials granted seven negroes convicted at Scottsboro, Ala., of criminally assaulting two young white women, and given the death penalty, are set to take place at Scottsboro during the week beginning March 6, Atty. Gen. Knight has been advised by Circuit Judge A. E. Hawkins. The crime of which the defendants were found guilty occurred last March.

Atty. Gen Knight will personally prosecute each of the cases for the State, in the Circuit Court, he said yesterday.

Whether the trials will actually take place in Jackson County, is not yet definite, however, as counsel for the negroes have stated a change of venue will be applied for. Such application will have to be made to Judge Hawkins, the trial judge, and he can grant it or not, at his own discretion, it is understood.

If he grants it then the trials will take place in some other county and jurisdiction in the State, designated by him. If he denies it, the trials will proceed at Scottsboro, as the matter of his refusal of a change of venue can be taken up only on appeal of the cases or any of them, to a higher court, it was learned.

Same Counsel Likely

Though there has been no announcement from the defense as to who will represent the seven negroes at their second trials, it is presumed that this defense will consist of the array of counsel retained in behalf of the negroes by the International Labor Defense that appeared for the defendants when the cases were presented to the Supreme Court of Alabama on appeal, following the original convictions, George W. Chamlee, of Chattanooga, Tenn., with Irvin Schwob, of New York, are included in this array.

The seven negroes convicted and sentenced to death after they were found guilty of the assaults on the white women, are Haywood Patterson, Charles Weems, Clarence Norris, Ozie Powell, Willie Roberson, Andy Wright, Olin Montgomery and Eugene Williams. All took appeals to the Supreme Court of Alabama, which affirmed judgments of the trial court in all cases except that of Eugene Williams. This case was reversed and remanded, Williams being held a juvenile.

Trial of a ninth defendant, Roy Wright, resulted in a mistrial, and he was later removed from Scottsboro to the Jefferson Conunty Jail in Birmingham, where he is now confined. An effort to obtain his release recently through a habeas corpus proceeding was unsuccessful, the Jefferson Circuit judge sitting in the case holding he was without jurisdiction to act and that jurisdiction rests solely with the Circuit Court of Jackson County.

Montgomery

Action Fails To Materialize

A reported similar effort to bring about the release of Eugene Williams, through a similar proceeding filed in the Montgomery Circuit Court, did not materialize.

After the affirmance of the cases on appeal by the Supreme Court of Alabama, with the single exception referred to, appeals were taken in all other cases to the Supreme Court of the United States. Judgment of reversal was subsequently rendered by that tribunal and the new trials ordered that are now set for the first week in March. Reversal by the U. S. Supreme Court was on the ground of error by the trial judge in appointment and assignment of defense counsel.

Through the International Labor Defense and other radical organizations, cases of the negroes convicted at Scottsboro were given international publicity, and thousands of telegrams regarding them were received by Gov. Miller from various parts of this country and the rest of the world.

While the appeals were pending in the Supreme Court of Alabama, many such messages were delivered to members of that body and when these appeals were about to be submitted Chief Justice John C. Anderson took occasion to publicly denounce these attempts to influence the court, as highly improper.

Both before the Supreme Court of the State and the Supreme Court of the United States, the State of Alabama was represented on submission of the appeals, by Atty. Gen Knight.

When the Nation's highest court rendered its final decision on the appeals, a demonstration of radicals was attempted at the national capital, but was broken up by police.

All of the negroes convicted, with the exception of Roy Wright, who is in jail at Birmingham, are confined at Kilby Prison.

Lynchings-1933
6
Legal Punishment for Rape
6

Alabama

4164

SCOTTSBORO CASE EYEWITNESS WILL AID PROSECUTION

Journal 6-25-33

Montgomery, Ala., June 24.—(AP)—Orville Gilley, of Guntersville, Ala., a much discussed figure in the "Scottsboro case" has returned to Alabama and has given Attorney General Thomas E. Knight Jr., an affidavit purported to corroborate the story of Victoria Price.

Gilley was one of seven white boys aboard the train on which Mrs. Price alleged she and Ruby Bates were attacked, and was an eye witness to the occurrences.

Gilley was with Attorney General Knight and his assistant, Thomas E. Lawson, at Decatur on Thursday shortly before Judge James E. Horten at Athens set aside the sentence of death imposed on Heywood Patterson April 9.

Attorney General Knight informed the court that the state was ready to begin new trials at once, and has since indicated that the state would proceed as planned to try the other defendants.

Thomas Heflin, former United States senator, yesterday wired Attorney General Knight he would be glad to volunteer his services in having Judge Horton removed from jurisdiction in the case, and "having another judge appointed to try the Scottsboro Negroes."

Death Sentence Set Aside in Scottsboro Negro Case

Chicago Tribune 6-23-33

Athens, Ala., June 22.—[Special.]—The second death sentence imposed upon Heywood Patterson, one of nine Negro defendants in the Scottsboro rape case, which has received world-wide attention, was set aside today by Judge James E. Horton, who also granted Patterson a new trial. Judge Horton declared that in the last trial the testimony of Mrs. Victoria Price, a white woman who said she was attacked in a freight car by the nine Negroes, was not corroborated and bears on its face indications of improbability and is contradicted by other evidence."

The Scottsboro conviction was reversed by the United States Supreme court, which said the seven Negroes who were convicted had not received a fair trial. Two had been turned over to juvenile authorities. In the second trial, in which Patterson alone was the defendant, a second conviction was obtained here in Athens and again the death penalty was decreed.

Gives Reasons for Decision.

"History, sacred and profane, and the common experience of mankind teach that women of the character shown in this case are prone for selfish reasons to make false accusations both of rape and of insult upon the slightest provocation, or without even provocation, for ulterior purposes," Judge Horton said in rendering his decision.

"These women are shown, by the great weight of evidence, on this very day before leaving Chattanooga to have falsely accused two Negroes of insulting them. The tendency on the part of the women shows them to be predisposed to make false accusations upon any occasion whereby their selfish ends may be obtained."

The other woman in the case was Ruby Bates, also white, who in the first trial testified she was assaulted along with Mrs. Price. The two women were riding in a box car with the nine Negroes. In the second trial Miss Bates came here from New York, wearing fine new clothes, and denied that she was attacked in any way by the Negroes.

Early Trial Date Requested.

Thomas E. Knight Jr., attorney general of Alabama, who prosecuted, asked the court to set an early date for Patterson's new trial. He said the state is ready now to proceed with the third trial of the Negro, the ultimate outcome of which is expected to determine whether the others shall be retried or the charges dismissed.

"Constitutional law still prevails in Alabama,'" said George W. Chamlee Sr. of Chattanooga, one of defense counsel, when the court set aside the verdict.

"There are still just judges in Alabama," said Osmond W. Fraenkel of New York, another defense counsel.

The first trial, which the Supreme court of Alabama held to have been fair and proper, was followed by a cry of "lynch law" from defense lawyers. The cry was taken up by radicals all over the country and a considerable defense fund was raised. The defendants have been held in jail in Birmingham for safe keeping.

Judge James E. Horton

EVERY lover of justice and fair play of all races, nationalities, and creeds was thrilled beyond description by the good news that Judge James E. Horton, the presiding judge in the Heywood-Patterson case recently tried in Decatur, Ala., had set aside the guilty verdict brought in by the jury, thus opening the way many thought closed for saving the life of Heywood Patterson and others charged with him of the same crime. It also shed a bright beam of light on the dark shadows of this famous Scottsboro case and revived the faith growing weak of many believers in America's sense of justice as practiced in Alabama. The judge's decision emphatically confirmed our belief expressed in another editorial that a solution of such problems as arose in the Scottsboro case can be found in the communities where these alleged crimes are committed.

We beg to disagree with some of our editorial writers in our great weeklies who try to take away from Judge Horton the honor, praise, and apprecication due him in his most courageous decision in this case. The *Pittsburgh Courier* has the following to say concerning it:

"In the midst of general jubilation over the judge's decision and congratulations of him for his courage and fairness, it is well to point out that his action was the lesser of two evils, from Alabama's standpoint. The New York *Times* significantly states: 'Judge Horton's ruling today will prevent a review of Alabama's jury system by the higher courts, as it removes the necessity for an appeal.' In other words, Alabama's jim crow jury system is far more precious to the white people of that state than the life of Heywood Patterson. It can be confidently expected that when Patterson is tried again, as he will be, certain steps will be taken by Alabama to forestall attacks on its jury system while seeking to convict Patterson. Already Orville Gilley, the only white witness to the alleged rape, has been 'found' and will testify for the state against the nine Negroes."

In the first place, what does the New York *Times* know accurately about Alabama's point of view in this matter? The statement itself of the *Times* is erroneous and is hardly worth noticing. Alabama's jim crow jury system can become the subject of review by the higher courts at any time and in any case appealed for the purpose. Again, does not the statement that "Orville Gilley has been found," point toward the editor's belief in the future conviction of Patterson by corroborated evidence to be furnished by him? Will not this possible conviction be subject to appeal? And, in said appeal, will not the jim crow jury system of Alabama become subject to review by the higher courts? The only plausible explanation of the statement is that it is manifest communist propaganda. The editor of the *Courier* gives the secret away when he follows up these insufficient reasons with the urgent exhortation that "money will be needed yet to push the defense of Patterson by the International Labor Defense." The truth of the whole matter is:—The International Labor Defense has made a propaganda and financial racket out of this Scottsboro case, seriously endangering the life of those boys and making their acquittal almost impossible, had it not been for the independent spirit of Judge Horton, who was courageous enough to do justly in a case which had been badly muddled by these propagandists. We too are to be blamed because we so easily allow our love for being duped and humbugged to blind the eyes even of our seers who ought to know better. We cannot afford to permit our race to be a cat's paw for these communists. If here be virtue in their contentions, let them put them directly before the American people. We, economically and socially on the ragged edge of things, are certainly poor instruments with which to effect a reform movement so revolutionary, no matter how virtuous, as that advocated by the communists.

Furthermore, why seek to impugn the motives of Judge Horton, who of his own volition and conviction, against the sentiment of his community and the verdict of the jury of his fellow citizens, put his judgment against that of twelve jurymen backed by public sentiment and race prejudice in a matter in which the whole white race is very sensitive? Why seek to detract one iota of the glory, honor, praise, appreciation, and gratitude from this judge who believed like we did that Heywood Patterson was not guilty as charged because the evidence of his guilt was not sufficiently corroborated; and was bold, daring, and courageous enough to believe as we believed and express it clearly as he does in the text of his decision?

Such action on our part would be worse than the mob spirit prejudice which convicted Heywood Patterson and those charged with him with the same crime, and has caused the shadow of death to hang over their heads two full years. To fail to accord to Judge Horton the honor and praise and appreciation due him, would be an unpardonable sin against the spirit of justice and fair play which as a race, sinned against so often ourselves, we cannot afford to commit. The fact is, a notable deed has been done. What does it matter if this good man and noble deed have come out of an unexpected Nazareth? That is an asset rather than a liability. The truth of the matter is that in Judge Horton we have found a truer friend than our propagandists from New York, and Judge James E. Horton, of Athens, Ala., by this expression of courage, backed by high character, has won for himself a place and a name among America's truest and noblest sons. The whole race owes him a debt of gratitude which we cannot afford to permit to remain unpaid at least by our sincere praise and appreciation and gratitude.

Defender
7-22-33
Chicago
Ill.

London Citizens Protest in Scottsboro Matter

LONDON, July 21.—Interest in the infamous Scottsboro case in the United States continues to hold the spotlight of the world. Recently a group of men and women of both races assembled and marched to within a block of the American embassy, where they were halted by the police.

Officers informed the marchers that only one of them would be permitted to go to the embassy, whereupon R. Beresford Gale was selected to present a petition to the ambassador to be forwarded to President Roosevelt. The following resolution was presented:

"A petition to Franklin D. Roosevelt, president of the United States of America for justice in the Scottsboro case.

"We, Negroes, who are residents of London, England, petition that you, as president of the United States, use all your powers to see that justice is done by insuring that these nine boys get a fair trial."

Several hundred persons signed the petition. A high official at the embassy received Mr. Gale and assured him the petition would be given to the ambassador as requested.

Talladega, Ala. Home
(2 23/6/33

Judge Horton, who presided at the trial in which Haywood Patterson, one of the negroes in the "Scottsboro Case" was convicted, has ordered a new trial because "the evidence greatly preponderates in favor of the defendant." Now that the judge has taken this action it is to be hoped that the negro's retrial may be made in the courts, and not on soap boxes and communist halls in New York and other large cities. The defendant's lawyers, who have thus seen that Alabama courts are fair, should unite in aiding the state to see that the next trial is orderly and free from prejudice.

Daily Worker
New York

NEW SCOTTSBORO TRIALS MAY HAVE KU KLUX JUDGE

7-12-33

I.L.D. Learns Callahan Likely to Preside

NEW YORK, July 11.—If Judge James E. Horton refuses further to consider the Scottsboro case, the retrial of Heywood Patterson will be thrown into the court of Judge W. W. Callahan, of Morgan County, one of the most notorious Negro-baiters and Ku Klux Klansmen in Alabama, it was learned today by the International Labor Defense.

Judge Horton's decision was seen by William L. Patterson, national secretary of the ILD, as a maneuver to accomplish more skillfully the lynch purposes of the white landlords of Alabama, led by Ex-Senator Tom Heflin and Attorney General Thomas E. Knight.

Judge Horton's decision to grant a new trial, and his statement that the "evidence preponderates in favor of the defendant" is seen by William L. Patterson, national secretary of the International Labor Defense as a means to lull the masses into a sense of security, halt the mass protest, and create the illusion that the Alabama courts can be relied upon.

At the same time, Judge Horton is scheduled to plead that this same decision disqualifies him from further participation in the case, throwing it into the hands of Judge Callahan, who has no such statement of the innocence of Heywood Patterson to support, and who will proceed more ruthlessly with the legal lynching.

Under these circumstances, the ILD pointed out, intensification of mass pressure in meetings, telegrams, resolutions and letters of protest, demanding the immediate, unconditional release of the boys, is imperative.

Protests should be addressed to Governor B. M. Miller, at Montgomery, Ala.; Attorney-General Thomas E. Knight, also at Montgomery, and to Judge James E. Horton, Athens, Ala.

(Lafayette, Ala., Sun)
June 28, 1933

(1)

JUDGE HORTON'S DECISION

Judge Horton's decision in granting a new trial for Patterson in the only Scottsboro case tried at Decatur came as a shocking surprise to those who have been keeping up with the record in the case, especially since Horton was the trial judge and permitted the testimony which now furnishes the technicalities for a new trial.

That part of Judge Horton's ruling that appeared in the daily papers furnishes one with enough evidence that the court wanted to argue the case in favor of the defendant rather than pass on the merits of it. The court is placed in somewhat delicate situation over this ruling and it will be difficult for him to explain this unusual procedure.

This newspaper is concerned only with the merits of that case and all others. It is possible that Judge Horton's ruling was right, but it's up to Judge Horton to be more explicit for people to have that opinion and the facts.

MALONE, N. Y.
TELEGRAM
JUN 28 1933

A Victory for Justice

Every fair minded person must approve the action of Federal Judge Horton in Alabama in setting aside the conviction of Haywood Patterson, one of the nine Negroes accused of assault in the now famous Scottsboro case. It is a simple fact that the guilt of these men was not proved and that the last trial of Patterson was a travesty on justice. It will be recalled that at this trial one of the two women who brought the assault charges completely reversed her story, admitted that the whole thing was a "frameup" and that she had been induced to tell the truth after conferring with a New York clergyman. The other woman stuck to her story of the assault, and it was her story that the jury of white men believed.

Eight of the nine Negroes were convicted at their first trial, but the Supreme Court of the United States set aside the convictions and ordered new trials on the ground that the prisoners had not been properly defended. Patterson was the first to be retried. The unfortunate injection of Communistic activities into the case and bold attempts to stir up racial prejudice worked to the disadvantage of the accused man. It was alleged that groups interested in the man's defense were also trying to foment trouble among the Negroes in the South. Under the circumstances, a trial strictly on the merits of the case was impossible.

Judge Horton, who was roundly criticized by the defending attorney, has now taken the right course in insisting on a new trial. More than the guilt or innocence of these particular men is at stake; the question is whether or not a fair trial for Negroes accused of this crime is possible in the deep South.

HORTON ORDERS SCOTTSBORO NINE TO STAND TRIAL

Daily Worker

I. L. D. Urges Protests Throughout Country

7-27-33

ATHENS, Ala., July 26. — Judge James E. Horton yesterday set a new trial for Haywood Patterson and the other innocent Negro boys for the October term of his court.

New York, N.Y.

NEW YORK, July 26.—"The decision and announcement of Judge Horton setting the date for new lynch-trials of the Scottsboro boys is proof that in making the concession to mass pressure of granting Haywood Patterson a new trial, Horton, together with Attorney-General Thomas E. Knight and ex-senator Tom Heflin, maneuvered to take the best advantage of even this concession to railroad the Scottsboro boys to the electric chair," William L. Patterson, national secretary of the International Labor Defense, said today.

"This setting of trials for the Scottsboro boys, when he has admitted that they are innocent, proves Horton's determination to legally lynch them. It was in his power to free them.

"Only a tremendous increase in the mass pressure which has suffered a lull under these illusions, can save the boys."

Alabama

Lynchings-1933

Legal Punishment for Rape.

4165

DENIES SHE FEARED TO GO TO DECATUR

White Girl Says Only Her Condition Kept Her From Third Trial

Kansas City

NEW YORK. — As the Scottsboro boys for the third time wage a court battle for their lives down in Decatur, Ala., Ruby Bates, white alleged attack victim who from the witness stand during the second trial last spring established the youth's innocence, is also fighting for her life on a hospital cot here following a critical operation performed Friday, November 24.

Ruby Bates, who was waiting near New York for her deposition to be taken by a New York lawyer for use in the Decatur trial Thursday notified the International Labor Defense that her physical condition had become such that she had been obliged to go to a hospital. There, an examination by specialists made it evident that an immediate operation was a matter of life and death.

"I'm Not Afraid"

Ruby Bates was operated on early Friday morning. Physicians in charge could not pronounce her out of danger, Friday night.

Thursday night, in the presence of a representative of the International Labor Defense, Ruby Bates told a reporter of her arrival in the hospital and the operation she expected.

"I knew about my condition, but I didn't tell anybody just how bad it was, until I was forced to come to the hospital," she said. "I wanted to keep on fighting for the Scottsboro boys actively.

"Then when I realized I'd have to be operated on, I came here, and notified Mr. Paterson of the I. L. D.

"You know I was forced to testify against the boys in the first trial. I told the truth at the last trial in Decatur, because I didn't want these boys to die on account of a lie I told. I have received threats that I will be lynched if I return, but in spite of that, if it were necessary, and if I were able, I would go back and testify in Decatur. I would be afraid, because I know they are after me. But if I could, I would go.

"I just have heard that Knight will put Orville Gilley on the stand to testify against the Scottsboro boys, in this trial. I know they have filled him full of lies. They kept him in jail with us in Scottsboro, but they never dared put him on the stand. I wish I could go back to answer his lies, but I can't. And it isn't because I'm afraid. That wouldn"t be enough to stop me."

Writes To Workers

As the reporter was leaving her bedside she called him back:

"Do all you can for the Scottsboro boys," she said. "I did my best while I was able ...."

She was weak, tired. It was obviously an effort for her to talk but she smiled gamely, and gave a firm handshake.

Before she went on the operating table, Friday, Ruby Bates propped herself up in bed to write this letter to all workers, Negro and white, fighting for the freedom of the Scottsboro boys:

Dear Friends:

I am confined in bed and cannot help the way I want to help save the nine innocent boys in Decatur, Ala.

The only way I can help them while I am confined here is to send my greetings and best wishes to them through newspapers. Whether they get the news I don't know, but friends, I will give my life anytime to see these boys free and back in the ranks of the working class.

So, friends, I appeal to you, both Negro and white, to take up this struggle and at the present time take my place to save these boys.

My last appeal is, please don't let the Scottsboro boys die.

Yours truly,
RUBY BATES.

NEGROES FACE STARK TERROR

Decatur's 1,300 Black Citizens Gripped by Fear of Trouble

11-29-33

DECATUR, Ala., Nov. 27.—Terror—stark terror based on bitter experience—grips the Negro population of this town as the third trial of Haywood Patterson, Scottsboro defendant, progresses here.

"Decatur," to use the exact words of the first person interviewed by the writer on his arrival, "is sitting on a keg of dynamite—no, of nitroglycerine—and the least spark, a careless word, a street fight, a swallow of liquor, might set off an explosion which may endanger the lives of every Negro in this town."

These are not idle words. And no one knows it better than Decatur's colored inhabitants who during the last six months have lived through a reign of terror which will rival anything in our modern fiction of oppression and intimidation.

The Palm Sunday decision, condemning Patterson for the second time to death in the electric chair, was scarcely six weeks old when the white lawless element in this town, angered no doubt by the universal wave of resentment directed against that infamous verdict, turned and struck against the defenseless Negro residents of this couity seat.

The old story. A Negro was accused of rape. The sheriff arrested the suspect and spirited him out of town. And carloads of bloodthirsty whites descended on the Negro section. A boy was returning home from work. One of the cars swerved toward the curb. A full charge of buckshot tore the youth's face away and ended his life before he had a chance to even look up. Down the street, another shotgun bellowed forth its deadly charge. Another youth, more fortunate than the first, stopped dead in his tracks behind a sheltering tree and turned and fled. A gaping hole in this same tree today bares mute testimony of the deadly intent of his assailant.

Professional Man Flees.

11-29-33

That was the beginning. Since then the cold [illegible] terror has gripped the heart of almost every substantial Negro citizen in town. One, a professional man, has been forced to flee for his life. Several others, who figured either directly or indirectly in the previous trials have been warned that they must get out. Rumor has it that twenty-seven leading Negroes have been marked for death. A man who pleaded for funds for the Scottsboro boys while visiting Chicago, has been visited and warned to leave town.

Rumors fly so thick and fast that it is impossible to hear them all. And in their homes, these God-fearing folk remain many not daring to appear on the streets at night, awaiting a doom which may descend any minute.

Fight back? How can they? No many of them ever owned guns. Most of those who did have been forced to pawn their weapons or sell them for food in these hard times of depression. Buy more now? Impossible in Decatur—even if the money was available. Flee? How? That too takes money. And it is not easy to leave a home for which you have slaved your whole life. Besides, Decatur was not always so.

So. while the world looks on and hopes for the best where seven black souls are concerned, 1,300 equally innocent persons look on also and pray for their own deliverance from a danger not of their own making.

PATTERSON FACES HOSTILE ALL-WHITE JURY AS TRIAL OPENS IN DECATUR, ALA.

Daily Worker

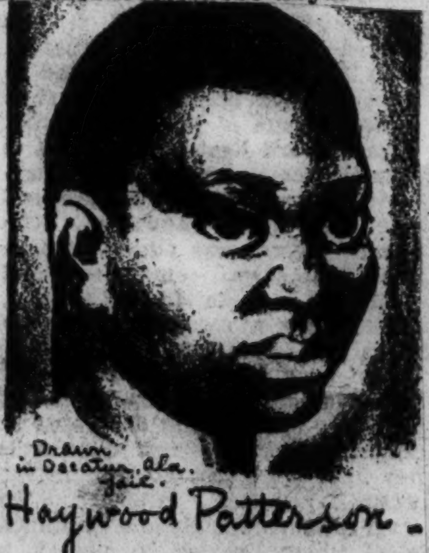
11-28-33

Judge Callahan Hampers Defense Questioning of Victoria Price; Refuses Plea for Time to Get Affidavit of Ruby Bates

By JOHN L. SPIVAK

(Special Correspondent to the Daily Worker)

DECATUR, Ala., Nov. 27.—For the third time in his 22 years, Haywood Patterson today faced a lily-white jury in the Morgan County court house here in another desperate struggle waged by the International Labor Defense, seeking to save his life and the lives of the eight other Scottsboro boys.


Drawn in Decatur, Ala. Jail.
Haywood Patterson.

Heywood Patterson, one of the nine innocent Scottsboro boys, who went on trial before Judge Callahan in Decatur, Ala., for the third time yesterday.

"God be willing, I'll finish this case by Wednesday night," Judge W. W. Callahan announced, as the case got under way in the stifling court room, crowded with jury panel and their friends and relatives. For the first time since the preliminary hearings began last Monday, the section reserved for Negroes was filled. At the foot of stairs leading to the court room, two deputies kept scores of spectators away by stretching a rope across the stairs. The atmosphere is so far, peaceful, although armed deputies patrol the corridor and frisk everyone entering the court.

Immediately after court opened, Leibowitz asked Judge Callahan to allow his two "assistants, Harold Fox and Tiney Daley," Leibowit's bodyguards to sit at the defense table. Callahan looked at the two "man mountains" and announced his refusal. Permission for them to sit in the front row was also refused.

Sheriff Davis then called the list of the prosecution witnesses. Hardly any answered to the call. Judge Callahan irritably comments on the lack of State witnesses. Sheriff Davis declares that many defense witnesses called are not to be found. Leibowitz asks the court to issue a body attachment for Mrs. Jack Tiller, who refused to appear to testify.

"Mrs. Callie Broochi" is called by defense as witness. "Couldn't be found," declares Sheriff Davis. Callie Broochi is a fiction character of Octavus Roy Cohen's Saturday Evening Post stories. At the last trial Victoria Price swore that she and Ruby Bates spent the night at Callie Broochi's house in Chattanooga before boarding the freight train from which the Scottsboro boys were taken.

The regular venire panel is then called from an almost filled court room. The prospective jurors line up before Judge Callahan. Men in overalls, store suits, bespectacled, marked by lined faces and gnarled hands.

Daily Worker

Out of a panel of 100 [illegible] prospective jurors, [illegible] four ask to be excused. All the others seem anxious to sit in judgment on the nine Negro lads. Alabama picks its juries by "striking" names not wanted. The procedure is to call twelve men. The prosecution walks up and down and points to a man, calling "strike." This means he does not want him. For every State "strike," the defense is entitled to two. So on down the line, until twelve are left out of the hundred. These twelve make the jury.

11-28-33

New York

From the first twelve called, five said they had no fixed opinion which couldn't be changed no matter what the evidence showed. Two more were excused because they are opposed to capital punishment. To the five left, Joseph Brodsky asks if they would believe a white man's word against a Negro's word. Judge Callahan refuses to allow this question, also barring the question if the jurors felt any resentment at the criticism levelled against Wade Wright, Morgan County prosecutor, who made the "Jew money" speech in the last trial.

From the second dozen prospective jurors examined, three admitted having fixed opinions on the case and one stated opposition to capital punishment.

Both Leibowitz and Brodsky in their questions to prospective jurors constantly emphasized the effect of Wade Wright's inflamatory speech at the last trial. Prospective jurors admit discussing the case, but deny they have been influenced.

Leibowitz asks a perspective juror:

"Have you any opinion of the guilt or innocence of this defendant?"

Callahan intervened "He needn't answer question." Leibowitz protested that he "asked if he had fixed opinion." "We are wasting time," replied Judge Callahan. "Let's get moving."

Several minor spats between the judge and the defense attorneys were not recorded by the court reporter.

From the third batch, five announced opposition to capital punishment and five admitted having fixed opinions. The prosecution challenged all those opposed to capital punishment, showing its intention to demand the death penalty. Those with fixed opinions, looked Leibowitz grimly, in the face, announcing loudly:

"Nothing can make me change my mind. I have read about the case in the papers."

Leibowitz asked a prospective juror the usual question about Wade Wright, when Judge Callahan interrupted him irritably: "I think we've had enough of that. Why popularize him?"

From a fourth batch, four admitted fixed opinions, two opposed capital punishment, one said he would not convict on circumstantial evidence. Judge Callahan thereupon asked him if he knows what it means. The juror answers no. Callahan explains:

"If you walk in a field, find ears of corn chewed, and the only tracks around that of hogs, would you find the hogs did it?"

"I would think so, but I wouldn't know it," the juror replied. The court room laughed. Callahan continues:

"Suppose you were locked in a dark house for a long time and lost track of day or night. A man comes in and says there is no cloud in the sky. Another says it is noon. Would you need more evidence that the sun was shining?"

"I'd take his word for it."

"Well, that's circumstantial evidence."

The fifth batch included the remainder of the venire. Two opposed capital punishment, one admitted having a fixed opinion, one declared against circumstantial evidence.

After four and a half hours wherein 63 prospective jurors were excused from the panel of 100, "striking" for jury was resumed at 2 o'clock. Out of panel, 36 were excused for illness and other reasons, and 32 for cause. Of the 32, nineteen had fixed opinions and 13 were opposed to capital punishment.

Fifteen minute recess granted to decide whom to "strike" off the panel.

Now that the jury is about to be picked, there is a sense of tension in the court room. Wright calls "strike" and Brodsky calls "two strikes" for the defense for each one for the prosecution.

"State strikes number eight," calls Wright loudly.

"Defense strikes numbers four and sixty-two," Brodsky returns.

Numbers being called. Tension and drama increase, for upon the remaining numbers the boy's life hinges, and everyone seems to realize it.

"Number four," Brodsky calls.

It is the last strike. The jury to try Patterson has been picked.

Just as Judge Callahan declared the court ready to order for "striking" for jury, Leibowitz declared:

"Defense not ready. I have just been informed by phone that the testimony of Ruby Bates cannot be taken before Wednesday and expect to receive doctors' certificate to this effect and file it for record."

Callahan retorted: "We'll go on with the case anyway."

While this was occurring, Victoria Price, dressed in blue, with a new hat and a dangling veil and chewing gum methodically, walked in, creating a stir in the court.

The selection of the jury was completed at 2.55. It consists of nine farmers, one merchant, one truck driver and one painter.

The jury follows: Hickory Bridges, Danville, farmer; Elbert Conn, Eva, farmer; Gladstone G. Isley, Hartzelle, farmer; Edward E. Nelson, Decatur, truck driver; Avery Roberts, Decatur, painter; Claude J. Roberts, Somerville, farmer; John H. Russell, Decatur, farmer; John Halbrooks, Somerville, farmer; Homer Johnson, Somerville, farmer; Titchler Johnston, Somerville, farmer; Floyd H. Lyle, Somerville, farmer; Homer Summerford, Falkville, merchant.

Immediately after the selection of the jury, the defense set up on a board an exact replica of the freight train on which the aleged attack occurred. All witnesses were sent to witness rooms. The courtroom filled up, with about 100 downstair kept out by the rope stretched across the stairway.

"State's first witness," Callahan called iritably when the train was set up.

Wade Wright, of the "Northern Jew Lawyer" speech in a voice not quite bellowing as at the spring trial read the accusation against Patterson.

Victoria Price Memorized Her Part

Knight then called Victoria Price. Sitting in the witness chair here legs crossed, a merry-widow veil over the upper part of her face, she repeated the accusations against Patterson and the other boys.

Her story of the alleged rape was told in almost the identical words she used at the trial this spring. It seemed as though she had memorized a part and repeated said answers in response to Brodsky's questions.

Upon cross-examination she testified that she had been married twice, but could not remember the dates or the year. Her second husband's name was McClendon, she said.

Judge Protects Victoria Price

"Is your name McClendon now?" Liebowitz asked.

"I never used that name."

"Are you divorced from McLendon?"

Callahan interrupted by telling her that she did not have to answer that question. Each time Liebowitz tried to probe into her past life, Callahan shut him up. Even when Liebowitz offered to tell what he wanted to prove by his questioning, Callahan did not listen. The judge grew more irritable with the defense counsel as he probed deeper into her story. Victoria admitted running around with Jack Teller, a married man. Callahan did not permit Liebowitz to probe into Victoria's sexual life immediately preceding the alleged attack, though the defense pleaded that it was essential for them to show that Victoria had had intercourse with boy friends immediately before the alleged rape

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Birmingham Meet Demands Release of Scottsboro Boys

Daily Worker

11-28-33

BIRMINGHAM, Ala., Nov. 27.—Raising high the banner of struggle against lynching, 600 Negroes supported by a number of white workers attended the Scottsboro Anti-Lynching Conference here yesterday, on the eve of the Decatur trials of the innocent Scottsboro boys.

New York

The meeting was one of the most militant and determined gathering ever held in this city, and was unmolested by the police who confined their activities to propagandizing white workers "not to mix with niggers." Despite this propaganda quite a number of white workers attended.

Ben Davis, Jr., one of the International Labor Defense Negro attorneys defending Angelo Herndon and Jane Speed, southern white woman active in the Scottsboro defense, gave a graphic exposure of the frame-up of the Scottsboro boys and of the lynch preparations in Decatur against the boys and their defenders.

Daily Worker

11-28-33

New York

The meeting unanimously adopted a resolution demanding a change of venue from lynch-infested Decatur, quashing of the indictment returned by a grand jury from which Negroes were excluded, and the release of the Scottsboro boys. Other resolutions were passed demanding the release of Herndon and the Chambers County croppers, and a halt to the lynch wave and police terror.

The audience pledged redoubled support to the International Labor Defense and vigorously applauded the program of the League of Struggle for Negro Rights, which was presented by Ben Davis, who also reported on the results of the Eastern Anti-Lynching Conference held recently in Baltimore. In an atmosphere of militant enthusiasm, the audience further pledged to carry on the fight for the rights of the Negro people in the heart of the lynch country, for the freedom of the Scottsboro boys, the smashing of the lynch terror and the building of a mighty League of Struggle for Negro Rights as a prerequisite to final victory over the landlords, their courts and agents.

SCOTTSBORO CASE WILL OPEN TODAY

Telegraph

Change of Venue Granted Heywood Patterson, Found Guilty at Last Trial

11-27-33

DECATUR, Ala., Nov. 26 (AP)—In the same courtroom where eight months ago a jury sentenced him to death, Heywood Patterson, one of seven Negro defendants in the "Scottsboro case" tomorrow faces a new trial with his life in the balance.

Macon Ga.

Patterson is the first of the seven Negroes facing a new trial under a change of venue to Morgan county on charges of attacking two white girls aboard a Southern railway freight train in Jackson county on March 25, 1931. Patterson was tried a second time here last April and sentenced to death. This verdict was set aside in June by Judge James E. Horton on grounds of insufficient evidence to warrant the penalty.

As in the first trials in Jackson county two weeks after the alleged crime, Patterson was selected by the State to be tried first, and was arraigned last Monday.

Telegraph

11-27-33

A venire of 100 has been called from which to select the 12 Morgan county citizens who will sit in judgment on the evidence. Approximately 75 witnesses have been summoned, most of them from Jackson county where the Negroes were taken from the train at Paint Rock.

Macon Ga.

Patterson's third trial will offer a decided contrast to the two previous public hearings, as this time deputy sheriffs in mufti will stand guard to prevent any violence or disorder, instead of the troops with glistening bayonets and smart uniforms who mounted guard in Scottsboro in April, 1931, and here last spring.

Alabama

4149

Lynchings-1933 I:
Legal Punishment for Rape.

Judge Callahan's Charge to the Jury in the Scottsboro Case

Special to THE NEW YORK TIMES.

DECATUR, Ala., Nov. 30.—The text of Judge W. W. Callahan's charge to the jury in the Scottsboro case was as follows:

Gentlemen of the Jury:

At a special term of the grand jury of Jackson County, Ala., the grand jury of that county returned into the Circuit Court an indictment against this defendant, jointly with others.

That indictment, leaving off the State and county and date, reads as follows:

Times

"The grand jury of said county charge that, before finding of this indictment, Haywood Patterson, Eugene Williams, Charlie Weems, alias Charles Weem; Roy Wright, alias Ray Wright; Ozie Powell, Willie Robinson, Andy Wright, Olin Montgomery and Clarence Corris, alias Clarence Morris, whose names to the grand jury are otherwise unknown than as stated, forcibly ravished Victoria Price, against the peace and dignity of the State of Alabama."

By due process of law, this charge has been transferred to this county and to this court in the Eighth Judicial Court of this county jurisdiction to try and determine the cause just as though the crime charged in the indictment had occurred in this county.

This is a suit, not of Victoria Price against Haywood Patterson and these other parties, but it is a suit of the State of Alabama against these parties.

Now only Haywood Patterson is on trial. The others are not on trial. It is no concern of yours or mine what has happened or what may happen to the other defendants. You have nothing to do with that, and the fact that they are not on trial now is not to be considered by you either against the defendants or in their favor. It just has nothing to do with it.

12-1-33

Describes Intent of the Statute

The crime charged in the indictment is known in law as rape. Rape is defined by the law to be the carnal knowledge of a woman forcibly against her will. The offense is complete when the woman is made to yield through fear and does not consent voluntarily and consciously. Although a man may not tend to resort to actual force, if on account of the circumstances or the relationship of the parties, he intentionally, for the purpose of accomplishing his unlawful purposes, puts her in fear of personal injury or a violation, and she yields on account of these influences, he is guilty of rape.

I see that I used a word here that does not make good sense, about putting her in fear of "personal injury"—or "violence," I should have said.

When the female is not an imbecile, or is not rendered unconcious or bodily weak by the administration of drugs or other substance, force is an essential element of the offense of rape. Force is either actual or constructive. Actual force would be the application of personal violence literally.

Constructive force is a force brought to bear on the mind and amounts to mental force. Acquiescence obtained through duress of mind of the woman, or by putting her in such, is constructive and is as much forbidden by law as actual force.

Law Does Not Compel Killing of Assailant

If the act is accompanied by force, actual or illegally implied, it is constructive force, and against the consent of a woman, it is rape, without regard to whether the defendant put the prosecutrix—in this case, Victoria Price—in fear of her life or fear of great bodily harm in the accomplishment of his purpose.

Consent or acquiescence obtained by duress or fear of personal violence will constitute no defense, the law regarding such submission as no consent at all. If the mind of the woman is overpowered by a display of physical force, threats, expressly made or implied therefrom, his conduct and surroundings, or she ceases resistance through fear of great harm, the consummation of unlawful intercourse by the man is rape.

The offense is complete when the woman is made or caused to yield through fear and does not consent voluntarily, whether or not the apprehension of bodily harm is reasonable or unreasonable. While the law arms a woman who is assaulted by a man with intent to ravish her with the legal right to stand her ground and if necessary to kill her assailant to protect her person from the gratification of his lust, the law does not compel her to resort to such means, and the fact that she does not so resort does not strip the charge of the offense of rape in and of itself.

All the circumstances surrounding the commission of the alleged crime are to be considered, and whether the prosecutrix does or does not repel force by force, or resist her assailant to the utmost, if the act of penetration is actually accomplished by force, actual or constructive, as I have defined these words, and against the will of the prosecutrix, the defendant is guilty of rape.

Storm's Effect Cited As Direct Evidence

In considering all these questions, the relative sizes of the parties, the attitude of the defendant or his accomplices, if there were any, the social and racial differences, are all matters to be weighed by you in passing on the question as to whether all the necessary elements of the crime exist, and when all the elements of the crime are shown by the evidence beyond all reasonable doubt.

Suppose you are passing through a forest heavily timbered and suddenly you come upon a belt where every tree is blown down and uprooted, saplings and all, and the tops of all are lined to the east.

Now that is direct evidence. You saw the trees uprooted. You saw the directions of the tops. Now you want to find out what caused the trees to be uprooted and how came the tops all to be in one direction.

Nobody was there, no other evidence is before you. You naturally apply your past experience and observation, and you reach a conclusion that those trees were uprooted by some severe wind, and you want to know the direction from whence it came.

The one fact that the trees are all lying to the east tells you from your experience that that wind was from the west, and you know, just as well as if you had been there and had seen the flash of the lightning, the roar of the thunder and of the wind. You don't need somebody to appear before you and tell you that the wind blew the trees down, nor that it is from the west.

Two Important Witnesses Claimed By State

They are the things that you conclude from what you do see. That is somewhat a striking illustration, I will admit, and you will not find the application of the principles of circumstantial evidence just as outstanding and clear at all times as that. But made it striking, so that you could be impressed with the meaning of it and the purpose of it.

Now, according to the State's theory and contention, there are two outstanding witnesses for the State, as they claim, that show that Victoria Price was raped. I mean to say, if they are believed, and believed beyond all reasonable doubt, from all the evidence in the case. The law would authorize a conviction on the testimony of Victoria Price alone, if from that evidence, then the crime is one of rape, although the prosecutrix may have been shown to have made no actual effort to resist.

The act must not have been by the consent of the woman, but in this case there is no claim by the defendant that the prosecutrix, Victoria Price, gave her consent, but on the contrary, the defense is that the defendant did not have sexual intercourse with the prosecutrix, either with or without her consent.

Where the woman charged to have been raped, as in this case is a white woman, there is a very strong presumption under the law that she will not and did not yield voluntarily to intercourse with the defendant, a Negro; and this is true, whatever the station in life the prosecutrix may occupy, whether she be the most despised, ignorant and abandoned woman of the community, or the spotless virgin and daughter of a prominent home of luxury and learning.

The law forbids rape, and that law is made for all and reaches out its protecting arm for all, regardless of race, color, creed, or station in life.

"Abetting" Principle Explained in Law

It is the glory of the law of this State and of the States of this union that its protecting wings encompass all womankind.

If her person has been unlawfully violated she may appeal to the courts with an abiding faith that no accusing finger can be pointed to her erring past or hopeless future, as an excuse for denying to her full and adequate protection of the law.

Now, gentlemen, there is a principle of law involved in this case, technically known as "aiding and abetting." That law is this—that any person who advises, encourages either by act or word, in violation of law, is just as guilty as the party committing the actual wrong. It makes no difference, and the punishment in the eyes of the law is the same.

To illustrate: If a man should call on you for a gun and inform you for what purpose he wanted it, to wit, to shoot or kill one of your fellow-citizens, and you loaned that gun to him for that purpose, the law says you are a murderer and you are guilty of murder and should be punished and will be in the eyes of the law, as such.

So as applied to this case.

One other thought before leaving that—the law on the question of aiding and abetting says that the mere presence of a party at or while the crime is going on, and his presence is for the purpose of aiding, encouraging, assisting or abetting in any way the commission of crime if aid becomes necessary and the party who is committing the crime knows that he is there and there for that purpose, he is as guilty as the one who committed the offense, although he never moved a muscle or said a word; provided his presence did encourage, aid or cause the other party to commit the offense.

Discusses Evidence On "Conspiracy"

There is still another principle of law very much akin to aiding and abetting. It is known in law as "conspiracy." Now a conspiracy is where two or more persons, either by prearrangement or upon an emergency, enter upon a common purpose which contemplates crime each is a conspirator, and if the purpose is carried out, each is guilty, whether he did an overt act or not, and this purpose extends well to the approximate and natural consequence of such purpose.

A very wide latitude is allowed in proving conspiracy, extending to everything said, everything done or written by any one of the conspirators in the execution or furtherance of the common purpose.

The conspiracy need not be proven by positive evidence, but its existence and extent are to be determined by you gentlemen from the conduct of the parties charged with the conspiracy. It may be a mere gesture or a mere nod, or it may be inferred that there was a conspiracy by a consideration of all the acts and circumstances and situations of the case at the time; provided those acts and circumstances permit a reasonable inference therefrom.

When a prima facie conspiracy is established, any acts or declarations upon the part of the co-conspirators in connection with and in furtherance of the common purpose, is proper to be considered and weighed.

That, gentlemen, is a statement of the law concerning the crime of rape. When this case was entered upon before you, the State read or stated this indictment to you. That was the State's charge.

Rights of Defendant Are Pointed Out

The defense in reply to that said he was not guilty and that plea of not guilty in law denies every material charge made or involved in this indictment against him. This same law to which I have referred guarantees to him freedom of defense and a fair, just and impartial hearing and determination as to his guilt or his innocence.

He, like the woman to whom I referred, has guaranteed to him by the Constitution of the State of Alabama and the United States that he will receive such consideration, and that law and Constitution is all pervading.

It is no respecter of persons. The most humble, the most despised, the most abandoned, the confirmed criminal, as to that matter, comes into court with that guarantee standing by him, and it enters upon the trial with him.

So solicitous is the law for an accused that it declares that he is presumed to be innocent until his guilt is shown by the evidence in the case "beyond a reasonable doubt." This presumption enters the trial with him and abides with him until his guilt is so shown.

By reason of that principle of law, the defendant is not required to do anything when he is arraigned and entered upon his trial but to put in that plea and sit down, and he can't be convicted under the law until the State has presented evidence to you that authorizes, or rather establishes, in your minds, his guilt from the evidence beyond a reasonable doubt.

"Reasonable Doubt" Explained to Jury

This is a presumption, however, which may be answered, met and overcome, and it is met, answered and overcome, whenever from all the evidence offered in the trial of a case you are convinced beyond all reasonable doubt of his guilt, but it is not answered or overcome unless the evidence rises to that degree of credence.

Now in the trial of this case, as in all criminal cases, there are two main things to be considered. The first is what the law calls the corpus delicti—that is to say the body of the offense.

The body of the offense here is that this woman must have been ravished within the meaning of the definitions that I have given you. That is the offense charged.

Now that same rule of law with reference to the proof beyond a reasonable doubt [as I will explain what that means directly] applies in the determination of that question, and that is the first question you have to determine in this case.

Has there been an offense committed and the offense here charged against the peace and dignity of the State of Alabama?

So you take up all the evidence in the case to first determine whether or not that crime was committed by anybody. If you so reach the conclusion that it has been, then the next question is: Not who did it, but did this defendant do it.

That is necessary in order to connect him with the crime. If you should determine from the evidence in this case that no rape had been committed, then your duties end, and your verdict should be "not guilty."

But if you do not so conclude, then you take up the consideration of all the evidence and the legal inferences to be drawn therefrom to determine whether this defendant did it, either actually, as I have defined that to you, or did he "aid and abet" in the offense, or did he "conspire," as I have defined that to you, in the commission of the offense?

Both of these must be shown by the evidence or reasonable deductions therefrom beyond a reasonable doubt.

Suspicion Not Evidence, Judge Points Out

Gentlemen, suspicion is not evidence and it is not proof. It is not a matter proper for you to allow a lodgment in your mind for the purpose of considering the guilt or the innocence of the party. His guilt cannot be shown by a suspicion nor can his defense be bolstered up and made out by suspicion.

The law requires evidence, and that is such as the court trying the case declares to be evidence by allowing the recital of it to you.

The means of arriving at the truth of the charge has to be established by what we know as "evidence." No need of my defining that to you. We all know what that means. It doesn't require any definition.

Evidence may be oral or it may be documentary (or we call it written) or it may be both. Oral testimony, of course, is what some witness stated as to what he saw or what he heard. That i evidence, and being evidence, then you are authorized as jurors to apply your experience and your observation and your common sense to that evidence and see whether or not, not only have you the evidence to make out statements but you are authorized to take that evidence and draw reasonable conclusions therefrom.

Now, there is another classification of evidence. There is a kind of evidence that we call "direct evidence." That is where some man, as I said a while ago, appears as a witness and testifies as to what he saw and what he heard.

Then there is what we call "indirect evidence." You know it probably as "circumstantial evidence." That is more easily illustrated than it is defined. It is where the juror takes the direct evidence and applies his reasoning power, aided by his experience and observation, in determining, or trying to determine, whether or not the facts sought to be established can be drawn by the application of reason to the facts proven.

To illustrate, and for illustration only, that it may aid you on the question of circumstantial evidence.

Says Corroboration Is Not Required

The law would authorize a conviction on the testimony of Victoria Price alone, if, from that evidence, taken into consideration with all the other evidence in the case, both for the State and for the defendant, convinced you beyond a reasonable doubt that she had been ravished. The law does not require corroboration.

There may be cases in which corroboration is to be desired, and it is always permissible to show it. So the State contends, on this question of corroboration, that Victoria Price, the prosecutrix, has been corroborated by the testimony of the witness Gilley.

Now, gentlemen, corroboration means "to support, to strengthen, to aid." It does not mean that everything the witness said, that some other proof must come along before it can be corroborated, that it says the same thing and says it in the same way.

But it does mean to say, before it could be corroborated, it must aid or strengthen some material statement of the witness.

The State further contends that she is further corroborated by the alleged statement or declarations of her companion when taken off the fateful train, making complaint that they had been raped. Well, under the law, if you belive from the evidence, beyond a reasonable doubt, that such a complaint was made, the law says that that may be looked to, and that, if established, it may constitute corroboration of the witness to some extent.

The State further contends in this case that both Victoria Price and Gilley are corroborated by other evidence in the case, showing that a fight occurred on that train between Stevenson and Paint Rock.

They claim and contend the corroboration is in this way: They both testified to a fight occurring on the train between the white boys and the Negro boys, and they offered that fact as a corroboration of some part or parts of the testimony of Victoria Price and also of Gilley.

Fight On Train Cited As Corroboration

Now they further say that that fact, if it be one, is also corroborated by other witnesses who saw the scuffle, or alleged scuffle, or fight, and saw some of them jump off or be thrown off, and that blood was on their faces and on their persons.

Now that is offered in corroboration, as I said, of both Gilley and Victoria Price, but the defendant also contends that that is not to be considered as corroboration of Victoria Price as to a rape having been committed.

They say: "Yes, there was a fight on the train; but it constituted no part of, or a forerunner of the rape that then and there or afterward occurred; that it was simply a fight; that it was a fight between the white boys and the black boys and that they were put off, and that the blood that was found on them afterward was the direct result of that fight and that there was no rape in connection with it.

Well, that is a matter that you have to deal with. I can't help you on that. That is a matter of weighing evidence. That is a matter of drawing conclusions from evidence, so you will have to deal with that by weighing the evidence of each side on that question, and, of course, if that presented an explanation of the fight that satisfies your mind that it was a fight and had no connection with a rape, then, gentlemen of the jury, that presumption has been met by the defendant's evidence in the case.

[At this point Judge Callahan spoke briefly of the medical testimony.]

Gentlemen, at this point I desire to say to you that during the progress of this trial, wherever the court sustained an objection to any question asked by either side in this case, that ended the matter.

You have grave responsibility to perform, but one of them is that you do not have any responsibility on questions of law, and when the court rules on a question and says that question shall not be answered, that ends it as far as you are concerned; and it makes no difference whether the court is right or wrong, fair or unfair, you have no right or authority to supervise and regulate the rulings of the court, and when you attempt to do it, you violate your oath and step outside of the scope of your power and authority.

Warns Jury to Ignore Unanswered Questions

It is a comment on the rulings of the court that is adverse to counsel, and is not to be considered by you. In that case you would violate your oath, and there is just common sense and reason in that.

If the case is not to be tried under the rulings and directions of the court, then, gentlemen of the jury, when the court says that a question shall not be answered, if that is to be used as a legitimate argument to speculate on what the answer would be, then the parties have got as much benefit from an adverse ruling as they would have gotten by a favorable ruling, and the whole action of the court would have been thwarted, and the evidence that the court declared to be illegal and improper would drift into the jury box to be considered by the jury in arriving at a verdict in the case.

If that is to be the law, then we have no law. And when we have no law the government fails.

Gentlemen of the jury, there are some peculiar cases or conditions in cases where the failure of one party to call a witness might be taken as something from which presumptions might arise, but that is not this case.

It doesn't make any difference who called the witness. The thing you have to consider is, if the court allows a witness to testify, is to weigh his testimony, and it doesn't make any difference from what source the witness came, from what side he came.

What you are after is the truth—the truth to be determined under the rules of the law of evidence; that evidence is admitted to you for the purpose of your consideration.

Rules Are Explained on Credibility

When a witness is brought into court and under the jurisdiction of the court during the trial, that witness is the witness of either side that desires to use him, and it doesn't affect his credibility ordinarily, whether he is used by the party that had him subpoenaed or by the other party, nor does it reflect on the guilt or innocence of the defendant whether he had him subpoenaed or didn't have him subpoenaed.

He has a legal and constitutional right to the benefit of his testimony regardless of who had him brought into court.

There is another rule of law, gentlemen, applicable to this case—and, as to that matter, all cases of this type—and that is that the party who presents a witness in the witness chair vouches for his credibility.

There of course could be exceptions to that. The law doesn't allow a man to be butchered or entrapped by his own witness misleading him off the stand and getting on the stand and giving adverse testimony against him. The law doesn't permit a thing like that and justice could not condone it, but it does say, without some other reason or some good reason, that when you place a witness on the stand, you vouch for his credibility.

Now, gentlemen, all along I have repeatedly referred to believing things beyond a reasonable doubt. That is rather a simple term, but it is like a good many simple things, it is rather hard to define. It didn't say believe it, so there is no doubt. It said a "reasonable doubt." Now, gentlemen, you can't conjure up a doubt or arbitrarily establish one—it doesn't mean that.

It means this in simple language: That when you enter the consideration of this case and dealing with any material phase of it that is necessary to make out the offense, that if a doubt arises in your minds on that point, that you find in the evidence—no where else—if that doubt is created after an examination and consideration of the evidence, that is a doubt and that is a legal doubt, but it is no more.

Former Testimony Must Be Weighed

The law says it muts be a reasonable doubt. So if a doubt of that character arises in your mind in a consideration of this case, the next sensible thing to do, and the next thing that the law requires you to do, is to examine the evidence and all of the evidence to see whether or not that doubt is a reasonable one; that is, one that addresses itself to your mind as being one that appeals to your reasoning power as being reasonable.

If it does, it is a reasonable doubt and if it is there, regardless of whatever else may be there, the defendant is entitled to the benefit of that doubt and entitled to an acquittal.

Now, gentlemen, that is about all the law there is on the case, as I see it.

There is one other thing I will talk to you about and that is about the witnesses. All I could do here is to glev you some rules of law by which you are to examine and consider the evidence from the witnesses.

Well, the first thing that suggests itself to my mind is this: That there is some testimony offered here, in sum, all of the testimoyn of witnesses on former trial of the case and in some instances the testimony of parts of the testimony of certain witnesses on the other trial.

They are offered by what we call the official record in the case; that is, a transcription of the testimony of witnesses that were examined in one or the other of the former trials of this case or in the trial of companion cases, I believe it is; Wimms, instance, is one.

That is evidence in the case for you to weigh and consider along with the other evidence in the case, just as much so as if the witness had appeared on this trial and testified to the facts there set down.

Says Imagination Must Not Enter

Now gentlemen when you come to weighing the testimony of a witness, a good many things are proper to be taken into consideration, but the things that you do take into consideration must be things found in the evidence, not supposition, nor imagination, nor arbitrary figment of your minds. Cases are tried on evidence and evidence alone.

Of course when a witness testifies, his character for truthfulness is open to assault, but the law points out the mode and method of the assault, and that is to bring his neighbors and his acquaintances into court and say, "I know this man. I know his reputation in the community where he lives for truthfulness, or his general bad character," either one.

Veracity of Witnesses Discussed by Judge

When that is done. That is a legal assault on his evidence, because it is shown. We call it his "character." but of course you couldn't show the character of a witness directly, because that is what he is, that is his mind and his heart, his desires and his aspirations and his viewpoint of his life and duties of life, but the law does the next best thing and the only thing that it can do, and that is this: That is it says: "We cannot furnish you direct evidence on character, but you are permitted to show his reputation, and when you show that, it stands for his character."

Of course, reputation is what he is reputed to be. The other is what he is, but being unable to show the one, you are authorised to show his character by showing his reptuation. That is evidence of his character. That is the method to assault witnesses for their truhtfulness, and that is the legal method prescribed by law and guaranteed to every man that comes into court to be tried.

Of course, that is not the only way to arrive at whether a witness is telling the truth or not. When a witness takes this stand, not only what he says is evidence in the case, but he himself becomes evidence. You may look at his countenance.

God Almighty's hand can be seen in his face by one who can study—that is expert enough. It is there whether you can see it or not. Sometimes it is so plain that

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On Leibowitz Protest Alabama Judge Charges Jury on How to Acquit Negro

the wayfaring man may see it, but again it may not be able to be seen by mortal man. The hand is on his brow.

You look at his conduct on the stand, as I said, and his countenance. How does he impress you by the way he looks, by the way he acts and by the way he talks?

Then, again, you are authorized, in looking at him, to apply your common sense, your observation. What sort of a story is it he is telling? Is it reasonable? Does it appeal to your sense of reason?

You have a right to look at that. Then, in weighing his testimony, is he corroborated by some one—not that somebody must come along and testify to the same facts that he does, but has some other witness—hose testimony you believe—has he corroborated him on any of the material points of his testimony.

If so, that should be used in weighing and examining his testimony. Has his testimony been impeached or contradicted, rather, is a better term, by the testimony of some other witness or witnesses?

Well, simply because somebody else swore differently doesn't establish the fact that he is wrong. You first have to determine which one of them is right—as to whether he has been successfully contradicted or not. If he has you take that in examining his testimony and arriving at its probative force.

You may look at a witness's environment—that is, as shown by the evidence in the case—his associates, his companions. Has he any bias? Well, you will have to look to the evidence to determine that. You can't guess at it. The law is not guesswork. Does the evidence show that he is biased one way or the other?

If so, you take that in weighing what he said. Has he any interest in the case? You find that from the evidence.

You have to look to the evidence to find all these things—that is, if you find them at all. They are not found if you find them any other way.

Defendant Is Declared "Interested Witness"

Now, gentlemen, because a witness has not been corroborated or even contradicted, if he be contradicted or shown to be biased that in and of itself doesn't warrant you in setting his evidence out of the case. And that is true about interest as well. You find all these things, I repeat, from the evidence.

But when it comes to the defendant, the law steps in and says that whenever a defendant takes the stand and testifies in his own behalf he is an interested witness. You don't have to look any further to see whether or not he is interested.

The law declares it. He is interested in the result of the case. He is to suffer the penalties of a verdict against him or is to reap freedom from a favorable verdict.

But, gentlemen, I repeat, that all these things, though he be the defendant or what not, does not authorize you by that alone to discredit his testimony. The law simply allows you to examine the testimony of these witnesses with that kind of light shining upon him. Although he may be biased, although he may be interested, yet if his evidence is corroborated by other evidence in the case that leads you to believe what he said about it, then, gentlemen of the jury, you cannot throw it aside, but it must receive your consideration.

This case must be tried according to law. Your object here is to find the truth—not absolute truth, because that is impossible for the human mind.

All men are liable to err. The law doesn't require that you shall be satisfied to a mathematical certainty or so satisfied that it is impossible that a mistake could be made. The rule is that you must be so satisfied that you are convinced beyond a reasonable doubt. That is all, but it is that much.

Warns Race Question Must Not Influence

Something has been said through this case in argument, about the defendant's being a Negro.

I would be ashamed of you if that is to enter into your consideration for search for truth in this case. No man is worthy to be in the jury box that would reach the guilt or innocence of a man on any such contemptible grounds.

Before the law of Alabama and before the law of this nation, men stood on equal rights, as far as the law is concerned. He is entitled to expect and receive the administration of the law in that manner and no other.

Whenever it is administered in any other way, the law has failed, and when the law fails, eventually the government will fail.

Gentlemen, go into the jury box here, take the evidence in this case. You know it is written: 'Come, let us reason together."

That cannot be better applied anywhere to my mind than in the jury room. That is what the law expects. It does not expect you to go into the jury room with some prime of your own conviction and the powers of your mentality and your cock-sure view. You are expected to go in there and reason together. You are not expected to sacrifice your own judgment, but you are expected to listen to the other man's reason.

I realize, gentlemen, I am getting on hard ground. It is human nature when we hear a thing—particularly when it is made our duty to listen and hear and reach conclusions—it is rather difficult to hear the other man's viewpoint of the same thing.

Oh, you maq look at him while he is making his statement, but the difficulty is if you don't watch, you will just be listening for the purpose as soon as he quits, of jumping afoul of his argument and trying to tear it to prieces. Don't do it that way. You don't arrive at verdict that way. Hear one another.

Instructions Are Given on Possible Verdict

Gentlemen, if after a consideration of all the evidence in this case in the trial that I have tried to instruct you—if you are satisfied therefrom beyond a reasonable doubt that this defendant is guilty, then your verdict should be one of guilty, and if it is, your verdict may assume two forms.

You may say: "We the jury, find the defendant guilty as charged in the indictment, and we fix his punishment at death."

Or if the evidence doesn't justify that kind of punishment and you think he is guilty as I have charged, then it may assume another form, and that is: "We, the jury, find the defendant guilty as charged in the indictment, and we fix his punishment at so many years in the penitentiary not less than ten years and any amount above that you se fit to fix according to the evidence."

Gentlemen, if you are satisfied beyond a reasonable doubt of his guilt and that his punishment to be death, that is to be your verdict, whatever your desires may be outside of the evidence. You fixe a verdict according to the evidence as it convinces you, as I have indicated, because that is the law and that is what you are sworn to do—to follow the law.

On the other hand, if the evidence satisfies you beyond a reasonable doubt that death should not be the penalty and still you say he is guilty, you should fix it for a term of years, as I have indicated, but you have no right to fix it in one of the forms there if, under your conscience and under the evidence, you believe from the evidence that it belongs in the other.

Take the case, gentlemen, and give it your consideration.

Opposing Counsel Hold Conference

[At this point, Mr. Leibowitz rushed up to the bench followed by Attorney General Knight and a whispered conference ensued. Judge Callahan told the jury to keep its seats.]

Then the judge said:

Gentlemen of the jury, all the way through my charge I have cautioned you and tried to impress upon you that a verdict must be the product of evidence offered on the trial.

If there isn't evidence justifying conviction, then there ought not to be any; and I have also tried to impress you that the duty rests upon the State in the first instance, to convince your minds by the evidence beyond a reasonable doubt of his guilt. Of course you are not limited on that question to just the State's evidence. You are authorized to look at all the evidence. Of course, if the defendant—they have offered evidence—and if you find in the defendant's evidence something that supports and corroborates the State's evidence, why that is as much required to be considered by you in determining whether the offense has been made out as if the State had offered it.

And on the other hand, if you find evidence that has been offered by the State that corroborates the defendant's theory, why he is entitled to the benefit of that. If there isn't enough evidence to warrant a conviction, then there is a lack of evidence and a lack of evidence that is necessary to make out an offense is just as much to be considered as evidence itself because you have to consider the evidence to ascertain whether or not there is a lack of evidence.

Now, gentlemen, I believe I overlooked one thing about the forms of verdict. I gave you the form of the verdict on conviction, but if after considering all the evidence in this case you are not satisfied beyond all reasonable oubt that the defendant is guilty as charged, then he ought to be acquitted and must be under the law; and the form of your verdict in that event would be:

"We, the jury, find the defendant not guilty."

Now, in trying to aid you about how to reason together, again here, I repeat, I didn't expect you to reach the conclusion, or what I meant by that, that you should destroy your own opinion in there and scuttle away with it. You are entitled to your opinion, that is, when it is based on evidence.

All right, gentlemen.

VARIES STORY AFTER SEEING 'TOM' KNIGHT

Tenseness in Decatur Increases Following Coast Lynching

11-29-33

By STAFF CORRESPONDENT.

DECATUR, Ala., Nov. 28.—Although carefully shielded by repeated objections of Attorney General Thomas E. Knight, Orville Gilley, hobo youth, admitted in court here late this afternoon on cross-examination by Samuel S. Leibowitz, chief defense counsel for Heywood Patterson, now on trial, that Mr. Knight had suplied his mother with funds. He also admitted that he had been in three conferences at the home of Victoria Price with her and Knight.

In direct examination by Mr. Knight, Gilley substantiated the story told yesterday by the Price woman about the freight car ride two years ago. Cross-examination brought out many conflicts, however. Gilley, known as "Carolina Slim" calls himself a vagabond poet. He, however was unable to name a single hotel or city where he had recited.

Circuit Court Judge W. W. Callahan, who is presiding, is pressing to end the trial tomorrow.

Depot Agent Refutes Victoria's Testimony

DECATUR Ala., Nov. 28.—Under cross-examination by Samuel S. Leibowitz, chief defense counsel in the Scottsboro case, Victoria Price in Circuit Court here today admitted having had two or three conferences with Attorney General Thomas E. Knight and Orville Gilley, hobo youth, called as a prosecution witness. Beyond denying that testimony was discussed, the witness refused to explain the nature of the conference. Gilley may be called to the witness stand today.

Luther Morris, farmer, testified he heard screams, saw fight and rape from barn fifty fet from the railroad tracks. On cross-examination he appeared unable to hear questions clearly and to see pictures offered in evidence without glasses. When defense pictures refuted distance of barn, Morris replied: "I don't understand pictures. I only understand what I saw from the barn."

W. W. Hill, depot agent at Paint Rock, where the Price woman, Ruby Bates, the nine Scottsboro boys and several white boys were taken from the train, refuted, upon cross-examination, Mrs. Price's story of her physical condition upon arrival at Paint Rock. Tom Rosseau, a member of the arresting posse, refuted his testimony in former trials by denying seeing the two women in the gondola.

Sam Mitchell, first Negro witness called by the state, turned out to be of aid to the defense when he testified that he had seen other Negroes in all parts of the train while the fight between the white and Negro boys was going on. Other witnesses called were Lee Adams and Tom Dobbins, both farmers, who testified seeing fight from distance.

The lynching of the two alleged kidnaper-slayers of Brooke Hart in California was much discussed in the corridors of the courthouse and throughout the city. Birmingham papers carrying the story of Governor Rolph's sanction of lynch law sold out quickly here last night.

New Republic

Nov. 29, 1933

THE beginning of the third trial of the Scottsboro boys has been marked by tense and tragic drama, much of it resulting from Judge Callahan's expressed opinion that three days would be sufficient for the third trial of Haywood Patterson. "We are going to make speed," he remarked, and if he meant speed in comparison with the pace of the first few days, the remainder of the hearings promises to be more like an automobile race than the trial of seven young men for a crime which most of the country doubts that they ever committed. Thus far the defense has submitted affidavits gathered by investigators who toured Morgan County, posing as salesmen; the affidavits give the names of five hundred individuals in the county who expressed themselves in favor of lynching the defendants; most of the people interviewed wanted to see the lawyers for the defense lynched, too. When the prosecution answered by proving that four of the individuals named were dead, the investigators explained that they could not ask the names of everybody with whom they talked, but had taken the names listed on the mail boxes. Judge Callahan decided that the defense had not proved the existence of prejudice, and denied the motion for a change of venue.—The defense asked that the indictments be voided on the ground that Negroes were systematically excluded from the jury rolls; the roll was produced and it was found that the names of seven Negroes were included. The defense thereupon produced a handwriting expert who testified that in his opinion, based on the location of the names on the roll, they had been added after March, 1931, and thus after the issue of exclusion had been raised; he also testified that they had probably been written in by the clerk of the jury board. Judge Callahan ruled that the roles had not been tampered with.—Subpoenas were issued for six of the seven Negroes named; Judge Callahan declared that he would not allow them to take the stand.—The court stenographer of Jackson County testified that in twenty-four years' experience he had never known a Negro to serve on a grand or petit jury; others testified to the same effect. Judge Callahan overruled the motion to quash the indictment. "We are going to make speed," he said. In his desire to make speed, he is in danger of forgetting that a judge is not an aviator or a racing driver, and that his first duty is to see that justice is done.

Dixie Cites Frameups Like Scottsboro Case

Amsterdam

Staff Writer Hears Tales of Horrors Which Never Found Way Into Newspapers

11-29-33

SOMEWHERE IN THE SOUTH, Nov. 27.—If one cannot get a true picture of the conditions which create Scottsboro cases from discussions with the majority of the South's community leaders, doctors, lawyers, teachers and ministers, one can at least get a true picture of the South itself from discussions with the common people—the workers, the small town and city residents, and the rural inhabitants in their meeting places, churches, homes, poolrooms, and [illegible].

Sharing ofttimes with their leaders an ignorance of the latest developments of the Scottsboro case, these people seldom display the lack of interest or the optimistic outlook which seems to characterize the southern intelligentsia. To them the incarceration and impending death of the nine youths in Alabama is not an isolated incident which occurs occasionally in the South. To them it is, if one is to judge from innumerable discussions, just another instance of the oppression and persecution which they suffer daily in their precarious existence here. It is not easy to get them to talk. But if you [illegible] avoid arousing their suspicions, you can hear tales which are as horrible, if not more so, than the Alabama incident which has aroused the civilized world.

Any group discussion here is almost typical. Take this one. It is Sunday night. You are in a small Tennessee town with a four-hour wait for the next bus. You seek out the nearest Negro church. The services will not start for an hour. You introduce yourself to the half dozen early arrivals merely as a native who is returning home to a neighboring town. You discuss conditions in the northern cities for a while. Eventually you remark "I haven't been in this neighborhood since they lynched those two fellows at such-and-such a town." The conversation turns to that particular incident and in a few minutes these solemn, God-fearing people are recalling incidents which will make you shiver. Incidents which never reach the newspaper.

Lynchings Follow Frameups.

Among others, you hear the tale of a white railroad foreman who went to town weekly to get the section payroll. One time he stops for a drink and a game and loses most of the company's money. Fearing discharge, he secures a local white prostitute for a witness and swears that two of the colored men working under him had held him up and robbed him. The sheriff arrests the accused pair, despite the testimony of three other Negroes that the two men had been with them all that night. When the prostitute is called to identify the men, she decides to make her story more realistic and says the pair also tried to rape her. That night the two innocent men are lynched. Two days later one of there defense witnesses is slain. The other two disappeared. Maybe they fled. Maybe they had no chance to flee. No one knows.

In a Memphis poolroom you hear this tale from the lips of the brother of a 15-year-old mob victim. The youth had been doing afternoon work for a white family while going to an Arkansas county school. The next year he was planning to go to Tuskegee. One afternoon, because his mother was very sick, he started home before he finished his work. The white woman stopped him at the gate and told him to finish his work. When he insisted upon going to attend his mother's wants, she called him an "uppitty-educated nigger" and began to his him in the face. He caught her hand. She screamed. He fled. They dragged him from his mother's side and strung him up. When the brother came home from the funeral, they wouldn't let him off the train. "I going back some day," he says quietly, and you believe him.

In another town, best left unnamed, you hear this: She was a girl with a light complexion and as such was "taboo" to the Negro men of the town. A local boy fell in love with her, however, and defied the "taboo" by marrying her. They knew they would have to leave town, and made preparations to do so.

Hate Smoulders.

While the youth was at the store buying a suit case, one of the girl's former white lovers went to the house and forced his attentions on her. The youth returned. There was a fight. The white man was cut. The boy and girl fled to his father's house. The mob burned the house down, shot each member of the family as he fled from the burning structure. The weekly white paper said nothing of the incident. No one else did. But Negroes there still remember and their eyes are not pretty when they discuss the incident.

These three stories were not the worst told in these informal discussions. There were others not so bad. But the three are typical of the scores of incidents the writer heard recalled around churches, bus stations, poolrooms, and in homes in three southern states, Kentucky, Tennessee and Arkansas. The people who told them didn't always know of the Scottsboro case. Those who did seldom expressed a belief that the boys would be freed.

With them there is no optimism. They have prayed for years with no answer. As they quietly recall these incidents, one has the impression that they will not long be content to pray. There were few expressions of what they intend to do. But with their homes and rights taken from them, their least opportunities denied, and their future apparently hopeless, it is not surprising to find that they are deserting the faith of their fathers. If ever the smouldering resentment in their eyes or the deadly hate of their voices is transferred into action, the South will find too late that it has toyed too often and too carelessly with its powder keg.

Lynchings-1933
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PATTERSON TRIAL BARRIERS LIFTED

Judge Overrules Defense Motions Based on Question of Negroes in Jury Duty

Journal
11-26-33
Montgomery, Ala.

DECATUR, Ala., Nov. 25 (AP)—The last obstacle to the third trial of Heywood Patterson, one of several Negro defendants in the "Scottsboro case" was cleared this afternoon as Judge W. W. Callahan overruled a motion to quash the indictment on grounds of alleged fraud and "systematic exclusion of Negroes" from the jury rolls.

The decision was handed down this afternoon by the jurist who held that there was not sufficient evidence to "presume fraud" in the entering of several Negroes' names on the rolls from which the grand jury had been drawn and that there was not conclusive testimony that Negroes were "systematically excluded."

Samuel S. Leibowitz, chief counsel retained by the International Labor Defense to defend the Negroes, entered an exception to the ruling, paving the way to take the case to the United States Supreme court again, where death sentences imposed on all the defendants on April 9, 1931, were set aside.

Leibowisk Asks More Witnesses

Leibowitz also sought to summon additional witnesses, offering six of the Negroes whose names appeared on the rolls to "prove that except for those in controversy, there are no Negro names on the roll." He also sought to call Judge A. E. Hawkins of Fort Payne, before whom the Negroes first were tried, Sheriff J. E. McBride of Jackson county and J. M. Money, probate judge of the county.

Judge Callahan denied the request, asserting that defense under the law was required to be prepared for preliminary motions when the defendants were arraigned last Monday. The judge also pointed out that Thursday he had offered to issue attachments for the witnesses who were absent but this was not accepted. Leibowitz entered exceptions.

Change of Venue Denied

Previous to the decision, the defense had called a number of witnesses who testified they had never seen a Negro serve on a jury in Jackson county and an expert on handwriting to bolster its contention of fraud.

Judge Callahan earlier this week had overruled motions for a change of venue to quash the venire drawn for the Patterson trial.

The latter motion was also based on the grounds that Negroes were systematically excluded from the jury rolls on Morgan county.

Patterson and the other six defendants are charged with attacking two white women aboard a Southern railway freight train in Jackson county, on March 25, 1931, as the two women were hoboing their way home from Chattanooga.

Patterson Takes Stand To Deny Attack On Train

Advertiser

Defense Offers Its Story Of Events On Freight Cars Near Scottsboro In '31

11-29-33

Witness Testifies

Montgomery, Ala.

State Calls Orvel Gilley, Who Describes Assaults By Defendants On Trial

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., Nov. 28.—(AP)—The defense story of the events aboard a freight train in Jackson County on March 25, 1931, tonight was being built up against the State's case against Heywood Patterson, one of seven negro defendants in the "Scottsboro Case."

Patterson, on trial for the third time in a little less than three years, late today took the stand, and, under questioning by Samuel S. Leibowitz, chief counsel retained for the negroes by the International Labor Defense, said he did not attack any woman on the train and that he did not see a woman on the train.

Judge W. W. Callahan, presiding, in an effort to speed the trials, and over defense protests of attorneys, ordered a night session.

Witness Describes Attacks

The denial came within two hours after Orvel Gilley, of Albertville, Ala., had told the jury that he saw Patterson attack Mrs. Price, and Ruby Bates, her companion, on a hobo trip from Chattanooga to their home in Huntsville. Patterson and the other defendants were convicted of the attacks in Scottsboro in 1931.

In a 30-minute direct examination, Patterson, who frequently was asked by Leibowitz to "speak up," told of boarding the train, having a "ruckus" with some white boys, and finally going over the tops of several cars to a gondola, filled with chert, accompanied by 10 or 11 other negro boys to "have it out" with the white youths, who had been "throwing rocks at us."

After the fight, in which he said five white boys jumped from the train between Stevenson and Scottsboro, Patterson said he and three companions, including Andy Wright and Roy Wright, went back to an oil tank car and rode to Paint Rock, where they were arrested.

"Did you know of any woman's being attacked on that train," Leibowitz asked.

"No, sah, if I had, I'd jumped off that train," Patterson said, shaking his head for emphasis.

Says He Saw Attacks

Gilley had testified that he remained on the car and witnessed the attacks on both Mrs. Price, who yesterday pointed to Patterson as one of six negroes who attacked her and Ruby Bates, now ill in a New York hospital.

Describing the fight to which Gilley and half a dozen other State witnesses had testified, Patterson said "after we got over there (in the gondola he had fixed as the fourth in the string from the caboose) the boys had some rocks and a piece of iron."

"I didn't see anyone put off, they jumped off," Patterson replied to a question from Leibowitz. "One white boy was hanging between the cars and some of the boys was trying to put him off. I and one of the Wright boys pulled him up."

Patterson said his group of four went back to the oil tank car and remained there until the train reached Paint Rock, where they were arrested. During the defense examination, Leibowitz asked concerning the condition of his clothes. He also said he saw two or three negroes leave the train between Stevenson and Scottsboro.

Atty. Gen. Thomas E. Knight, Jr., took over the cross examination and, when he asked Patterson as to his testimony in the original Scottsboro case, and if he hadn't said he saw the attacks but did not participate, the defendant replied "they told me if we didn't say we done it, they would give us to the mobs. Even the national guard boys got hot against us."

Tells of Alleged Threats

Asked where these threats were made Patterson replied "In the courtroom they was saying 'send all the negroes to the electric chair. There are too many negroes anyway.'"

"The judge heard that?" Knight asked and Leibowitz repeated the question.

"I guess so, we boys heard it and he was there," Patterson replied.

Patterson denied testimony read to him from the record of the first trial over the objections of Leibowitz in which he had testified at Scottsboro in April, 1931, that he saw the attacks from the top of a box car, but did not participate. To each question and answer he replied that he didn't say it, and that it was not so, as the testimony was that he saw 11 or 12 negroes in the car.

Patterson is the first of the negroes to be retried in Morgan Circuit Court under a change of venue from Jackson County where all of them were convicted and sentenced to death on April 9, 1931. The U. S. Supreme Court set the verdicts aside and ordered new trials.

Patterson was tried here last Spring and again convicted but the death sentence was set aside by Judge James E. Morton, who presided.

Advertiser
11-29-33
Montgomery, Ala.

Tells of Start of Trip

Gilley, on direct examination, told of boarding the train with Mrs. Price, the Bates girl, both clad in overalls, and Lester Carter, and of having moved to the gondola car where the attacks were alleged to have taken place when the train stopped at Stevenson.

Gilley said that, as the train pulled out, a group of negroes piled into the car and ordered him and the other white youths out. A fight ensued, he said and several of the white boys were thrown from the train.

After that, he said, the negroes attacked both women, and desisted when he interceded with one of them, who was armed with a pistol, to make the other stop "before they killed that woman."

His own life had been threatened if he attempted to interfere, Gilley said.

Direct examination of Gilley by Solicitor H. E. Bailey, of Boaz, who prosecuted in the original trials, lasted but 15 minutes, but cross-examination by Sameul S. Leibowitz, chief of counsel for the negroes retained by the International Labor Defense, lasted two hours and 40 minutes.

Gilley a "Wanderer"

Under Leibowitz's examination, Gilley, who appeared on the witness stand clad in a worn and unpressed blue suit, identified himself as a "wandering entertainer," who recited poetry on the street, in hotel lobbies, and other places and "took up collections."

The youth is tall, ruddy-faced, with tousled black hair and his replies to questions frequently caused ripples of laughter through the court room in which every seat was taken.

During the cross-examination, Leibowitz sought several times to get into the record events in a "hobo jungle" in Chattanooga, Tenn., in the Patterson trial last Spring. Carter, identified as the "Knoxville Kid," testified Gilley, himself, and the two women spent the night in the "jungle" before starting the trip on which the attacks are alleged to have occurred.

Gilley repeatedly denied that he lived in "hobo jungle" when on the road, and said he spent the night before he made the trip with the two women on the now-historic freight train alone in an empty box car.

Gilley was asked if he had even seen Dallas Ramsey, a Chattanooga negro, before when the negro was brought before him.

"I have," he replied, and then Liebowitz asked if it wasn't in the "hobo jungles" in Chattanooga where the witness was with Mrs. Price, Ruby Bates and Carter. A state objection was sustained.

Gilley placed the scene of the fight and attacks as the first or second of the string of eight gondola cars on cross examination, the opposite end to that where all other witnesses had testified to seeing them.

Changes Testimony

On re-direct examination, he gave the location as the seventh or eighth, saying he was confused as to which direction the engine was headed on the miniature duplicate of the train set up in the court room.

Leibowitz asked Gilley if the State had not bought him some wearing apparel.

"The State hasn't bought me any clothes," Gilley replied. "Mr. Knight (Atty. Gen. Knight) gave me $3 and I bought these shoes."

Later he said the Attorney General had been sending "a little money to his mother in Albertville while I'm away and can't help her by reciting poetry."

Gilley was unruffled throughout the cross-examination and finally under Leibowitz's pressing, talked of "hobo monikers."

Other white boys participating in the fight, he said, were known by "monikers" as "Georgia Chickens" and "Knoxville Kid."

"Wasn't one known as 'Carolina Slim?'" Leibowitz asked.

"Yes, that's me" Gilley replied.

"You mean those boys had those names," Judge Callahan asked.

"Them's monikers," Gilley said.

"I guess that's all right, but I don't get it," Judge Callanan said, shaking his head.

State Testimony Ends

Gilley was the ninth witness and the State closed without offering any medical testimony, but may do so on rebuttal.

Four State witnesses, Luther Morris, Lee Adams, Tom Dobbins, and Sam Mitchell, the latter a negro farmhand, told of seeing the train pass within two miles of Stevenson. Each witness told of seeing a fight taking place in one of the string of gondola cars on the train.

Morris said he saw one of the negroes throw three white youths from the train and that he saw two white girls on the car.

Pressed by Leibowitz to explain how he could identify the two figures on the passing train as white women, Morris said "I can certainly tell a lady when I see her."

"Was it by their long hair?" Leibowitz asked.

"No, they had bobbed heir," Morris retorted.

Dobbins and Mitchell, neither of whom testified in the previous trials, told of seeing the fight as the train passed the Dobbins farm.

"Yes, sir, I want to tell the truth," said Mitchell as Leibowitz asked him if he saw some negroes sitting in box car doors.

During the cross-examination of Morris Judge Callahan and Leibowitz clashed.

"You came here to say you saw women on the car," Leibowitz said, with emphasis to Morris.

"That's improper, Mr. Leibowitz," said Judge Callahan.

"I am," Leibowitz retorted, and as he started to address something, Judge Callahan smote the bench and said, "that's enough, or I'll do something about it."

In the afternoon session, Judge Callahan frequently interrupted the questioning of Gilley by Leibowitz to say "that's enough of that, let's go to something else."

Judge Callahan and Leibowitz joined in the laughter when the Judge interrupted the attorney's questioning of Gilley about reciting poetry to the two women in the case, saying: "That ought to be enough of that. I don't like poetry anyway."

JURORS PONDERING PATTERSON'S FATE IN DECATUR TRIAL

News

Defense Is Unable To Present Ruby Bates' Evidence In Attack Airing

12-1-33

VENIRE IS CALLED FOR CASE OF SECOND NEGRO

Birmingham

Knight Appeals To "Passion To Protect Women" In Row With Leibowitz

BY RALPH E. HURST
The Birmingham News Staff Writer

DECATUR—With the selection of a jury to try Clarence Norris under way at nightfall Thursday, another jury deliberated the fate of Heywood Patterson, first of the Scottsboro Negroes to be tried here this week.

Patterson, who has twice before been sentenced to death, and Norris are both charged with criminally assaulting Victoria Price on a freight train in Jackson County, March 25, 1931.

The fate of Patterson was placed in the jury's hands at 3 p.m. after a charge of one and a half hours by Judge Callahan, who immediately began qualifying the venire for Norris's trial.

Thursday morning's session had been devoted to closing arguments, featured by a clash between Atty. Gen. Knight and Defense Attorney Lebibowitz, which resulted in a defense motion for a mistrial with Judge Callahan denying it.

"You cannot avenge what has happened to Victoria Price," Knight said. "That is over, but you can prevent this terrible thing happening to other women."

Leibowitz objected on the contention that this was an appeal to passion and prejudice.

"If that is appealing to passion then I am appealing to passion to protect the womanhood of Alabama," Knight retorted, and concluded with a demand for the death penalty. At 10:30 a.m., the trial was recessed until 1:30 p.m., when Judge Callahan began his charge to the jury.

In his charge to the jury Judge Callahan said that "no man is worthy to sit in a juror's chair" who would be influenced one way or another by the fact that the defendant is a Negro.

Evidence in Patterson's trial, which got under way late Monday, was closed with the defense failing to get in the testimony of Ruby Bates repudiating the attacks. The defense may, however, present it in future trials.

Attorneys for Patterson sought to obtain a delay of proceedings until Thursday, when they were to receive the girl's testimony in writing, but the court overruled this as it did a physician's affidavit that she was too ill to testify.

After the defense had used all its available witnesses the prosecution called Maj. Joe Starnes in rebuttal to tell of an alleged confession made at the original trials in Scottsboro. Judge Callahan sent the jury out of the room during the rectial of Maj. Starnes, who commanded national guardsmen at the trials, and then refused to permit his story in evidence.

The officer testified that in the presence of himself, Capt. C. C. Whitehead and William Harris, a Chattanooga Times reporter, in the Scottsboro jail Roy Wright, one of the defendants, declared that Charlie Weems was the first to assault the girls and that Patterson also attacked them. Patterson, in turn, admitted it and accused Wright, according to Maj. Starnes.

All material evidence of the prosecution came from Mrs. Price and Orvel Gilley, who was in the gondola car when the attacks were alleged to have taken place. Gilley, surprise star witness for the state, was missing when Patterson was tried here last April.

Tell Same Story

Mrs. Price and Gilley told substantially the same stories, each taking 15 minutes to describe the assaults in direct testimony but being subjected to lengthy and rigorous cross examinations.

Both identified Patterson as one of the attackers, and Gilley said the defendant attacked both girls. The assaults, both said, followed a general fight in which the defendants threw six white boys off the car, leaving only Gilley and the girls aboard. Gilley said there were nine Negroes and Mrs. Price estimated them at 12.

Gilley was the last of the nine state witnesses to testify. He described himself as a "reciter of poetry in hotel lobbies" and said he also "made it up." Cross-examination attempted to establish him as "a hobo or tramp."

Other state witnesses were confined to men who said they saw the white boys and Negroes fighting in a car with two girls as the train moved from Stevenson toward Paint Rock, and to Paint Rock residents who described the train's arrival and arrest of the defendants.

In reply, the defense presented Patterson and four other defendants to deny that they had even seen any women aboard the train. These defendants were Willie Roberson, Ozie Powell, Olen Montgomery and Andy Wright.

Others For Defense

Other defense witnesses were called to attack credibility of prosecution evidence, but this was handicapped when Judge Callahan refused to permit questions reflecting on Mrs. Price's character and about the movements of her and Ruby Bates prior to boarding the train in Chattanooga.

Lester Carter, alias the "Knoxville Kid," told in quaint hobo jargon of events that began developing as he played his harmonica while riding on the freight train with the girls. Called by the defense, he told only of what took place between the time the journey was started and the fight with the Negroes, he being one of those that were thrown or jumped from the train.

News 12-1-33 Birmingham Ala.

Arguments, limited to two hours on each side, got under way at midafternoon and would have been completed except that at 6 p.m. Judge Callahan altered his decision on a night session and recessed until 8:30 a.m. Thursday because the jury was tired.

Solicitor Wade Wright, of Decatur, opened arguments for the state and asked for a fair verdict on the evidence, asserting that the evidence had shown conspiracy. He credited God with having placed witnesses along the railroad tracks to see the fight as the train went by and declared the strongest defense proposition is the "point blank denial of Patterson."

After 30 minutes, Solicitor Bailey, of Boaz, the original prosecutor, took up the arguments and asked the jurors to prescribe the electric chair if they believed the stories of Mrs. Price and Orvel Gilley.

Leibowitz Speaks

Opening for the defense, Leibowitz questioned what kind of a woman it is that would twice marry and neither time assume the name of her husband. He attacked the character and credibility of Mrs. Price and said Bailey had insulted the jurors by telling them that "those tramps had gone to Chattanooga looking for work."

The state has not proved beyond a reasonable doubt that there was assault, Leibowitz asserted. He often addressed his remarks directly to one individual member of the jury, Edward Nelson.

"Ask yourself the question of whether those two hoboes would have carried their girls down to another car to share them with the other tramps," he told the jury. "It isn't often that hoboes can get women to lay around in cars with them. When they can they will not want to share them with others. Ask yourself that question and answer it and when you have done that you will have just about solved this case."

Leibowitz declared that the testimony of Dr. R. R. Bridges "gave the lie to Victoria's story," and he reviewed the evidence in which the girl had declared she had been cut on the face but the examining physician had found no abrasions.

He told the jury it must take the word of the doctor "or the female tramp," and asked why the state did not call Bridges as it had done before.

Praises Prosecutors

"If there were evidence of rape it would have been on her clothes and they would have preserved them," he said, paying a tribute to the prosecutors individually and declaring they were shrewd enough not to overlook any proof.

"Tell me why it was there was not a single mark of violence on her person," he shouted. "Who makes accusations quicker than a lewd woman?"

He then attacked the logic of the Negroes keeping Gilley on the car to witness the alleged attacks and said that a train crew could hear signal torpedoes explode on the track and would have been able to hear any pistol shots.

Judge Callahan, he said, has conducted the case in a manner that is a credit "to himself, the State of Alabama and the entire nation. . . . He's done a wonderful job in this courtroom under very trying circumstances."

"Do justice. If this Negro is a rapist—hand it to him, if they've show this beyond a reasonable doubt. If you have a reasonable doubt, stand your ground like a man," he said. "Bring in a verdict of not guilty so that justice will be done between the State of Alabama on the one hand and the defendant, Heywood Patterson, on the other."

Leibowitz used all but 30 minutes of defense time which, with the one hour left for Atty. Gen. Knight to close, was carried over until 8:30 a.m. Thursday.

When court opened at this time, George Chamlee began closing for the defense.

Chamlee told the jury that rape was the easiest charge to make, but is hard to prove and still harder to disprove. He reviewed evidence of the alleged confession at Scottsboro and said a clever lawyer could make a Negro admit anything.

"Sometimes a witness will say yes when he means no, and no when he means yes," he said.

Atty. Gen. Knight renewed demands for a death penalty but said if there is a reasonable doubt, to give the defendant the benefit of it.

"But if there is no doubt give a verdict that will say to others, not these defendants, but to others, that they cannot lay hands on a woman. . . . They are interested in your verdict in California and Canada and elsewhere," he said.

"There is no middle ground in this case; there should be either an acquittal or a death verdict," the attorney general declared. "And the verdict should be without regard to what others may think."

In opening his charge, Judge Callahan gave the legal definition of rape. Where the female is not an imbecile or unconscious, there must be a show of force, he said, and consent or acquiescence obtained through force, duress or fear is no defense. While the law clothes a woman with the right to kill her assailant, it does not compel her to do so and her failure to do so is not a mitigation of the crime. The defense here, he said, is that the defendant did not act with or without consent. A prostitute is entitled to the same legal protection as the spotless daughter of a high family, he said.

There is a point of law here that involves aiding and abetting and the degree of guilt is the same, the jurist instructed. The mere presence of a person while the crime is going on, who is there to encourage or aid the other party, constitutes guilt "even if he never moves a muscle," he declared.

Conspiracy

There is another point—that of conspiracy—and guilt of that is the same as guilt of actually comitting the crime. It may be a mere gesture, or a mere nod, the judge told the 12 men.

"This same law," Judge Callahan said, "gives the defendant the right to a fair and impartial trial and the most humble, the most despised, the most hardened criminal, comes into court with this guarantee . . . He cannot be convicted under the law until the state establishes his guilt beyond a reasonable doubt.

"Two main points are to be considered," he said, "and the first is whether there has been an offense as charged. You first take up the evidence to see whether the crime was actually committed.

"The next point, if you find there has been a crime committed is to determine not who did it but whether this defendant did it, or abetted, or conspired in it."

Judge Callahan warned the jury against supervising his rulings and conduct of the case, saying there must be no consideration except of evidence he has admitted. Neither does it matter who calls a witness, they can be used by either side, he said.

Credibility of witnesses was also discussed. The jurist said testimony read from previous trials must be considered.

Instructions as to how to render the verdict were given by the judge who said they could acquit or fix a penalty of 10 years or more or death.

Suspicion is not evidence and cannot establish guilt, he said.

There are two outstanding witnesses that Victoria Price was raped, he said. The testimony of Victoria Price has been corroborated by the witness Orvel Gilley. Her statement is further strengthened by testimony that her companion, Ruby Bates, on getting off the train at Paint Rock complained of being wronged. Testimony to seeing the fights is also corroborative of parts of the stories told by Victoria Price and Gilley.

"But the defendant says that is not to be considered as corroborative of their testimony of rape—the defendant says there was a fight," he continued.

His charge, taking one hour and 30 minutes ended at 3 p.m.

There were no special charges and the jury went out. Qualifying of the venire for Norris' trial was started immediately.

Commenting on his rulings, which differed so vastly from those of Judge Horton last April, Judge Callahan told newspaper men he wanted it understood he was not being antagonistic to Judge Horton, but that circumstances were different in the presentation of witnesses and that he believed Judge Horton would rule as he was doing under these circumstances.

The manner in which Judge Callahan has presided might be described as "vigorous." He has ruled his court with stern and sharp words and permitted no bickering among attorneys.

Lynchings-1933 I
Legal Punishment for Rape

Alabama

4169

Scottsboro Defense in Danger

Daily Worker 11-27-33

The Scottsboro legal defense is in danger unless funds are sent to Decatur immediately.

That was the message received yesterday by the International Labor Defense from Joseph Brodsky, chief counsel of the organization, in Decatur.

The rushing through of the trials by Judge Callahan means that all funds must be raised without the slightest delay, the message stated.

The International Labor Defense, all its immediate resources drained by the huge expenditures of the Scottsboro defense, must be immediately supported. Every dollar counts. Every day's delay endangers the lives of the Scottsboro boys.

Send in every penny you can, raise every dollar TODAY and continue the fight for Scottsboro funds. Show your working class solidarity.

Rush all funds to International Labor Defense, Room 430, 80 East 11th Street, New York City.

Masses in Harlem Parade, Pledge Fight for Scottsboro Boys

Minor Urges Solidarity of Negro and White to Save Boys

NEW YORK.—Thousands of New York Negro and white workers marched Saturday in Harlem to protest against the massacre of the nine innocent Scottsboro boys by Southern lynch justice. Thousands more cheered from the sidewalks.

Massed at six concentration points, the workers marched from 118th St. and Lenox Ave., to 137th St. and 7th Ave., then returning to the meeting place at 131st Street and Lenox Ave.

Immediately following the I. W. O. band which led the parade was a line of girls each bearing one letter of the message, "STOP LYNCHING" A float depicting Gov. Ritchie of Maryland hung in effigy with the inscription, "We shall not forget him as the murderer of Euel Lee." There were placards stating "Mass Protest Will Save the Ecottsboro Boys," "Full Social and Political Rights for the Negro."

The crowd were so large that two meetings were necessary to enable all to hear the speakers though they spoke throuh amplifiers.

Robert Minor received a tremendous ovation, redoubled when he declared that "The Scottsboro boys are the symbol of Negro oppression," and that it was time to "meet the lynchers with well organized defence corps." Charles Krumbein, District Organizer of the Communist Party, declared that "It is the task of the Communist Party to lead in the struggle for Negro liberation."

Among the other speakers present were William Patterson of the International Labor Defense, Leonard Patterson of the Young Communist League, Richard Moore and Fitzgerald of the League of Struggle for Negro Rights and Sam Stein of the I. L. D.

When Robert Minor raised his hand and called for a pledge to fight for the cause of the Scottsboro boys every hand in the audience flashed up in answer.

PATTERSON FOUND GUILTY BY JURORS AFTER LONG DELAY

News

Death Sentence Is Given To Scottsboro Negro In Assault Case

12-2-33
Birmingham, Ala.

BY RALPH E. HURST
The Birmingham News Staff Writer

DECATUR—A verdict of guilty with death was pronounced for the third time for Heywood Patterson by a Morgan County jury at 5:10 p.m. Friday after being out 26 hours. The defendant was apparently unmoved. Notice of motion for a new trial was given.

Another futile defense attempt to move the Scottsboro cases to some other county for trial was made late Friday as a jury continued deliberating the fate of Patterson, first of the defendants to be tried here.

The defense change of venue motion was entered at 3:30 p.m. after the court had failed to obtain the legal minimum of 30 veniremen from which to pick a jury for trial of Clarence Norris.

The venire had been reduced to 24 late Thursday through dismissals for fixed opinions and opposition to capital punishment. The court went through the procedure of subpoenaing two veniremen for each one short.

As these separate groups came up the preponderance of fixed opinions increased and the defense venue change motion, indicated since morning by tactics of defense lawyers, was entered with impossibility of a fair trial alleged.

In denying it, Judge Callahan said he thought the fact that the veniremen were honest enough to admit they had fixed opinions was in itself proof that an impartial trial could be had.

The Norris jury is composed of W. S. Carpenter, George Dinsmore, Phil Humphrey, George Kelly, William C. Martin, L. H. McDaniels, Albert M. Petty, Andrew Stinson, John W. Tomlinson, Jr., Earle Vest, John E. Moody, Walter H. Todd.

A defense motion for a venue change was denied at the opening of preliminaries last week.

A venire for the Norris jury was finally completed at 4:30 p.m. and the way cleared to strike it down to 12 and open the evidence Saturday.

The Patterson jury had been out 22 hours when court was resumed at 1 p.m., and the Norris venire was still three men short.

Defense attorneys were making much over the fixed opinions which they made certain would show in the record, indicating a renewal of their contention that the defendants cannot get a fair trial here. The point can be employed in appeal or another change of venue motion.

Both Patterson and Norris are charged with criminally assaulting Victoria Price on a freight train in Jackson County March 25, 1931.

A death verdict has been demanded for Patterson, twice before sentenced to the electric chair.

News
12-2-33
Birmingham, Ala.

In qualifying veniremen, Leibowitz asked them if they had read newspaper accounts "of what they claim" has happened here. He asked them specifically if they had read The Birmingham News and The Age-Herald or the Huntsville papers.

Although there has been a judicial ban against the corps of photographers already here, news reel cameramen and others were still arriving, rushed here following news developments in other states. Some were detached from presidential assignments at Warm Springs and sent here by airplane.

With the delay in getting the second jury, it became certain that the Norris trial would extend into next week, probably through Tuesday.

At 11 a.m. the court had still not found 30 veniremen who could qualify for the Norris jury.

Jury Told To Rest

The jury in Patterson's case had begun deliberations at 3 p.m. and at 6 p.m. Judge Callahan sent them to their hotel with instructions to rest and not discuss the case further until Friday morning.

After Patterson's case had gone to one jury, qualifying a venire for the Clarence Norris jury was started. After 22 had been dismissed for having fixed opinions and 19 for opposition to capital punishment, the venire was left with only 24 members or six less than the minimum required by law. This necessitated the drawing of 12 more names and forestalled a night session. The names were drawn and officers sent out during the night with subpoenas.

Sentenced In 1931

Patterson received his first death sentence April 9, 1931, three days after a Jackson County jury found him guilty at Scottsboro. On a reversal by the United States Supreme Court, and a change of venue, his case came up as the opening of the Scottsboro trials here last Spring.

The second death verdict for him was handed down by the Morgan County jury on Palm Sunday morning, April 9, 1933. Shortly thereafter Judge Horton, who presided, set it aside on the grounds that the state had not presented sufficient evidence.

Whereas the trial here last April occupied an entire week, Patterson's case was disposed of this time in less than four days with Judge Callahan pushing proceedings to the utmost.

A written statement of evidence from Ruby Bates, taken in New York where she is reported seriously ill in a hospital, was received by Judge Callahan Thursday but did not get before the Patterson jury.

The defense had sought a delay for its arrival so they could present it, but Judge Callahan refused to halt proceedings and the defense case was drawn without it. It will be in order for the trial of Norris and the other defendants, here, however.

Ruby Bates, missing from her Huntsville home several weeks, made a surprise appearance for the state here last April and repudiated her charges of attack, declaring the testimony she gave at Scottsboro was false.

SCOTTSBORO CASE GIVEN TO THE JURY WHICH IS LOCKED UP

Times 12-1-33

Judge, Drawing Color Line, Calls for 'Protecting Womanhood' of Any Character.

New York

ALLOWS PLEA TO 'PASSION'

Jurors Deliberate Three Hours Without Reaching Verdict, Then Retires for Night.

Text of the judge's charge to the jury is printed on Page 4.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., Nov. 30.—Unable to reach a verdict in the first three hours of their deliberations, a Morgan County jury which is weighing the fate of Heywood Patterson was told by Judge W. W. Callahan at 6 o'clock this evening to give it up for the night and try again tomorrow.

In their ears when they retired there must have lingered the final words of the charge of the rustic jurist, who after drawing the color line once more across the famous Scottsboro case, forgot to tell the jurors how they might acquit the defendant until defense counsel called the omission to his attention.

They must have carried with them into the jury room the impassioned plea of Attorney General Thomas E. Knight Jr., to send Patterson to the electric chair, not to avenge Victoria Price but to stop attacks upon white women by Negro marauders.

Prosecutor's "Appeal to Passion."

The Attorney General, his eyes bulging, his voice trembling with emotion, whirled on his feet when Mr. Leibowitz protested that his words were "an appeal to passion," and said:

"It certainly is. It is an appeal to passion."

Mr. Leibowitz then asked the court to declare a mistrial and the hostile hillsmen who crowded the second-floor room, chuckled their delight and slapped each other on the back as Judge Callahan denied the motion and Mr. Knight continued.

"We all have a passion, and that is a passion for protecting the womanhood of the State of Alabama and, when we do protect the womanhood of the State, it doesn't lie in the mouth of any man to tell you what's best for your Commonwealth," he said.

"If you believe this defendant raped Victoria Price, be men enough to return such a verdict as you know and I know will be a deterrent to others."

Judge Stresses Protection.

Something of the same idea crept into Judge Callahan's charge when he instructed the jury that when the complaining witness in a case of criminal attack is a white woman "there is a very strong presumption that she did not yield voluntarily" to a Negro.

It mattered not, he said, whether the complainant was "the most despised, ignorant and abandoned woman of the community or the spotless virgin and daughter of a prominent home of luxury and learning."

"It is the glory of the law of this State and of the States of this Union that its protecting wings encompass all womankind," he added.

Then at the end of his charge, which took an hour and a half to deliver, Judge Callahan instructed the jurors on the form of the verdict they might return on two degrees of guilt. Explaining that the penalti[illegible] death or from ten years [illegible] life imprisonment. He was about to send the jury out when Mr. Leibowitz and Mr. Knight held a whispered conversation with him. It was then that Judge Callahan admitted that he had overlooked

Times
'33

SCOTTSBORO NEGRO AGAIN CONDEMNED

12-2-33

Third Alabama Jury, Out 25 Hours, Convicts Patterson and Fixes Death Penalty.

New York

BRIEF DRAMATIC SCENE

None Looks at Youth, Bitter Under Blow—Case Ready for Highest Tribunal.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., Dec. 1.—Another Alabama jury found Heywood Patterson guilty today and condemned him to death. The third trial of this 20-year-old Negro defendant in the Scottsboro case ended as had his first and second.

The twelve white men who sat in judgment on him had chosen to take the word of Victoria Price that he had ravished her against his own sworn denial of the charge and all the evidence the defense could muster to support it.

"We'll do our talking before the Supreme Court of the United States," said Samuel S. Leibowitz, chief defense counsel, when he was asked for comment on the finding of the jury which devoted eleven and a half hours debating what punishment should be meted out to a defendant who all agreed was guilty on the first ballot.

Record for Appeal Prepared.

Anticipating a verdict of guilty, Mr. Leibowitz, a New York criminal lawyer retained by the International Labor Defense, has been busy in the past two weeks building up a record on which to appeal to the higher courts once more.

That record contains a general exception to Circuit Judge W. W. Callahan's charge to the jury, motions for mistrials based on allegedly prejudicial statements from the bench and by Attorney General Thomas E. Knight Jr., and a host of exceptions to rulings of the judge excluding what Mr. Leibowitz contends were vital parts of the evidence.

It contains also uncontested proof that a fair trial of the seven Negroes recently rearraigned is impossible in Morgan County and evidence of illegal and systematic exclusion of members of the colored race from jury service—evidence which Judge Callahan held insufficient.

The jury reached its verdict at 5 P. M., just as a new panel of twelve was being sworn to render a true verdict in the case of Clarence Norris, another one of the nine Negroes indicted at Scottsboro nearly three years ago for a criminal attack upon Victoria Price and Ruby Bates, hoboing on a Southern Railway freight train.

Such difficulty had been found in selecting twelve men without fixed opinions that Mr. Leibowitz renewed his motion for a change of venue on the ground that it had been "affirmatively proved" before the court today that a fair trial was impossible in this county, which received the cases from Jackson County because feeling was so bitter there.

Judge Callahan denied the motion, saying:

"The very fact that the jurors have been honest enough to state that they had fixed opinions indicates to me that the defendant can get a fair trial when a jury finally is picked."

Patterson Brought in Manacled.

The Patterson jury, which retired at 3 P. M. yesterday, signaled its readiness to report by a single resounding knock upon the brown wooden door which separates the court room from the small, bare chamber in which they reached the conclusion that Alabama justice demanded the life of Patterson.

A deputy sheriff was sent hurrying across the lawn to the jail to fetch Patterson while Judge Callahan went about the business of swearing in the new jury and cautioning them against discussing the case or reading about it in the newspapers. This took about ten minutes.

His wrists manacled together, Patterson, a six-foot Negro with the physique of a football tackle, strode down the aisle of the court room between two deputy sheriffs and sat down beside Norris before the newly selected jury had been escorted out.

When the last of these had passed through the doorway, Judge Callahan signaled a bailiff to open the door of the jury room. Then the jurors, filed out behind John Russell, their foreman, who held Patterson's fate scrawled in pencil on a piece of paper.

The faces of the twelve were grim. Patterson scanned each one and a ghost of a smile appeared upon his face, but in that smile there was neither happiness nor hope.

Rendering of the Verdict.

Then the twelve lined up before a bench, and there was dead silence.

The rough hillsmen who filled the court leaned forward expectantly, but with little uncertainty about the outcome. In the corridors and on the lawn where they gathered in little groups throughout the day of waiting they had predicted exactly what was about to happen.

"Gentlemen," asked Judge Callahan, "have you agreed upon a verdict?"

"We have," said Mr. Russell.

The words came in a whisper. The muscles in Patterson's neck grew taut.

Mr. Russell stepped forward and handed the slip of note paper which he had been clutching in his right hand to John Green, the court clerk. clerk.

It took Mr. Green almost a minute to flatten out the paper, which was moist and crumpled. He then read the fateful words:

"We find the defendant guilty as charged in the indictment and fix his punishment at death."

The whisp of a smile that had lingered on Patterson's lips almost like a smile in death changed to a malevolent leer as his angry eyes swept from the jury to the judge and back again. Once his big body twitched and his right arm came up. He was like a caged animal about to lunge at a keeper who had mistreated him.

"That ends your services here for this ter mof court," Judge Callahan told the jurors. "Thank you for your services and stop at the clerk's office on your way out for your certificates."

Patterson was sneering openly now at the judge and at the twelve men who had decreed that his life must be forfeited to the State. He had not risen from his chair behind the table at which his lawyers sat. Nobody had told him to. Scarcely any one had even looked his way.

Eight of the jurors walked past the chair in which he sat without turning their eyes upon him. Four others started to leave the court room that way, but changed their minds and too kthe long way out. Norris, who has seen two juries chosen but has heard only one condemn his to death, looked after the departing jurors like a man in a dream.

udge Defers Sentencing.

The verdict of the jury left Judge Callahan no alternative but to pronounce a sentence of death upon Patterson, who has been saved from the electric chair once by the United States Supreme Court and once by Judge James E. Horton, who presided at his last trial here in April.

"I make it a rule," said Judge Callahan, "never to sentence a man if I can help it on the day the jury brings in a verdict. I don't believe in yanking him around. I will fix a day for sentence, however, before you leave, Mr. Leibowitz."

The court the ninformed Mr. Leibowitz that he had thirty days in which to file a motion for a new trial. A request that the defense be given thirty days from the date when the transcript of the testimony taken at the trial is delivered, was denied.

In all, only fifteen minutes had elapsed since the knock on the jury room door resounded through the court room. The moment of drama was over and the spectators began to file out, stopping in the aisle and on the stairways to discuss it as men sometimes chat among themselves as they leave a lecture hall.

Similarity of Two Juries.

All the jurors chosen to try Norris were farmers except three—a carpenter, an oil salesman and a railroad employe. As they took their places in the jury box there was little about them to distinguish them from the jury which had occupied those seats from last Monday until yesterday afternoon.

All were in the neighborhood of middle age. Most of them were

thing" he proceeded to instruct the jury that if they were not satisfied "beyond a reasonable doubt that Patterson was guilty as charged," he should be acquitted, in which case the foreman should report:

"We, the jury, find the defendant not guilty."

Selecting the Next Jury.

The moment the door closed on the twelve grim-faced jurors, Clarence Norris, another of the seven Scottsboro Negroes to be tried at this term, was brought to the courtroom from the adjoining jail and a new venire of 100 men filed into occupy the seats which had been reserved for them.

Within three hours all but twenty-four had been excused for one cause or another. Since the law requires that at least thirty talesmen shall be on hand when the peremptory "striking begins," it became impossible to select a jury to try Norris tonight.

It was the first time in fifteen years that such a thing has happened in this county. Sheriff Bud Davis was instructed to have twelve more venire men in court at 8:30 tomorrow morning, when court will reconvene.

It was a dramatic and colorful day which marked the submission of Patterson's case to the third jury to consider it. All of Decatur's citizenry, except those connected with the case, were enjoying the Thanksgiving holiday.

The cheers of the exultant students of the local high school, celebrating their thirtieth consecutive football victory, were wafted through the open windows while Judge Callahan was delivering his charge.

Even Judge Callahan, who has been holding court from 8:30 in the morning until nearly 10 at night in his determination to settle the case of Patterson in the space of three days, made a slight concession to the occasion. At the conclusion of the summation of the Attorney General, who under the law has the last word in criminal cases, Judge Callahan said:

"It is proper that we now pause and go to our firesides in proper recognition and gratitude for the favor of that All-Wise Being Who has been with us through these trying years."

This was at 10:30 A. M. Promptly at 1:30 he was back upon his high bench, the defendant was in his chair between two deputies and the court room was filled with unshaven farmers in overalls, except for the 100 vacant seats reserved for the venire for the trial of Norris.

At their counsel table Mr. Leibowitz, Joseph R. Brodsky and C. W. Chamlee, the lawyers retained for the Negroes by the International Labor Defense, sat stiffly with faces set and drawn. Facing them were the attorneys for the State, Mr. Knight, his assistant, Thomas S. Lawson; Wade Wright, Circuit Solicitor of Morgan County, and H. G. Bailey, who prosecuted the Negroes at Scottsboro. They were the embodiment of confidence.

Before he began reading his charge, Judge Callahan nodded and smiled at Mrs. Leibowitz, a modish figure in a smart gray ensemble seated just inside the railed enclosure before the bench. She returned the smile and the judge began explaining the law which in his opinion applied to the case.

Charge Disheartens Patterson.

As the judge began to speak, Patterson leaned forward in his chair intently. As one after another loophole was closed to him by the court's interpretation of the law, he sat back, slumping lower and lower in his seat, the picture of dejection.

The cold stenographic report of the charge does not convey the full force of its blow to the defense. Time after time the judge changed the intonation of his voice significantly and several times he glared in what seemed an unfriendly fashion at the defense counsel table while explaining to the jury that inference and innuendo were not evidence.

Defining the crime charged, Judge Callahan declared that it was not necessary to prove that the complainant resisted the advances of an assailant or that any but mental force was used. Nor was it necessary that the charge of the prosecutrix be corroborated so long as the circumstances bore out her story.

The judge said it was enough to show that the accused "aided and abetted" in the commission of the crime, even though he was not an actual participant.

He dwelt at length upon the fact that Patterson, with his life in jeopardy for the third time, was "an interested witness" under the law when he repudiated before this jury damaging statements he had made in his first trial in Scottsboro nearly three years ago.

Stern on Excluded Evidence.

Warning the jurors that they must not be influenced by rulings of the court sustaining objections from counsel for either side, he glared at Mr. Leibowitz and his voice rang out as he asserted that it was his function to decide what was proper and improper evidence.

He said that if questions which had been barred from the record were to be used as "legitimate argument to speculate on what the answer would be, then the parties have got as much benefit from an adverse ruling as they would have gotten from a favorable ruling."

Thus, he argued, the whole action of the court would be thwarted and illegal evidence would drift into the jury box and under such circumstances there would be no low and, when law fails, "the government fails."

Mr. Leibowitz returned the judge's stare unflinchingly. Since the trial opened he has been trying unsuccessfully to establish on the record that Victoria Price, Ruby Bates, Lester Carter and Orville Gilley spent the night before the alleged attack on a Southern Railway freight train in a hobo jungle near Chattanooga under unconventional circumstances.

Their behavior, he contended in summing up his case, might contain the explanation of the condition in which doctors who examined them found the girls after a posse took them off the train.

The judge turned once more toward Mr. Liebowitz and fixed him with a glassy eye as he declared that the proper way to discredit a witness was to call character witnesses, qualified to tell of his reputation in his own community.

Mr. Liebowitz had made much in his summation of the fact that the State had left it to the defense at this trial to place upon the stand Dr. R. R. Bridges, the Scottsboro physician who examined the girls immediately after the capture of the Negroes and who testified for the State at Patterson's two previous trials. It was no concern of the jury, said the judge, for which side a witness testified.

Before he completed his charge, Judge Callahan cautioned the jurors not to allow the fact that the defendant was a Negro influence them in finding their verdict.

No man who based his verdict on "such contemptible grounds," he said, was worthy to be in the jury box.

Lynchings-1933 II
Legal Punishment for Rape

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dressed, in the style of the community, in overalls or in coats and trousers that did not match. One was wearing riding breeches and rawhide boots. Scarcely a man among them wore a necktie and some had the collars of their flannel shirts open at the throat.

The new jurors were:

WILLIAM L. CARPENTER, a carpenter.
GEORGE H. DINSMORE, a farmer.
PHIL HUMPHREY, a farmer.
GEORGE B. KELLEY, a farmer.
WILLIAM C. MARTIN, a farmer.
L. HILDRED MacDANIEL, a farmer.
ALBERT M. PECK, a farmer.
ADDREW D. STINSON, a farmer.
JOHN W. TOMLINSON Jr., a farmer.
BURL VEST, a farmer.
JOHN E. MOODY, an oil salesman.
WALTER H. TODD, an employe of the Louisville & Nashville Railroad.

Great difficulty had been experienced in obtaining the second jury. The original venire of 100 talesmen had yielded only twenty-four men qualified to serve, whereas thirty are required by law before the start of peremptory challenging. Nothing like that had happened here for fifteen years.

Times

Combing County for Talesmen.

As Judge Callahan construed the law, he was allowed to summon only twice the number of veniremen needed to make up the minimum. First he drew twelve names and sent deputies scurrying about the countryside to bring them to court. Then, when one more qualified juror was found, he sent out for ten more citizens of the county.

So it went through the day, with long intermissions while the deputies ran their quarry to earth. It was dark by the time the thirty were lined up for the inspection of Mr. Leibowitz.

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A few of those who were excused for cause went out of the jury box because of secruples against the infliction of capital punishment. Fully 50 per cent were disqualified because of fixed opinions which they said would make it impossible for them to render a verdict on the evidence. Some stated, before they could be stopped, that they were sure the defendant was guilty.

The verdict of the jury which found Patterson guilty and condemned him to death in accordance with the law which leaves the punishment to the jury, relieved some of the tension which has pervaded the atmosphere here for the past fortnight.

This afternoon, however, Mrs. Leibowitz, who is staying with her husband at Cornelian Court, received two letters, probably the product of cranks, threatening to "get her" unless Mr. Leibowitz dropped the case. Mr. Leibowitz is escorted everywhere by two local deputy sheriffs and Harold Fox of the Brooklyn Homicide Squad, who is "visiting" here.

Callahan Orders Second Scottsboro Boys to Trial Before Verdict on Patterson

BULLETIN

DECATUR, Ala., Nov. 30.—Judge Callahan, at 6 p. m. (Central Time) ordered the jury locked up until Friday. The jury began its deliberations at 5:02 p. m. The verdict is expected Friday.

Defense Smashes Thru Perjuries of the Prosecution

Charge Is Whitewsh of State Witness, Victoria Price

By JOHN L. SPIVAK

(Special Correspondent of Daily Worker)

DECATUR, Ala., Nov. 30.—With a pious word of thankfulness, "You have the blessings that the Almighty God gave us," Circuit Judge W. W. ("Speed") Callahan at 3:02 p.m. sent the jury to deliberate the fate of Heywood Patterson, who has been rushed through his third trial for life in the Morgan County Court House here.

Two minutes after the jury had been locked up, Callahan ordered International L[illegible] yers to begin picking jurors for the trial of Clarence Norris, second of the Scottsboro boys.

Callahan is determined to end the Norris' trial by Saturday night.

Judge's Charge

12-1-33

Callahan began his hour-and-a-half charge to the jury in a cold, hard voice that rang loudly through the silenced court room. No one was allowed in while he talked. Only messenger boys rushing with newspaper copy were permitted to enter the room.

At the end of his charge he told the jury to go into the room and deliberate, without having mentioned a single word about acquittal. Both Leibowitz and Knight rushed to the bench and whispered to him, whereby he stared in surprise at them and resumed charging the jury, addinges casually that if in the event that the evidence does not substantiate the charges, it was their duty to acquit.

Just before he concluded he gave the jury a strong hint that it could find Patterson guilty and give him a penitentiary sentence of from ten years to life.

Callahan read the charge from a prepared paper. The whole charge was filled with legal phraseology, which it is very doubtful, the jury of farmers could understand. He then ordered them to retire to the jury room, which is the room used by the defense for its witnesses. It was 3:02 p. m.

The court stressed in its charge that "if fear of force were present, rape is established, even though the woman did not fight for her honor or her life."

"The attitude of the defendant's social and racial defenses should be weighed by you," he cautioned. "Even if Victoria Prive made no effort to resist and penetration occurred, it is rape. It doesn't matter if she consented."

"The law says," he added, "That when the woman is a white woman, it is a strong presumption that she did not yield voluntarily to a Negro. It holds true no matter how despised the woman may be.

It is also a principle of law involved that any person that advises or encourages in the violation of the law is just as guilty as the person who actually violates the law. The punishment is the same.

"The evidence of Victoria Price is enough if you think it is corroborated by Orville Gilley."

Attorney-General Knight grinned and looked very pleased.

(Callahan said nothing about his refusal to adjourn the court in order to get Ruby Bates' prerogatories, which arrived this morning at 9).

The court then stressed that the State's failure to call certain witnesses must not be considered. "All you have to consider is what the witnesses who appeared here before you testified."

The court continued:

"You sheuld look at the witnesses' countenance. God almighty has put them there and it is there if you are expert enough to look for it. Look at the witnesses' conduct on the stand. How does he look, act, by the way he talks? How he uses his common sense? What sort of a story does [illegible] You have the right to [illegible] and weigh it."

"No finger can [illegible] at a woman's erring [illegible] of her future in denying her protection [illegible] the law," the judge said.

Judge Callahan declared:

"The strong presumption under the law is [illegible] this case did not [illegible] would [illegible] yield to the Negro defendant," the judge said. "Aiding in the [illegible] is serious and punishable as the attack itself. The conspiracy is as punishable and each conspirator of the attack is guilty whether or not he was one to actually accomplish the act.

"The existence of a conspiracy must be determined by you jurors from the party's conduct. The defendant must be shown guilty beyond a reasonable doubt.

"Two main things to be considered are that the woman must have been attacked within the definitions given in order to determine first if the crime was committed and if so, then the question is whether this defendant actually aided and abetted or conspired in the attack.

"This is a suit not of Victoria Price against Patterson and other parties but of the State of Alabama against Patterson and parties. You have only Patterson to consider and it doesn't matter what happens to the others.

"The offense is complete when the woman is made to yield through fear of violence.

"Outside of certain conditions, force is an essential element. When the mind is overpowered by show of violence or resistance ends because of physical fear and acquiescence is thus obtained, the offense is complete.

"The law does not compel the woman to resort to violence to resist."

Through his wohle charge he persistently used the word "he" or "his" instead of she.

"When a man testifies for himself he is an interested witness," the court continued, "and his testimony must be considered in the light. The law does not require that you be satisfied of his innocence to an absolute certainty. The rule is that you must be satisfied of his guilt or innocence of a reasonable doubt."

The court concluded his amazing charge to the jury, by the following statement:

"Before the laws of Alabama and our nation, all men stand on equal lines. He is entitled to and should receive equal administration of the law, no matter what his color or race is. When the law fails, eventually government will fail."

"There was something in the arguments about the defendant being a Negro," Judge Callahan concluded, unconvincingly. "I'd be ashamed of you if that entered into your search for truth. No man is worthy of being in the jury box who would reach a verdict on such contemptible grounds."

The courtroom was jammed with spectators and prospective jurors for the Clarence Norris trial when Callahan ordered the Patterson jury brought in to hear finishing summations by General W. W. Chamlee of Chattanooga, Southern associate defense cousel, Knight, and his own charge to the jury.

The prospective jurors were ordered to leave the courtroom when Chamlee began his summation.

Tall, spare and elderly, Chamlee in simple, touching language explained his early connection with the case; how the boys were terrified by the mob when he saw them, how no lawyers were present to really defend them, and how not even the judge knew who their lawyers were.

During Chamlee's address Patterson leaned forward in his chair eyeing him with pathetic hopefulness. The young Negro did not take his eyes off Chamlee during the whole hour's talk.

Knight followed immediately to conclude summation for the state.

Knight demanded death for Patterson, declaring there was no middle way. He based most of his appeal for the electric chair "to save our own daughters from the rapist." This time, instead of harping on preserving the purity of the "white woman," which he emphasized at the spring trial, he refers only to "women."

"I don't care how low Victoria is, we cannot forget she is a woman," he emphasized.

Chamlee's charge that the boys were fraed mwas countered by Knight in furious insinuations that the "defense framed its case." Smarting also from the defense accusation that

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the state hid Dr. Bridges, who first examined Victoria Price after the alleged attack, Knight cried angrily:

"Dr. Bridges was in court ready to testify, if the state saw fit."

Dr. Bridges, at the spring trial testifying for the state, became virtually a defense witness and the state refused to put him on this time.

Proudly admitting that he was playing upon passions of the jury for the sake of "white womanhood of Alabama," Attorney - General Knight demanded the death penalty for Heywood Patterson.

Attorney Leibowitz demanded that Knight's appeal be included in the record, and moved for a mistrial.

Judge Callahan promptly overruled the motion. and adjourned court before charging the jury "to give thanks to an all wise being who has seen us through the troublesome day."

Finishing his address, Knight virtually apologized for the court excluding vital testimony regarding Victoria Price's sexual relations in Chattanooga on the night preceding the arrest, saying that the court was absolutely justified according to law.

"The State of Alabama conducted this case according to law and has not made it a circus for the world to watch."

Immediately thereafter, carried away by his own eloquence, Knight, clapping hands and hopping about excitedly, cried:

"You cannot avenge Victoria Price, but you can prevent this terrible thing from happening to some other women."

Leibowitz jumped up and demanded that this statement be taken down by the stenographer because it was an appeal to passion.

"You're right!" Knight shouted. "It is an appeal to passion."

"The attorney-general has just admitted appealing to passions of the jury," Leibowitz returned sharply.

"I move for mistrial."

"Motion overruled," Callahan snapped.

"Yes, we all have a passion to protect the womanhood of the State of Alabama," Knight returned furiously.

"I want everything else the attorney-general says taken down in record," Leibowitz insisted.

With the rest of the summation being taken down, Knight concluded in another minute.

Callahan, instead of charging the jury immediately, apparently decided to adjourn court until one-thirty.

"In appreciation of this day of thankfulness for benefits given us by all wise being, I will adjourn court to give us all a chance to go to our firesides," Callahan said solemnly.

ALABAMA NEGRO FACES THIRD TRIAL

State Expects to Put Girl

Accuser of Patterson Before Jury Selected Today.

Times

EX-HOBO TO SUPPORT HER

But Scottsboro Defense Is Said to Have 'Surprises' in Battle for Prisoner's Life.

11-27-33

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

New York N.Y.

DECATUR, Ala., Nov. 26.—Although a twice-told tale, the case of Heywood Patterson may still contain surprises, it was indicated here today on the eve of his third trial for his life.

Three times this illiterate, penniless Negro has stood before the bar of Alabama justice to plead not guilty to a charge of attack on two white girls and twice he has heard himself found guilty by white juries and condemned to death.

His first trial at Scottsboro consumed a day. Last Spring, after International Labor Defense had come to his assistance and won him a new trial, it took a week to place him once more in the shadow of the electric chair, only to be saved again by Judge James E. Horton, who presided.

This time Judge W. W. Callahan, self-educated local jurist who in the past week has thrust aside two separate defense onslaughts against the "lily-white" jury system of his State, has declared that he thinks three days will be enough to determine whether Patterson shall live or die.

Expect Girl's Testimony Today.

Tomorrow morning at 8:30 o'clock from a panel of 100 white men Samuel S. Leibowitz, chief counsel for the defense and Attorney General Thomas E. Knight Jr. will begin the task of selecting tweive Morgan County citizens who "will a true verdict render."

Before the day's session ends the prosecution expects to have Mrs. Victoria Price's testimony on the record. Seven times, once before a grand jury of Jackson County and six times in open court, the young mill hand testified that she and Ruby Bates were attacked by Patterson and nine other Negroes on a freight train bound from Chattanooga to Huntsville on the afternoon of March 25, 1931.

Ruby Bates, who joined in the accusation at the first trial, recanted last Spring and testified that the whole case was concocted by Victoria Price to avoid a possible arrest for vagrancy. All that the Negroes did on the freight train, she declared, was overpower some white hoboes who picked a fight with them.

At this trial Ruby Bates will not return to testify, but will tell her story in a deposition from a hospital bed in New York, where recently she underwent an operation.

State Relies on Young Ex-Hobo.

The State, however, is counting upon 22-year-old Orville Gilley of Albertville, Ala., the only one of seven white hoboes not thrown off the train, to corroborate the charges of Victoria Price, whose testimony Judge Horton found so unreliable that he was constrained to reverse the jury's verdict against Patterson.

Although confined in the Scottsboro jail until the first trials were concluded, Gilley, who supposedly could have corroborated the testimony of the girls, was called in rebuttal at only one of the original trials, and then only to say that the Negroes were in the same car as their accusers.

Mr. Leibowitz made much of the State's failure to use him as a witness last Spring and failed to elicit an official explanation in the court room. J. G. Bailey, Solicitor of Jackson County, who arrived here today to assist the prosecution, said the reason was that Gilley's language was too rough for the court room of Judge A. F. Hawkins, who presided at the first trial.

Gilley has been here for the past week waiting to testify against the Negro, who, according to the defense at the last trial, saved his life by preventing him from jumping off the train after it had gathered speed.

He returned to Alabama from California voluntarily after the Patterson trial last Spring and sought out Attorney General Knight at Montgomery.

Other Surprises Predicted.

Sheriff Ben Giles of Huntsville predicted that there would be a surprise when Victoria Price was sworn. Since the last trial the NRA textile code has raised her wages from $5 to $14 for a shorter work week. Telling of the new frocks of the twice-married girl, who lives in Huntsville, he added:

"She's gained weight and had her hair curled and you would hardly know her."

The defense hinted at dramatic surprises too. Joseph R. Brodsky of its counsel has been absent for several days and tonight there was a mysterious conference of defense attorneys in Birmingham.

It was hinted that all the white hoboes, including Lester Carter, "The Knoxville Kid," who was the only one to testify at the last trial, would be on deck when Mr. Leibowitz puts in his defense.

Another report, about which Mr. Leibowitz declined to comment, was one that a former official of Alabama might appear to tell the court the "real reason" why Gilley's testimony was so limited at Scottsboro.

Before leaving here for Birmingham Mr. Leibowitz, commenting on exceptions saved in the skirmishes last week, said:

"I have the utmost confidence in the ultimate result when the case finally reaches the United States Supreme Court."

Judge Callahan has indicated that to keep expenses down he will cut the trial as short as possible and will hold sessions until midnight, if necessary, to clear the way for the trial of Clarence Norris, another Negro defendant, on Thursday morning.

Ruby Bates Not Out of Danger.

Ruby Bates, witness for the Scottsboro defense, who underwent a major operation in a New York hospital, Friday, was resting easily yesterday, the International Labor Defense said. Physicians in charge, however, would not pronounce her out of danger and her deposition in the case is not expected for several days.

A report that Ruby Bates was in the Beth David Hospital, at Lexington Avenue and 113th Street, under the name of Josie Smith, was denied last night by hospital officials.

Dublin. Ga. Courier-Herald
November 27. 1933

A handwriting expert, called to Scottsboro, Ala., said that the names of negroes on the grand jury list were fakes and were added after the indictment of the negroes now on trial. It did not require a handwriting expert to know that. Anyone with common sense knows that there have not been any negroes on an Alabama grand jury list since the days of the Carpet Baggers.

FIGHTING OUR BATTLES

12-2-33

Samuel Leibowitz, noted Jewish lawyer, risks his life to fight our battles in the Scottsboro cases in [illegible] Alabama. Will we ever learn to make similar sacrifices [illegible] of our own freedom? Not until our college presidents and professors, and our school teachers. teach our children how.

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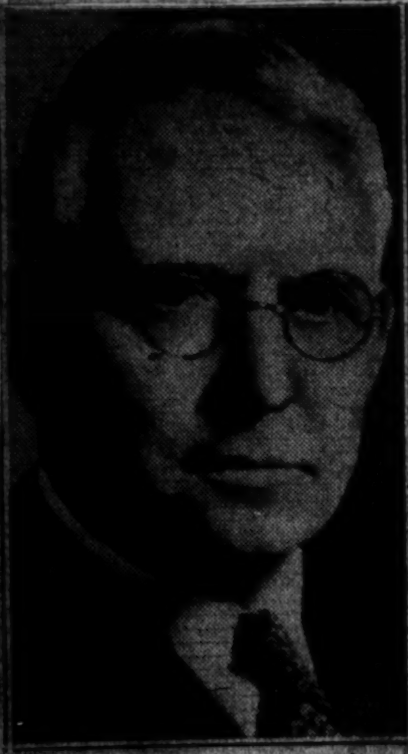
15 Men Guard Decatur Courtroom as 7 Negroes Plead Not Guilty



Judge W. W. Callahan.

not believe it necessary to have the National Guard troops, the Attorney General suggested that fifteen

Prisoners Are Transferred Secretly at Night from Birmingham.

men from outside Decatur be on duty.

The special guard supplemented forces of Sheriff A. W. Davis, who brought the Negroes here during the night from Birmingham.

Davis was accompanied by fifteen county officers in an auto caravan, some of them armed with machine guns, during the 90-mile trip to Decatur, made without incident.

Selection of additional guards was made public after Samuel S. Leibowitz, New York criminal lawyer and head of defense counsel, wired President Roosevelt at Warm Springs, Ga., asking that he urge Governor Miller to send them.

Mr. Leibowitz asserted "the probability of massacre of defendants and attorneys is extremely grave."

Attorney General and Governor Provide "Outside" Armed Force.

BULLETIN.

By the Associated Press.

DECATUR, Ala., Nov. 20.—Judge W. W. Callahan today set the third trial of Heywood Patterson for next Monday, November 27.

By the United Press.

DECATUR, Ala., Nov. 20.—Fifteen armed guards, selected by Attorney General Thomas E. Knight, Jr., with approval of Governor B. M. Miller, were on duty in the Circuit Court room here today as seven Negro youths, charged with attacking two white women near Scottsboro, Ala., on March 23, 1931, were arraigned for trial for the third time.

The Negroes entered pleas of not guilty in a court room only half filled.

George W. Chamlee, of the International Labor Defense Counsel moved to quash the indictments, and arguments on the motion opened immediately.

Despite decision of Presiding Judge W. W. Callahan that he did

the South in recent months and open threats against the lives of the Scottsboro defendants, lawyers and witnesses, the National Committee for the Defense of Political Prisoners today redoubled efforts to persuade Governor B. M. Miller of Alabama to assign National Guard troops to the trial of the seven Scottsboro Negroes.

Well known liberal writers and clergymen have pledged their co-operation, and have sent wires to Governor Miller urging a National Guard force. A delegation of prominent authors and liberals will leave for Decatur Wednesday.

"It is hoped that their presence in Decatur may do much to calm the lynch fever," Alfred H. Hirsch, national secretary of the National Committee, said this morning. "We have grave fears for the safety, not only of the Scottsboro boys, but also for their attorneys and even the witnesses in the case, since the affidavits quote a cross section of Morgan County citizens as urging lynching of the chief figures in the defense.

A meeting of the Scottsboro delegation will be held tomorrow night at the studio of Margaret Larkin, 126 E. 27th St., at which there will be present George S. Count, professor of education, Columbia University; Mary Van Kleeck, of the Russell Sage Foundation; Susan La Follette, Malcolm Cowley, Edward Dahlberg and others.

Troops Not Needed, Governor Miller Holds.

By the Associated Press.

MONTGOMERY, Ala., Nov. 20.—Governor B. M. Miller today wired George W Chamlee that he did not believe troops were necessary at Decatur, but that they would be sent if there was any change in sentiment.

The telegram said "Your wire received. Have kept in close touch with Trial Judge at Decatur and State and county officials there. They advise me there is no indication of mob violence. Have authorized Trial Judge to appoint necessary additional deputies at expense of State. Investigation has been in all portions of Morgan County and local officials base their judgment on this investigation and state that in their opinion, no military guard is necessary. I am keeping in close touch with officials of Morgan County in charge of these cases and should they advise any change in sentiment, or any necessity for military guards, I will provide such immediately. I have confidence in the judgment of civil authorities in charge of these cases and I have an abiding faith i nthe law abiding spirit of the citizens of Morgan County.

New York Times

NOV 19 1933

SCOTTSBORO JUDGE BARS TROOP GUARD

But He May Revise Decision Not to Ask for Militia at New Decatur Trial.

LEIBOWITZ PLANS PLEA

He Will Urge Upon Prosecutor Protective Steps for N[redacted] —To Ask Change of Venue.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., Nov. 18.—Despite reported threats of mob violence, seven of the nine defendants in the Scottsboro case are to be brought here Monday from the jail in Birmingham without a military guard.

Judge W. W. Callahan, who was assigned to try the cases after Judge James E. Horton reversed the verdict of guilty returned against Heywood Patterson last Spring, is understood to feel that the display of military force at the last trial helped engender bitterness among the townsfolk against the Negroes.

His decision not to request Governor Miller to summon a detail of the National Guard, however, is subject to revision. It was believed that he may ask for the militia after hearing the evidence which Samuel S. Leibowitz, chief counsel for the defense, is prepared to offer Monday in support of a motion for a second change of venue.

Mr. Leibowitz has in his possession seven affidavits from private investigators listing the names and addresses of nearly 500 individuals who, he says, not knowing that they were to be quoted, expressed the opinion that the "Jew lawyers from New York" and their Negro clients should be lynched.

Affidavits to Be Presented.

It is his intention to offer the affidavits in court on Monday to support his contention that a fair trial for the Negroes accused of attacking Victoria Price on a freight car near Scottsboro almost three years ago, is impossible anywhere in Morgan County.

The cases were transferred to Morgan from Jackson County, where the alleged crime occurred, after the United States Supreme Court set aside the original verdicts of guilty and the sentences of death imposed by Judge A. E. Hawkins, on the ground that the first trials were unfair.

The Alabama statutes permit only one change of venue, but Mr. Leibowitz is planning to attack the constitutionality of the law on the ground that it deprives the defendants in the Scottsboro case of their right to a fair trial, in violation of the Fourteenth Amendment. He will attempt to show that there is more animosity toward him and his clients here than there ever was in Jackson County.

The New York attorney, who has been retained by the International Labor Defense, a Communist adjunct, to defend the Negroes, left home yesterday but he did not come to Decatur. He went instead to Birmingham, where he hopes to confer tomorrow with Attorney General Thomas E. Knight Jr., the prosecutor, regarding protective measures which he holds necessary to safeguard the lives of the accused Negroes.

Pamphlet Attacks Defense.

Soon after his arrival in Birmingham Mr. Leibowitz obtained a copy of a fifty-four-page pamphlet which contains a suggestion of mob violence and which has been circulated widely throughout the State, according to report. The pamphlet, which purports to have been written by Woodford Mabry, attorney at Grove Hill, Ala., is entitled "A reply to Southern slanders in re the Negro question, lynch law, &c., being an invitation to the International Labor Defense and all other associations advocating political equality to get out of and to remain away from the State of Alabama."

"We regard your teachings as dangerous and a menace to our State," the pamphlet states.

Among the more inflammatory passages was the following:

"I have never been, am not now and never will be an advocate of mobs, but when a lot of outside Negroes and white people send lawyers into our State who set themselves up insolently and lawlessly to defeat the law and cheat justice, I believe then that within certain limitations the people who authorize court executions retain the power themselves to put down crime.

"Within those limitations all peoples enforce lynch law. Why does the law give you the right to expel trespassers with just such force as you find necessary? And to kill a man to prevent him from stealing your horse or burglarizing your house? Or to anticipate and slay the assailant who manifestly means to attack your life? It is because the law is too slow to save you.

Community Urged to 'Save Self.'

"You must save yourself. In like manner the law may be too slow and uncertain to save a menaced community because of outside lawyers and the unscrupulous methods employed by them. Then that community must exercise its inherent right to defend itself."

Notwithstanding the widespread talk of lynching members of this Tennessee River community minimize the danger of actual violence. Taxicab chauffeurs, store keepers, and public officials all are positive there will be no trouble. Negroes however, look frightened and give evasive answers when they are asked for an opinion about the case. The third trial of the twice convicted Patterson will not start for a week after his arraignment. A considerable part of the interim probably will be consumed by argument on the motion for a change of venue.

Attorney General Knight has requested subpoenas for all the witnesses who testified for the State at the last trial. In addition he ordered the issuance of a subpoena for Ruby Bates, the girl who testified that she was attacked along with Victoria Price at the Scottsboro trials and then, appearing as a surprise witness for the defense at the last trial, recanted and charged that the whole case was "a frame-up."

The Bates girl, however, has informed Mr. Leibowitz in a letter made public by him in New York a few days ago that she does not dare to return to repeat her testimony in Decatur. According to the defense counsel, she is beyond the process of the Alabama court in New York or New Jersey.

Of even more interest than the subpoena which Mr. Knight requested for the Bates girl was the Attorney General's request for a subpoena for Orville Gilley. Gilley, a white hobo, was on the freight car in which the alleged attack took place, and presumably saw all that happened.

Although held in jail until the trials at Scottsboro were ended, Gilley never, from the witness stand, told the story of the alleged crime. Since the last trial, according to Mr. Knight, he returned voluntarily to Alabama and swore to an affidavit supporting Victoria Price's charge of a mass assault upon her and Ruby Bates. Whether Mr. Knight will be able to produce Gilley in court, has not been revealed.

Raleigh, N. C., News & Observer
December 2, 1933

JUSTICE FOR ALL OR NONE

Judge Callahan in his charge to the jurors in the trial of Haywood Patterson in the famous Scottsboro case in Decatur, Alabama, on Thanksgiving Day stated the doctrine of the equality of all men, black and white, before the law in terms worthy of remembrance. Unfortunately the new verdict of guilty brought in by the Alabama jury after more than a day of deliberation will arouse a widespread wonder as to whether they heard him or acted upon the fundamental doctrine which he gave them. He said:

> Something has been said through this case in argument, about the defendant's being a Negro.
>
> I would be ashamed of you if that is to enter into your consideration for search for truth in this case. No man is worthy to be in a jury box that would reach the guilt or innocence of a man on any such contemptible grounds.
>
> Before the law of Alabama and before the law of this nation, men stand on equal rights, as far as the law is concerned. He is entitled to expect and receive the administration of the law in that manner and no other.
>
> Whenever it is administered in any other way, the law has failed, and when the law fails, eventually the government will fail.

No doctrine is more fundamental to our civilization than that all men regardless of creed or color or wealth or place are equal before the law. Once that doctrine is invaded to destroy the equality before the law of any men than the hope of all others to secure impartial justice in our courts is gravely threatened. Only tyranny or anarchy can prevail where all men are not granted equality in the quest for justice.

Gastonia. N. C. Gazette
December 4, 1933

THE LAW'S DELAYS.

One of the reasons why there is so little resentment against lynchings in certain quarters is because of the slowness of the courts. If punishment for wrongdoing were certain and sure, there would be no cause for lynchings. It is when an outraged populace, feeling that the courts are powerless to act, take the law into their hands, that we have lynchings.

The Hickory Record cites the Scottsboro case as typical of this line of reasoning.

"For a third time," says The Record, "a death verdict has been returned against Heywood Patterson, 21-year-old negro for an alleged assault on a white woman, at Scottsboro, Ala., in 1931.

"Regardless of what the people of the country at large may think concerning the affair, few persons would argue that it should be necessary to try a case three times and then perhaps prolong the procedure by another appeal.

"The case has been submitted to three different juries and each time the verdict of guilty has been brought back.

"If a mob had taken the accused negroes out and hanged them following the alleged attack, the press of the land would have voiced the indignation of law-abiding citizens. We should stop to consider, now that a third verdict of guilty has been returned in the case, with further delays probable, that here is an instance upon which those guilty of mob violence justify their rash acts.

"Courts must be made to function with greater expedition if we are to stamp out the disposition of people to take the punishment of certain criminals into their own hands. It will do little good to denounce lynching unless we are able to convince the masses that the courts are dependable agencies in the meting out of justice through the imposition of proper penalties for capital crimes."

Miami, Fla., News
December 3, 1933

Lynchings of Old

Elijah P. Lovejoy, newspaper editor at Alton, Ill., was to his neighbors, a fiend of fiends. Lovejoy had sunk to the depravity of believing in the freeing of the negro slaves of that day. Openly he advocated this hideous heresy. His printing press was thrown into the Mississippi river by the outraged citizens of Alton. Finally, persisting in the error of his ways, Lovejoy was lynched.

It is not of record that the governor of Illinois of that day issued a proclamation of thanks to the splendid saviors of society of Alton who had shown the world what Illinois thought of abolitionists. There is no doubt at all that the members of the Alton citizenry who disposed of the terrible Lovejoy were highly satisfied with themselves.

In four years will fall the centenary of the murder of Elijah P. Lovejoy. There will be memorial programs, acts of reverence for a man long enrolled on his country's scroll of fame. The man the Alton mob mistook for an enemy to be stamped upon time has lifted to eminence as a martyr to a noble cause.

History carries another story, even more notable, of the work of a mob. Nowhere in all the world, we may suppose, not even in San Jose, Cal., have men felt surer they performed a great and noble killing than on a certain spring day almost exactly 1900 years ago. There was the form of a trial before Pilate, but the court was convinced of the innocence of the accused. The decree of guilt was issued under compulsion of a cleverly inflamed mob. There is no record that even Herod or Pilate issued a statement glorifying the chief priests and their associates for the crucifixion on Calvary. This did not interfere in the least, we may be sure, with the certainty of the mob and its leaders that in this act they had done a great and holy day's work.

Garrison, had a Boston mob had its way, would have joined Lovejoy in the ranks of martyrdom. The Boston mob of that day would have felt as virtuous as the San Jose mob does today. No kidnaper will ever emerge a martyr; but suppose one or the other of the alleged kidnapers was innocent? Which of us wants his guilt, when charged with crime, to be decided by a shrieking mob?

By slow stages, for thousands of years the human race has been learning that mob justice is not justice. Slowly institutions have been built to give effect to that fact. All human experience confirms the fact. And here in literate America we find ourselves forced to argue for this, the most elementary fact in the foundation of civilization!

Thomasville, Ga., Times-Enterprise
December 1, 1933

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The lynching in California may have been the tinder that started the fire in Missouri

Lynchings-1933
Legal Punishment for Rape.

The Decatur Verdict

Black Dispatch
Oklahoma City, Okla.

A laughing, grinning white jury in Alabama, following testimony of a depraved white prostitute, has again decided to "burn another nigger" in the electric chair. There need be no further query as to implications which spring from the Heywood Patterson conviction at Decatur. This trial exposes the brutal, savage, calloused depravity of southern conscience; this trial proves that the mob rules the courts in Dixie, and that in such courts of injustice the color of a human being's skin determines his guilt or innocence.

God knows, we felt the Patterson jury would hang. We told several persons with whom we talked during the past week, that this would be the outcome of the trial. We took this position for the reason we felt there would be at least one white person on that jury who had a conscience The decision reached by the Decatur jury must have come also as a shock to Judge Horton. He had admonished the talesmen that they were not trying the defendant because of his color, and yet the verdict shows that the mind of the jury was filled with the prejudice of hell. They recommend the hot seat for Heywood Patterson solely because he is black.

"If Victoria Price swore falsely on any material point, you cannot convict this defendant," said Judge Horton to the Decatur jury; and in the next breath the judge pointed out to the same jury material testimony given by Victoria Price regarding which she had been openly proved in court to be a perjurer. Southern justice and local self-government hung in the balances, while twelve white cringing cowards, who swore that they would render their decision based upon the evidence, bowed to prejudice and the mob spirit. The word of a scarlet woman, whose face is white, and who openly paraded her cheap jungle sex relationship to the court, was accepted by this white jury over and above the testimony of the innocent black defendant and his corroborated statement by white associates of Victoria Price.

There is not a white man one degree above the level of a brute who will not hang his head in shame when he learns of what actually happened at Decatur. The undisputed testimony shows that Heywood Patterson, at the time of his alleged rape of the person of Victoria Price, was suffering terribly from the ravages of social disease. The relationship could not have been physically possible. The evidence shows that neither Ruby Bates, her girl companion Victoria Price later suffered from these communicable disease germs as they unquestionably would have, had the alleged relationship occurred.

Added to this, the spineless, bigoted white jury reached their decision to burn Heywood Patterson, while before them was the testimony of Elmer Carter, white youth, and Ruby Bates, white girl, that the entire testimony given two years ago at Scottsboro, was framed. They had before them the straight-forward statement of the defendant The prosecution was not able to make Heywood Patterson waver one single instant in his testimony. It was evident that he told the truth when he told Attorney General Knight, "I did not see any girls on that train.'

But the worst approach to prejudice came when attorneys for the state sought to, and did influence the jury with appeals to hatred for the Jewish race. "Are you going to allow Alabama justice to be bought by Jew money from New York?" declaimed one of the prosecuting attorneys. Totally forgetting their flimsy evidence the sworn officers of the state resorted to abuse of Jewish integrity and honor. Fact and truth falling down, the would-be legal murderers sought to detract the mind of the natives with distorted insinuations about the Hebrew people. "Will you have faith in any witness who has been in the hands of the New York Jew, Brodsky?" echoed through the Decatur courtroom.

The Decatur case will, of course, be immediately appealed. No one with discourse to reason expected to secure justice in this hell hole of savagery. It is regrettable that the case in its evolution to the Supreme Court of the United States must tarry in the Alabama Supreme court, for there will be no justice there. This case, regardless of its outcome, will do a number of constructive things. It will serve to expose southern injustice to the world; it will cement Negroes and Jews into a closer relationship, and it will stiffen manhood and spirit into millions of black people who live below the Mason and Dixon Line—in the bowels of America's "Congo."

Raleigh, N. C. News and Observer
April 11, 1933

A SUGGESTION TO THE SOUTH

The News and Observer believes that the verdict at Decatur, Ala., on Sunday, in which a new death penalty was returned in the famous Scottsboro case, was an outrageous verdict.

The News and Observer also believes that there has been created in Alabama a sentiment which, as it now stands, jeopardizes the hope of ultimate justice in this famous case. This sentiment has grown not because there does not exist in the State of Alabama an enlightened view of justice in race relations. The admirable manner in which Judge Horton presided over the case, and his excellent charge to the jury indicates that in Alabama as elsewhere just men wish only justice.

Alabama, however, has seen its courts and its people, its attitudes, mistaken as they may be, held up to the scorn and derision of the world. Alabama is proud, and Alabama in dealing with this case was dealing with the emotionally overcharged question of the relations of whites and blacks in the South. This is no place to discuss the Negro question. This is the time to consider justice and the fate of men whom many people believe to be the victims of the false witness of false women. In that question of justice it does not matter that the women are white and the defendants are black.

Into this delicate Alabama situation there came men, whose motives were undoubtedly excellent, who gave to the Negro convicted on Sunday one of the finest legal defenses which America could provide. But they were not Southerners. They were city men from far away. They were—there is no use caviling—Jews. They represented radical labor. In fact, they represented all the things of which the simple men and women of Alabama are suspicious and distrustful.

As a result of all these factors of emotion and prejudice, justice in Alabama is involved in one of the most complex emotional tangles in the history of American criminal trials.

The News and Observer believes there is a way out, a way to the preservation of the honor of Alabama and a way to the determination of justice. No one interested in the securing of justice in Alabama can have anything but praise for the skill and the conviction with which the International Labor Defense and Samuel Leibowitz have conducted the defense. But *The News and Observer* believes that their usefulness has ended.

The News and Observer makes this suggestion:

That the International Labor Defense withdraw from the defense of the Negroes upon the condition that the lovers of justice in the South will secure the ablest Southern counsel, lawyers of the greatest eminence in the South, to go to Alabama and conduct the defense.

Such a plan, *The News and Observer* believes, will make the securing of justice possible in Alabama. And through such a course Southern justice, injured by the verdict at Decatur on Sunday, may be vindicated. In any way that it may, *The News and Observer* would like to join other Southern people and organizations interested in the vindication of Southern justice.

That is all this paper wants. That is all the International Labor Defense has been asking. That is the desire of the people of Alabama and the South. And only justice will satisfy any of them. This, *The News and Observer* believes, is the one road to the securing of justice.

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Monroeville, Ala., Journal
April 13, 1933

THE SCOTTSBORO CASES

The state has just witnessed the end of a second trial of one of the Scottsboro negroes charged with assault on some white girls. This second trial resulted in a verdict of guilty with the death sentence, same as the first verdict.

There are some very unfortunate facts in connection with this last trial. The most regrettable is the race issue. The defense was in charge of one attorney Leibowitz, from New York, who undertook to make it appear that the prosecution was only a persecution of the defendant for being a negro.

After two or three weeks of a trial in which every character of criticism that a resourceful mind could formulate was aimed at the people of Alabama and their methods of administering justice, either directly or by clear inference, this visiting lawyer from New York issued a public statement following the verdict, the first paragraph of which, according to the press, reads as follows:

> "The verdict is an act of bigots spitting upon the tomb of the immortal Abraham Lincoln."

This brazen insult was hurled at a jury of twelve representative citizens of Morgan County, Alabama, who listened patiently to the testimony submitted at the trial and returned their verdict under oath.

At least indirectly it was aimed at the people of Alabama; and the most charitable comment that can be fairly made is that the prepetrator has forfeited any claim he may have had to the respect of thoughtful citizens of this state.

It is greatly to be hoped that the interests of the other defendants under the same charge will be in the hands of attorneys with some conception of the proprieties.

Spartanburg. S. C. Journal
April 12, 1933

A SHOCKING VERDICT

In Decatur, Alabama, on the Sabbath Day a jury of southern white men, after 21 hours of deliberation brought in a second verdict of death in the famous Scottsboro case in which at the first trial two years ago seven negroes were sentenced to death. Only one negro was involved in the verdict yesterday, but in a sense he stood trial for all of them.

To depend upon only the facts stated in the jury's change to the jury, both of the white women involved in the case are "women of the underworld," and "at one time or another, both Ruby Bates and Victoria Price perjured themselves." Yet on the evidence of these women, one of whom took the stand in the second trial to admit that all she had testified against the negroes was a falsehood, and to charge that the testimony to her companion was also false, a negro faces the death penalty in the name of southern honor.

It is inconceivable that this verdict will be allowed to stand without appeal once more to the highest court of the land if necessary. And in this appeal the demand for justice in Alamaba will not be a cause furthered only by radicals. Upon the facts brought out at the present trial, upon the facts in the judges charge alone, men and women everywhere whose interest is only to see justice done can [illegible]

Southerners have a [illegible] est in the case than people [illegible] where since all southern justice in the eyes of the world will be discredited by the shocking verdict in Decatur yesterday.—Raleigh [illegible]s and Observer

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Athens, Ala., Courier
April 13, 1933

With the conviction of the first negro tried at Decatur in the Scottsboro crime and his penalty fixed at death in the electric chair, his Jew lawyer feels rather disconsolate. The New York Jew says there is no such thing as a fair trial in Alabama. It seems to this paper that it is about time he was told where to go and how long to stay. Alabama has always been fair in the trials of men charged with crime and the fact that men of the type of this negro and his companions, lustful beasts, were even given a trial is sufficient guarantee of the fairness of our people. This recent recruit from Russia is a poor sort of chap to try to blight the good name of Alabama. The fact that he was allowed to cast reflections on our people and get away with it, is another guarantee of our fairness.

Charlotte. N. C. Obs[illegible]
April 11, 1933

THE SE[illegible]NAL VERDICT.

There is no denying the fact that sectionalism prevailed with the jury in the now odorous Scottsboro case, in which the verdict of guilty was once more rendered against a negro charged with attack on a white woman. In the first trial the public had reason to believe that there had been a case of brutal assault on two white women by a group of negroes hoboing a freight train, but an entirely new situation was developed at the second trial, when one of the alleged victims of the outrage admitted to perjury in her former testimony and denied that she had been attacked. It further developed that the two women defendants were by no means representative of Southern womanhood, the characters which they bore inviting forcible approach by their negro companions on the train. The jury was drawn from a population incensed by first reports of the alleged occurrences, and was influenced by the sentiment still surviving, and demanded the life of the negro in face of the new light that had been thrown on the case. Here we have one case in which the appeal process is eminently justified and the anticipation holds that the decision forthcoming from this appeal will right the situation.

Unjustified [illegible]

The first definite happening in the retrial of the grotesque Scottsboro, Alabama, case is represented in the conviction of the first of the seven negro defendants to be tried for an alleged attack on a pair of hobo girls following a fight with their white male companions. The verdict sustains the findings of the original jury that heard the evidence.

But the jury's verdict doesn't mean the end of the controversy in which the International labor defense has interested itself, on the assumption that racial hatred has put the negro defendants in an unfair position. Every court in the land that can be reached will hear the group of defense lawyers before a single execution is carried out.

The Herald is not disposed to debate the issue as to the guilt or innocence of the involved negroes. The crime charged, however, has been committed an almost untold number of times in all sections of the country which keeps it within an easy realm of possibility. As to one of the girl witnesses repudiating her original evidence no great importance need be attached. That too, has been done numerous times and without any apparent reason.

But we do resent the implication of un-southern legal interests that the defendants can't get an impartial trial because of their color and the setting. Nothing could possibly be further from the truth. As to the charge of bigotry and intolerance this is seldom found in the understanding mind.

Alabama, like all other southern states, knows the negro far better than his champions of the north and east, and understands him as those sections can never hope to. The law abiding negro knows this. He isn't the least afraid of his white friends in the south. It is them to whom he goes in sickness or when in financial difficulties and always with the assurance that help will be given.

The Scottsboro case will be decided on its merits as much as any other case. Mistakes, of course may be made, just as they always have been in the administration of the law. But this won't be because the defendants are negroes.

Alabama.

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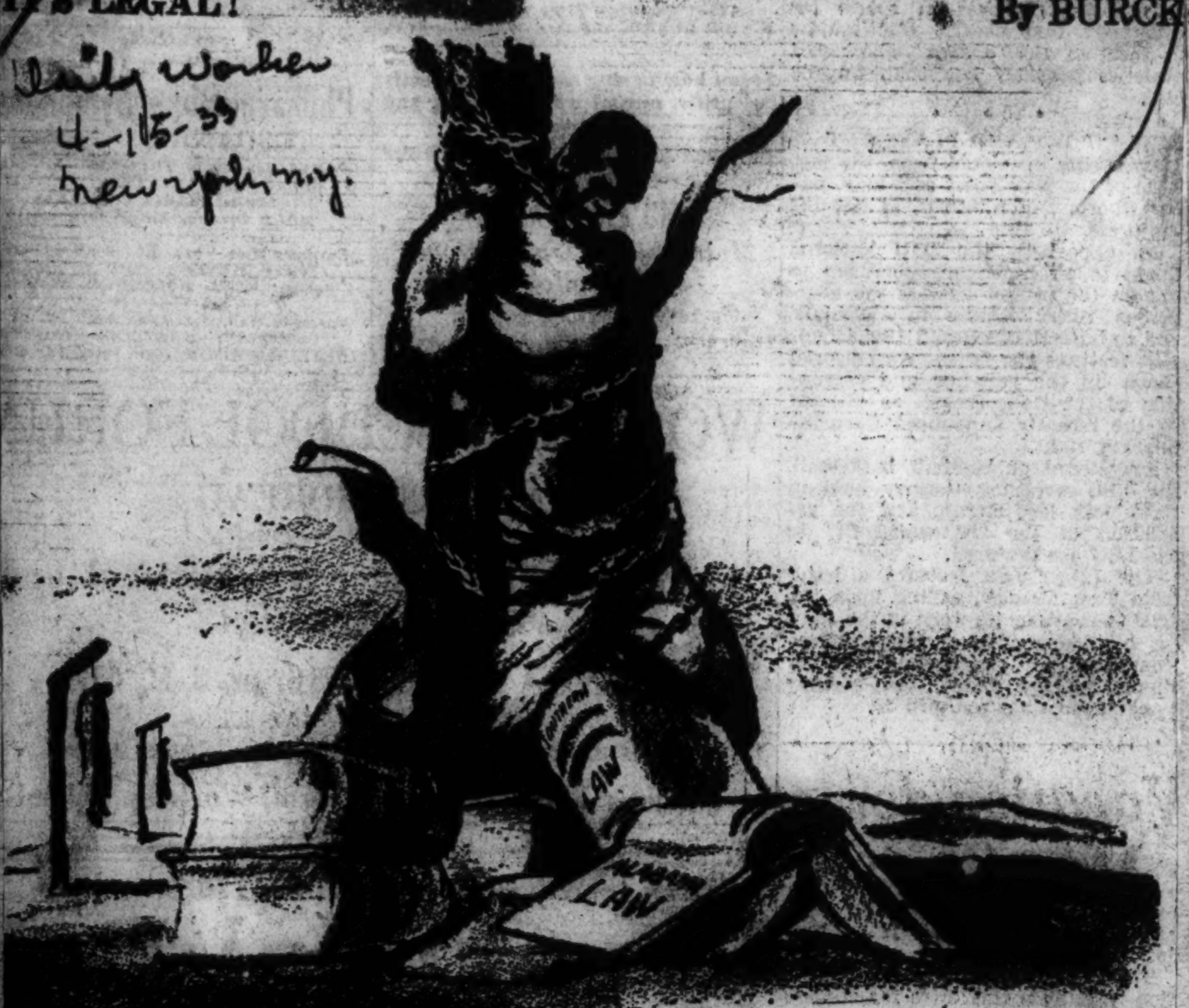
Lynchings-1933
Legal Punishment for Rape.

Daily Worker
4-15-33
New York, N.Y.

IT'S LEGAL!

By BURCK



JUDGE HORTON'S "FAIRNESS" IS EXPOSED BY ATTORNEY BRODSKY IN FIRST, EXCLUSIVE INTERVIEW

Daily Worker 4-15-33

"Judge Horton More Dangerous Than Ranting Prosecutors," Says I.L.D. Lawyer

Brodsky Shows Judge Ignored Motions for Mistrials, Thus Aiding Prosecution

In an interview with a representative of the Daily Worker, Joseph R. Brodsky, chief counsel of the International Labor Defense, yesterday gave his views on the Scottsboro trial which closed in Decatur, Ala., on Sunday.

Brodsky was singled out for especial attack by the prosecution during the trial because of the courageous and energetic fight which he put up during the past two years as chief counsel for the I. L. D. He argued the Scottsboro case before the Alabama Supreme Court, which upheld the frame-up.

New York N.Y.

Brodsky's views on the Decatur trial and the verdict against Patterson follow:

What I want to specifically squelch once for all is the attempt of a part of the South, especially the bourgeois South, and the liberals here in the North, to place the Scottsboro issue on this basis: that it was not the inevitable result of the theory of "white supremacy" in the South arising out of the class struggle and the exploitation of the Negro as an oppressed national minority, but that it came as a result of some one particular individual who either lost his head or who happens to be as an individual actuated by prejudice against the North, against the Jew, against the Negroes.

JOSEPH R. BRODSKY

Judge Quiet, But More Dangerous

Take Judge Horton. Judge Horton is a very kind sort of an individual. He is fair, according to his lights, but those lights are the lights of a "Southern gentleman," which means that he accepts and takes for granted the class position of the Negroes, the necessity of white supremacy—and every one of his ruling was a ruling in the light of maintaining white supremacy in the South, even though the ruling was made in mild language, even though the ruling was kindly made, even though he didn't rant while he made it, like that blithering fool Wright, who more stupidly showed this boiling cauldron of prejudice. It needed somebody to stick a spike into it so that it could spout up full like a volcano. **Whereas Judge Horton, more decent, but objectively more dangerous, was seeking to keep the lid clamped down.**

For example, we raised the question of the denial of constitutional rights because Negroes were excluded from the grand jury and from the petty jury panel from which was to be drawn the jury that actually sat in judgment upon the boys.

How were we going to raise this question? We were going to prove first that there never was a Negro sitting upon a jury either in Jackson County, where the boys were indicted, or in Morgan County, where the present case was tried. We were going to show that there couldn't be a Negro on these juries because on the jury lists from which the respective juries were to be drawn there was not a single Negro. We were going to prove that there were Negroes who were eminently qualified to serv on juries. The first point we had to prove by calling in witnesses who are well acquainted with the practice in the counties involved.

We called in the editor of the "Progressive Age," a paper in Jackson County. We put him on the stand.

Q.—"How long have you visited courts in this county? A.—Thirty-five years.

Q.—"Have you ever seen a Negro sit on a jury?" A.—"No, I have not."

Q.—"Did you ever see a Negro who was qualified to serve? A.—"No."

Now, let us say, the statute says they must be over 21 and under 65. "Do you know Negroes who are over 21 and under 65?" "Yes."

The statute says they must not be afflicted with any disease that would make them incompetent. "Do you know Negroes that are not afflicted with any disease?" "Yes." The statute says they must never have been convicted of any crime. "Do you know Negroes that have not been convicted?" "Yes." The statute says they must be of sound judgment and esteemed in the community where they live. "Do you know Negroes who bear a reputation for truth and veracity?" "Yes."

"Well, what is it you will exclude them on?" "On the matter of sound judgment." In other words, there never was a Negro who has sound judgment to pass on the case! In other words, the theory of the white is that the Negro is not a human being, does not possess the quality of sound judgment!

Now, Judge Horton listens to our proof, that in spite of the fact that we bring people who for 35 years past had personal knowledge that no Negroes ever sat on a jury, they still refuse to admit two things: One, that the jury list had no Negroes on it, and, two, that they are excluded on the question of race or color. We are told we must prove both points. If the Judge did not know it from Jackson County, he certainly knew it from Morgan County. He heard the clerk, Mr. Green, testify that he has seen at least 2,500 jurors serve, and never to his knowledge was there a Negro. The judge knew that there never was, and necer could have been a Negro sitting on the jury.

They tell us to prove it. How are we going to prove it? If you refuse to concede that everyone on the jury roll is a white, we must subjoena the

Negroes.

And right here, let me stop for a moment and say, that the real heroes in the Scottsboro case have not yet been recognized and given their due. They are the fifteen Negroes who came from Scottsboro, after being subpoenaed by the sheriff (which means that every last one of them was threatened before he came). The fifteen Negroes wo came into Court and for the first time in the South took the stand and said, "Here we are, listen to us; we will prove to you that we are qualified." After they set the pace, immediately, in Decatur, when we attacked the petty jury, 400 **Negroes volunteered to come. These first 15 were the trail blazers.** We offered to produce every last one of the 400 from Decatur.

Negroes Qualified

We had these fifteen Negroes on the stand. We asked them, "What is your name, where were you born? What are your educational qualifications? Do you read and write? Are you afflicted with a disease? Are you a householdler? Have you ever been convicted of a crime?" All these questions were answered favorably. Then we had Negro witnesses that were highly esteemed in the community for good character and sound judgment, as required by statute. Some were duly elected school trustees.

But Prosecutor Knight interrupts with: "You don't mean that you were elected by white people? You were elected only by colored peoplpe, isn't that so?" Then, he asked one of our witnesses, "Are you a member of the Communist Party?" The answer was "No." "Of what party are you a member?" "I have been a member of the Republican Party for forty years." "Are you a member of the section of lily-whites or of the black-and-tan?" In other words, he was putting the color line right there.

Now what does Judge Horton do? When he saw that we were forcing the issue, when we told him that we would use our legal right to ask a subpoena for every last mon of the 2,000 on the jury panel, that if the attorney general was not going to concede that which everybody knew, that we accepted the challenge; that we would stay here and prove it—then Judge Horton granted our request that subjoenas be issued.

Judge Changes His Mind

This was the last thing that happened before lunch period. We go home, and after the lunch period the first thing the Judge says is, **"I have decided to deny this motion."**

"But, your Honor, we want an opportunity to prove this. We want to subjoena all of these witnesses. You told us before lunch that we could do that."

"Motion denied." **Very quietly, very politely, very "decently."** ."Motion denied."

Now what does he do next? "This will give you some idea of the "fairness" of the judge. After denying the motion, Horton follows it with a speech as follows: "We here, and I as a Judge in this court, will see to it that the principles of the South will be carried out, there will be fair and even-handed justice to Jew and Gentile, black and white alike." **This, five minutes after he denied the motion, which means justifying the exclusion of the Negroes!**

Judge More Dangerous

He is a man who has been poisoned at the source. You cannot make a "fair" man out of him. He is honest according to his lights. But his lights are the lights of the Southern ruling class, oppressors of the Negro people.

The difference between Judge Horton and Wade Wright is the following: First, he is more dangerous than Wade Wright. That is primarily the difference from our point of view. Secondly, Wade Wright is vicious—subjectively and objectively—where the judge is objectively vicious. Personally he wouldn't "hurt anybody." As he said, later on in the case, "I am a tender man. I wouldn't hurt any human being. If it comes to a question of right and wrong, I have only one course to pursue."

He is "democratic" and "decent," but he has a water-tight compartment in his brain and can't see that this is merely language that covers the worst and most vicious type of unfairness. We at least shouldn't be blinded by that sort of thing. The South likes that. They have written editorial after editorial on it. "This is the fair South. This is the South that gives out justice even-handed."

But in that South lies all the prejudice which keeps the Negro as a super-exploited people under the damnable theory of white supremacy a theory which condemns the white worker to the same miserable status of the Negro, and keeps him from seeing that it is this very theory of white supremacy that sends him (as it did to the courtroom) starving, ragged hungry.

As to the question of the jury in Morgan County. Now in Morgan County it is the proud boast of every white man that there never was a Negro on the jury. We brought Negro after Negro who was born and raised there, who was 50 to 60 years old and they said, "No Negro in Jackson County had ever served on a jury." They knew this from their own knowledge.

Now the Judge could have avoided this huge farce. We produced witness after witness to prove this. We brought doctors, professionals, ministers, workers. Their answers were intelligent. Many of them were college graduates. Some of them are qualified to vote, and anybody who knows what it means for a Negro to be qualified to vote knows just what that means. Negroes are expected to recite from memory the Constitution of the U. S. in order to qualify as voters.

Now what does the judge do? We prove our point up to the hilt. Then he says, "Alright, you have proved your point, that there has been exclusion of juries, you have made out a prima facie case."

Yet, Judge Horton would not give us an opportunity to prove that the men on theh jury panel were all white. What does the District Attorney do? He calls one jury commissioner. He asks, "Have you considered any of these Negroes in preparing the jury rolls?" "Sure, we have considered some of these names." "And you excluded them. Did you exclude them because of race or color?" "No."

Now the point we made was this: You can't go inside of a man's head and see what his intentions are. We judge from facts. **If over a period of 35 years Negroes have been excluded and it is conceded that 2,000 out of the 8,000 in Morgan County are qualified to serve on juries, then exclusion does exist!**

"Motion denied," says the Judge. One jury commissioner against all other witnesses and the facts themselves. Did that stand in his way of following that up with a speech. "I am a tender man, I wouldn't hurt any human being." He means it perhaps, just as "honestly" and "sincerely" as he believes that the Negroes are inferior beings, that only a white man can do justice alike to black and white, but that the black cannot do justice either to the black or white. It is in that sense, that you must understand his "fairness."

Now I want to give you the climax to the "fairness" of the judge. Alabama had determined that the outside world should have the illusion o fairness. They had the militia ou to protect us. They knew that crosses were burnt for the first time in thre or four years in Alabama and in the town where Victoria Price came from. They knew that in Decatur a meeting of over 200 business men had bee held and that a march had actuall been started on the jail. They kno that Burleson, the captain of th militia, had said, "If there is a acquittal here, hell will break loose."

So Judge Horton made thes speeches "recognizing the danger tha was there." He heard Wade Wrigh make his outrageous attack, th blithering idiot, sitting there an frothing at the mouth, yelling at th top of his lungs so that everybod who was peeking in from the outsid could hear what he was saying. Yo could hear him across the Tennesse River. "You brought down Carte You should call him 'Carterinsky Brodsky puts a new suit of clothes o Carter's back. Send him back t New York. Alabama justice canno be bought and sold with Jew mone from New York."

Was this any worse what Solicito Barley said in a smooth, soft voice "This is an Anglo-Saxon country. W white men have brought this civilization to a high level. Free this ma and every white father who has daughter will tremble." Is this an less vicious than what Wright said

ButWright was picked out as th one to do it. Wright comes from Morgan county. Bailey comes from Scottsboro. But Wright knows every last man on the jury.

Objections are made by the defense.. Motions are made for a mistrial.

What does the judge do, "Moton deneld." And when these vicious speeches are all over, the judge takes a second in which to say. "Gentlemen of the jury, disregard what Mr. Wright said." That's fairness" for you!

It may be fairness to those who are seeking to hide the real situation, but it is not fairness to those who understand that this is the flower of southern prejudice, of southern oppression of he Negroee, that this fairness is cloaking the murder of the innocent Scottsboro boys.

New York Evening Journal

APR 12 1933

ALABAMA FIGHT TO CENTER ON RACIAL BARS

Barring of the right of jury service to Negroes in the South is to be the basis of appeal to the United States Supreme Court in the case of Heywood Patterson first of the 9 Negroes convicted in the Scottsboro trial at Decatur Ala.

Samuel Leibowitz, New York attorney who conducted the Patterson defense, made that clear today in a statement to the Evening Journal outlining the reasons for the International Labor Defense Council sending a Northern lawyer to Decatur to defend the Negroes.

SEES NEW HOPE.

That statement said:

"The feeling against the Negro in the South is so bitter that irrespective of how innecent the evidence may show him to be, conviction is inevitable.

"The Negro's only hope lies in the hands of the Justices of the highest court in our land at Washington. We have opened the doors of that tribunal to them by absolute proof in the Decatur courtroom that the Negro has been systematically excluded from service upon any grand or petit jury in Alabama, in violation of the 14th Amendment to the United States Constitution.

"No Southern lawyer would have dared to raise that issue in any court in the State of Alabama. It would have meant for him the finish of his professional career, or posibly a lynching.

"Without this Federal question being threshed out the right of entrance to the United States Supreme Court would have been barred to these Scottsboro defendants.

"That is the service the North has rendered to these hapless prisoners. We have given them a lifetime which will undoubtedly tow them into the harbor of safety before this case is over. The Nogro for the first time is now beginning to lift his head from the gutter where the hobnailed heel of bigotry has been crushing him for these many years."

Meantime a petition signed by 167 Columbia University students condemming the Patterson death sentence and demanding a change of venue for the other defendants was in the hands of President Roosevelt today.

Lynchings-1933
&
Legal Punishment for Rape.

Alabama

4173

Age
3-16-33
New York N.Y.

THE DECATUR, ALA., FARCE.

Law-abiding citizens of Alabama can pridefully point to one court official for having honorably and creditably acquitted himself during the trial of Haywood patterson at Decatur, Ala.—Judge James E. Horton who presided throughout the deliberations with fairness and impartiality. Amid an atmosphere surcharged with hatred, ignorance and bloodlust, he displayed rare courage, speaking from the bench against mob law and exhorting the jury to decide the case on its legal merits.

That his disinclination to cater to narrow sectional sentiment and to function as a rank partisan has not increased his popularity with the rabid element of home folk was sensed when he said to the jurors:

> **"I have done what I thought to be right as judge of this court, no matter what the personal costs to me might be."**

Attorney General Thomas E. Knight, who had charge of the prosecution, will have much to live down. His ungentlemanly demeanor and questionable methods of conducting the state's side of the case may make him a hero in the eyes of lynchers, but to the millions who have followed the proceedings in the newspapers he is pictured more as a persecuter than a prosecutor. So unethical were some of his actions that counsel for defense interposed objection and was sustained by the court. His last exhibition of "superiority" was in referring to Patterson as "that thing" while addressing the jury. If this aspiring Christian gentleman can make his way to the Governor's chair by convicting the Scottsboro defendants, although their guilt had not been proved beyond a reasonable doubt, he will gladly do so. What does human life mean to him when one's skin is black?

The ranting and raving of Wade Wright, circuit solicitor of Morgan County, in summing up for the state, in which he injected bigotry, race hatred and sectional pride, was typical of the average prosecuting officer in backward districts of the South. Wright was elected to office on speeches appealing to baser passions. It is doubtful if he could win a case strictly on its legal aspects. He has found it easier to cajole juries by arraying race against race than by relying on law and the evidence for victory. The circuit solicitor admits he "was only delivering his customary closing argument."

Even the official stenographer was unable to show that he does not suffer from his lowly environment. When told to repeat a question asked by counsel for the defendant, in which the terms "Negro" or "colored" were used, upon reading from his shorthand notes he would invariably say "nigger."

Samuel S. Leibowitz of New York, who acted as chief defense counsel without financial compensation, made an unanswerable statement when, after surveying the crowded courtroom and relating that he had been threatened with tar and feathers, with whipping and with gunpowder and lead for trying to save the lives of Haywood Patterson and his companions, replied to Wright's unprovoked verbal attack on him by saying:

> **"Now, as for the Jew money from New York, let me say this: That when the hour of our country's need came there was no question of Jew or Gentile, or black or white—all, all together braved the smoke and flame of Flanders Fields. Now, I am not getting any fee in this case, and I'm not getting a penny expense for myself and my wife, who was here with me.**
>
> **"Mobs mean nothing to me. Let them hang me; I don't care. Life is only an incident in the Creator's scheme of things, but if I can contribute my little bit to see that justice is served, then my mission is fulfilled."**

Brave words spoken by a truly brave man. It requires no pluck or heroism to look an opponent squarely in the eyes and express such sentiments. But to speak your mind in a community where lynch law reigns to those believing that might is right and who thirst for your blood, is an acid test of intrepidity. The biggest coward in all the world is the lyncher. He must go armed and in a crowd before putting to death the defenseless and often the innocent. The only time he fights single handed is when he knows other bullies can quickly come to his assistance.

The reign of terror in which Decatur, Ala., is helplessly mired is reflected in the presence of the militia at the trial to prevent lynchings. After the production of Ruby Bates as a defense witness, the mob spirit became so rife that a National Guardsman slept with Mr. Leibowitz while the sleeping quarters of other lawyers for the defense and visiting newspaper men was guarded. Any one who dared express an opinion in public advocating a square deal for Patterson laid himself liable to personal injury.

There are two Souths—the new and the old. Decatur, Ala., belongs to the latter, which clings tenaciously to traditions and concepts of yesteryear, observes one set of laws for whites and another for blacks, resentful of any gesture coming from the outside in the interest of justice and fair play, and which looks with hostile eyes toward the educated Negro who desires equality of opportunity and all the rights to which he is entitled under the Constitution of the United States.

Attorney General Knight knew the psychology of his jurors when he stirred animosities by pleading:

> **"If you acquit this Negro, put a garland of roses around his neck, give him a supper and send him to New York City. There let Dr. Harry Fosdick dress him up in a high hat and morning coat, gray striped trousers and spats."**

Of course in any really civilized community this would be considered pure claptrap, but in a God-forsaken spot where civilization is on a low ebb, it has the desired effect when appeals to reason and logic would utterly fail. In Decatur they don't reason with their minds but with their emotions.

The world-at-large is learning many valuable lessons from the Scottsboro case. Thanks to enterprising editors of large dailies in various sections of the country, staff correspondents were sent to Decatur to give impartial accounts of the trial. Usually the public has to depend on information furnished by local representatives of the Associated Press or some other news syndicate who are as narrow and one-sided as their fellow citizens and afraid to be non-partisan even if they desired.

Therefore, there was presented to readers throughout the United States and in other countries an accurate closeup of shocking conditions as they exist in sections of the South where the Civil War continues fresh and green in the people's memory, where law and order have broken down and where the fires of race hatred, bigotry and sectionalism burn with an intensity that arouses the inhabitants into a state of abnormal thinking and unrestrained fanaticism.

The Scottsboro defendants were accused of criminal assault by two young white women of questionable character on whose testimony they were convicted and sentenced to death. The United States Supreme Court refused to affirm the findings of the Alabama courts and ordered a retrial. The principal testimony adduced at the Patterson trial was from the lips of Victoria Price and Ruby Bates. One stuck to her original story, the other, her conscience pricking her, recanted and charged on the witness stand that the Negroes had been lied on and framed. One of the white males who was riding on the freight train at the time of the fight between white and colored boys corroborated the testimony given by Ruby Bates.

As to the credibility of the two female witnesses. Judge Horton said:

Times 4-10-33 New York N.Y.

SCOTTSBORO BOYS*

With them was tried the 14th Amendment.

Acme

SCOTTSBORO DEFENSE TO MOVE TODAY AGAINST THE SENTENCING OF PATTERSON

4-17-33.

White Landlords Are Making Carnival of Trial of Weems; Workers Continue Protest

Birmingham "Post" Bitterly Hostile to Negroes, Admits Boys' Innocence

Daily Worker

BULLETIN

NEW YORK.—A United Front Emergency Conference, with 253 delegates representing 65 Negro and white organizations, the Communist Party, the International Labor Defense, the Socialist Party, the Conference for Progressive Labor Action, and many clubs, lodges and churches, endorsed unanimously the Scottsboro March to Washington here yesterday, with the date for the March set as Friday, April 28.

(By Our Special Correspondent)

DECATUR, Ala., April 16.—Preparations are under way here today to proceed with two more moves, Monday, in the effort of the white southern ruling class to accomplish the legal lynching of the nine innocent Scottsboro Negro boys.

In a gala atmosphere of lynch-spirit and celebration, the Decatur court prepared to pass a murderous sentence of death against Haywood Patterson, first of the Scottsboro boys to be re-tried, and to open the trial of Charley Weems, second of the boys to face death a second time on framed charges of "rape" of two white women, one of whom has repudiated the accusation.

International Labor Defense attorneys will demand that the court set aside the lynch-verdict against Patterson, and postpone the trial of Charley Weems and the other seven boys until decision is made on the appeal which is being taken on the Patterson verdict to the State Supreme Court, and to the United States Supreme Court if the Alabama body refuses to reverse the verdict.

Charge Jury Tampering.

Charges that the state tampered with the jury during Patterson's trial in its desperate effort to obtain a death-verdict in the face of the overwhelming evidence of the innocence of the Scottsboro boys will be made in court by the I.L.D. attorneys, it was announced.

In the face of the tremendous tide of mass protest the world over, which finds its expression here in countless telegrams and resolutions demanding the freedom of the Scottsboro boys, from millions of workers in the United States and all over the world, the Alabama authorities are preparing to rush the sentence and the remaining re-trials, in an effort to cripple the defense of the boys. The telegrams and resolutions of protest, addressed to Judge James E. Horton, continue to pour in in a continuous flood, while the press dispatches indicate that a similar flood is pouring in on Governor B. M. Miller, at Montgomery, and on President Roosevelt at Washington, putting forward the same demands from black and white workers in increasing numbers.

The preparations being made here are this time almost solely confined to the local white population which whipped into a lynch-hysteria by the ruling class, is prepared to repeat the jubilations of two years ago in Scottsboro, where a band blared out the strains of "There'll Be a Hot Time in the Old Town Tonight," as each sentence was passed.

Monday's proceedings in court, besides the sentencing of Patterson, are expected to be taken up with argument on motions to quash the indictment against Charley Weems, and the venire called by Judge Horton to try him, on the ground that Negroes have been illegally excluded both from the Grand Jury that handed down the indictment, and from the venire, in violation of the Fourteenth Amendment which guarantees the democratic rights of Negroes.

Judge Horton has already indicated that he would deny both motions, but Joseph R. Brodsky, chief counsel for the International Labor Defense, and General George W. Chamlee, of Chattanooga, chief of the Scottsboro legal defense corps, have announced they will fight for them in each case as it comes for trial.

Try to Subdue Publicity.

Samuel S. Leibowitz, chief trial attorney for the I.L.D. in the cases, is expected to arrive in Decatur, Tuesday morning for the opening of the trial itself.

Frightened by the unprecedented mass protest over the lynch-verdict against Haywood Patterson, the white capitalist newspapers have decided to "play down" the further trials, in an effort to stem the tide of mass resentment, and this decision is reflected in the absence of the elaborate preparations to "take care of the press" which marked the first re-trial.

At the same time the Birmingham "Post," [illegible] lynch-[illegible] carried only distorted accounts of the trial of Haywood Patterson, minimizing the absolute proofs of the innocence of the [illegible] and of the frame-up of the state's evidence, was forced to admit in an editorial Saturday that the boys are innocent.

"We believe a jury sworn to give the defendant the benefit of every reasonable doubt should not have convicted Heywood Patterson," the editorial says. "We feel that due weight should be given to the fact that a dozen responsible newspapermen, four of them representing Southern newspapers, felt there was a reasonable doubt of the Negroes' guilt."

Daily Worker

This last statement is in direct contradiction to the expression of the Southern newspapermen as expressed at the trial to your correspondent, and indicates the tremendous power of the mass protest against the lynch-verdict. The Southern newspapermen, and especially those from Birmingham, spent most of their time and energy during the trial trying to influence the Northern newspapermen to minimise the importance of defense testimony and to suppress the news of the activities of Ku Klux Klan mobs which were repeatedly formed to lynch the boys, their witnesses, and lawyers.

While Wade Wright, Morgan County solicitor, made his lynch-speech in court in place of a summation of the evidence, and called for a lynch-verdict or a lynching to show that "Alabama justice could not be bought with Jew money from New York," these correspondents referred to here sat in the court-room nodding vigorous approval to every word, while spectators, incited by the speech to lynch-hysteria answered fervidly "Yes!" or "No!" to Wright's demands.

Negro Students Hear Mrs. Patterson

NEW YORK.—Mrs. Janie Patterson, mother of Heywood Patterson and Dr. Kenneth Barnhart, ousted Sociology Professor of Birmingham Southern College, were the main speakers at Sunday's session of the Conference on Negro Students Problems held at International House.

Because he has been sympathetic with the defense of the innocent Scottsboro boys, and has refused to confine his teaching in the college to the spreading of the Southern ruling class myth of "white superiority" but has exposed the facts and economic basis of the oppression of the Negro people, Dr. Barnhart has been dropped from the staff of Birmingham Southern College.

Alabama

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Lynchings-1933
&
Legal Punishment for Rape.

Lynch Law in the Jury Room

4-19-33

Were it not for the well-known Negro-hating, New York-hating, Jew-hating, civilization-hating tendencies among many ignorant natives of the Southern hinterland, the verdict of guilty pronounced on the first of the Scottsboro Negroes would be amazing. To say that it ran counter to the evidence is to comment mildly. For it was based on nothing less than a Ku Klux Klan mentality among those who listened to the trial and no less among the twelve good men and true who, apparently, never once flinched from a preconceived determination to vindicate white bigotry. The jury saw fit to pretend to a belief in the testimony of Victoria Price, a confessed liar and prostitute, and reject the testimony of Ruby Bates, an erstwhile liar and woman of easy virtue who had shown praiseworthy ambition to mend her ways. However, examination of full reports from Decatur shows beyond all doubt that testimony on anybody's part had substantially nothing at all to do with the verdict. Probably the best that can be hoped for, in the long run, is a succession of trials for the remaining Negroes, up to the Supreme Court. Vol. XVI, no. 16,

One bright spot in this sad betrayal of justice is the brilliant work of Samuel S. Leibowitz, chief of the defense lawyers, who gave his time and energy so unstintingly to this case without payment, and whose conduct of the proceedings, outside of a few minor slips, was characterized by remarkable ability. It must be stated, too, that Judge Horton, as indeed Mr. Leibowitz so gallantly conceded, performed his duty in a manner refreshingly free from the local passions surrounding him. We cannot go so far as to say that his conduct of the case was blameless, because at times he should, in our opinion, have overridden the prosecution's obvious attempt to inflame the jury and should have prevented the astounding statements of the prosecution instead of merely asking the jury to forget them. Nevertheless, Judge Horton was in a tight spot and perhaps could not wisely strain local and sectional pride too far.

Clearly a difficult, heart-breaking task lies ahead for the International Labor Defense and all friends of decency and justice. But it must be seen through to the end. Sectional and Caucasian prejudice cannot be allowed to triumph in this case as the conservative and nationalistic bigotry of Boston did with Sacco and Vanzetti.

Mobilizing for Union Sq. Scottsboro Demonstration

Daily Worker 4-15-33 New York

SCOTTSBORO MEETS THROUGHOUT CITY AS WORKERS' ANGER GROWS

Daily Worker 4-15-33

NEW YORK.—A number of meetings and events in connection with the Scottsboro case will take place throughout the city the next few days.

Eye witness reports of the Scottsboro trial by Daily Worker correspondents who were at the trial will be given at the Rockland Palace, 155th St. and 8th Ave., tomorrow, Sunday, April 16, at 7:30 p.m. The correspondents who will speak are John L. Spivak James S. Allen, and Jacob Burck. Other speakers will be Joseph R. Brodsky, chief attorney of the International Labor Defense, W. Jones, editor of Afro-American, Joshua R. Kunitz, Secretary of National Committee for the Defense of Political Prisoners and Sam Don, acting editor of the Daily Worker. Sender Garlin will be chairman. The Workers Laboratory Theatre will put on a "Scottsboro Play."

An Inaugural Ball to greet the appearance of the Harlem Liberator, organ of the League of Struggle for Negro Rights will be held tonight at Alhambra Ballroom, 126th St. and Seventh Ave.

Mass Meet

A mass meeting called by the Scottsboro Unity Committee will be held Monday night at the Abyssinian Baptist Church, 138th St. between Seventh and Eighth Aves.

A mass protest parade preceded by open air meetings along the route of march is cheduled to take place in the Williamsburgh section of Brooklyn today. The parade starts at 1 p.m. from Lewis and Gates Aves. Mass organizations are to assemble at the Progressive Workers Culture Club, 159 Sumner Ave. at 12 noon.

Benefit Performance

A special Scottsboro benefit performance of "Humming Sam" a musical comedy with a Negro cast will be given Sunday night at the New Yorker Theatre, W. 54th St., Allan K Foster, the producer announced today.

Mrs. Jennies Patterson, mother of Haywood Patterson, and Joe Brodsky will speak during intermission.

New York, N.Y.

SCOTTSBORO

On April 19, 1931, William Pickens field secretary of the National Association for the Advancement of Colored People writing to the DAILY WORKER, New York City, said:

Oregon? 4-11-33 Portland Oregon

"I have just seen a copy of the Daily Worker for April 1[illegible] and noted the fight which the workers are making through the International Labor Defense to prevent the judicial massacre of Negro Youth in Alabama.

"Enclosed is a small check for that cause. Please send it to the ILD in enclosed stamped envelope.

"The promptness with which the white workers have moved toward defending these helpless and innocent Negro boys, sons of black workers, is significant and prophetic. The only ultimate salvation for the Negro and white workers is in their united defense, one for the other. Other causes and movements may do a good work but all other causes are good only as preliminaries to that consummation. The one objective for final security is the absolute and unqualified unity and cooperation of ALL WORKERS, of all the exploited masses, across all race and color lines and all other lines.

"This is one occasion for every Negro who has intelligence enough to read to send aid to you and the ILD."

Mr. Pickens' statements are so true and reasonable that all we could say would only be by way of endorsement. yapsisa K..DN E's TAOIN SHRDL

Down in Alabama today while you and we are moving about in freedom, nine Negro youths ranging in age from 14 to 21 are being tried by a jury of all whites in a court room surrounded by armed guardsmen. And they say it will be a fair trial in an atmosphere which requires the calling out of U. S. guardsmen!

Although the trial is in progress, the cases having been remanded by the United States Supreme Court for retrial, there is great need for additional funds to pay the expenses of the defense. All who read these lines are requested to send their utmost to the Intrnational Labor Defense at its local headquarters, 245½ Alder street or to the national, 80 E. 11th St, Room 430, New York City.

Let is not be said that the Negro is not willing to help fight for his own life and freedom.

SCOTTSBORO MEET TODAY IN B'KLYN

4-15-33

BROOKLYN.—Mrs. Jennie Patterson, mother of Haywood Patterson, condemned Scottsboro Boy, will be the main speaker at a mass meeting of Negro and white workers today at the Brooklyn Palace, 130 Rockaway Avenue, near Fulton, at 4:30 p.m.

New York

The indoor meeting will be preceded by a parade through working-class districts started off with an open air meeting at Fulton and Cumberland Streets at 2 p.m. Workers are coming from Brownsville, East New York and Crown Heights to join in the demonstration.

Wm. Patterson, National secretary of the International Labor Defense, Fred Biedenkapp, and Rev. Harton of the Afro-Negro Alliance, will be among the other prominent speakers to address the meeting.

VERDICT ASSAILED HERE.

Norman Thomas Calls It Terrible Miscarriage of Justice.

Times 4-11-33

The verdict in the Scotsboro case was condemned sharply here yesterday as "worthy of Hitler," "lynch justice," "blind racial prejudice," "vicious" and as an obstacle in the way of interracial understanding, while plans were being made for two more meetings to protest against the outcome of the Alabama trial.

Norman Thomas, in a statement issued fro mthe headquarters of the Socialist party, declared that the verdict should be invalidated by higher courts and savored of Hitlerism.

"The Scottsboro verdict," he said in part, "following the kind of trial which was given to the Negro victims, is another terrible miscarriage of justice. A country which has rightfully protested the outrageous anti-Semitism now triumphant in Germany is proving once more that it does not come into court with clean hands. We ourselves practice worse discrimination against our own colored fellow citizens than those which now disgrace Germany.

"This is a case that involves not the right merely of the defendants but of their whole race of their brothers among the exploited workers of all races. The fight for justice must go on."

Deplore Communist Activity.

Following a meeting of the directors of the National Association for the Advancement of Colored People, a resolution adopted at the meeting condemning "racial prejudice which closed the eyes of the twelve jurors" and expressing the belief that a different verdict would have been obtained had not the Communist party entered the case was made public.

The board commended "the firmness and fairness in which Judge Horton conducted the trial," and said "other issues besides that of Patterson's guilt were on trial."

The most decisive factor in the determination of the verdict, the directors said, "was that communism was on trial as well."

Asserting that the Association for the Advancement of Colored People was the only organization that went to the aid of the Negroes in the first trial, and that after the trial the national office offered to put the full force of its entire organization behind the appeal, the directors said the defendants "rejected its offers of aid and chose to be defended by the International Labor Defense."

Fearing that the interjection of communism would gravely affect the interest of the defendants, the statement said, the association offered, in May, 1931, to cooperate with the International Labor Defense, and again in December, 1931, but both offers were rejected.

The statement said that the association contributed $1,000 toward the expense of appeal of the case to the United States Supreme Court, which ordered a new trial, and declared:

"It feels that the only remaining hope for the boys is to remove from the already overwhelming prejudices which militate against them the additional burden of communism."

It called for the organization of a "new defense committee," to which it promised full cooperation.

Blow to Interracial Understanding.

A statement issued by Eugene Kinckle Jones, executive secretary of the National Urban League, said that the verdict "indicates that justice for the Negro in certain types of cases is absolutely impossible in some sections of the South."

"As the trial progressed it seemed that the question of Patterson's guilt or innocence became secondary," Mr. Jones said, "and class, racial, sectional and religious issues took precedence. In this atmosphere the verdict of the jury was a foregone conclusion.

"The goal of interracial understanding in America is now further away."

A statement authorized by the directors of the American Civil Liberties Union and issued by Roger N. Baldwin, characterized the verdict as "lynch justice." "The jury reflected the ancient prejudices and race conflict which marks the treatment in the South of Negroes in and out of the courts," the statement said.

Announcing that the Civil Liberties Union had helped to raise money for the defense and that it would continue its activity on the Negroes' behalf, the statement concluded:

"No case involving justice to Negroes in our courts has symbolized more strikingly throughout the world the unfair character of trials of Negroes in our South. While we are convinced of the inocence of these boys, the question of their guilt or innocence is subordinate to that of impartial treals. Of course, the legality of excluding Negroes from jury panels is a question that will be taken to the United States Supreme Court."

Mass Meeting Called Tonight.

The International Labor Defense national office here announced that a mass demonstration of protest against "the lynch verdict" will be held tomorrow at 6 P. M. in Union Square. The speakers will include Joseph R. Brodsky of defense counsel at the trial and Dr. Joshua Kunitz, chairman of the national committee for the defense of political prisoners.

Another mass meeting will be held tonight in St. Luke's Church, 125 West 130th Street, the Labor Defense office also announced. The speakers will include Edward Sagarin, member of the National Students League, who was arrested at Decatur while attending the trial.

Open-air protest meetings were held in various parts of the city yesterday and telegrams condemning the verdict were sent to President Roosevelt and Governor Miller of Alabama.

A national signature campaign to a petition asking for a new trial for Haywood Patterson, adjournment of the other Scottsboro cases until a decision is reached by the Alabama Supreme Court on the Patterson case, and change of venue for the trials to Birmingham has been launched, William L. Patterson, secretary of the International Labor Defense, stated.

Rabbi A. M. Heller of the Flatbush Jewish Centre in Brooklyn, issued a statement, saying in part:

"A miscarriage of justice is possible in the most just of courts, but in the Scottsboro case the jury convicted before it had even listened to any evidence. The assumption of this type of jury must be that every colored person is potentially a criminal. Why wait until he actually commits a crime? Let us hang him before he has any chance to do it.

"The prosecuting attorney's injection of 'the Jew money' is damnable to say the least, as Jews are not concerned with the prejudice of the South."

NEW YORK TIMES

APR 12 1933

PLAN NATIONAL AID AT NEGROES' TRIAL

Leaders of Race Here Move to Raise Funds and Stir a Country-Wide Protest.

CONFER WITH LEIBOWITZ

Defense Attorney Will Speak Tonight at Labor Defense Meeting in Union Square.

Nationally organized Negro defense of the nine Negroes involved in the Scottsboro case is being planned by New York leaders of the race.

Bill Robinson, Negro dancer, visited Samuel Leibowitz, counsel for the Scottsboro defendants yesterday and submitted a proposal that funds be raised with several benefit performances. Delegations representing various Negro organizations also called on the attorney.

"It now become apparent," Mr. Leibowitz said last night, "that irrespective of any small differences that may have arisen in the past between different organizations seeking to lead this fight, the race has reached the conclusion that this case marks a turning point in the life of the American Negro, who has been kept shackled by intolerance of the bigots. They are going through with the fight."

Mr. Leibowitz was announced as one of the principal speakers for a demonstration in Union Square at 8 o'clock tonight by the International Labor Defense. Mrs. Janie Patterson, mother of the Negro reconvicted in Decatur this week, is due in New York this afternoon and will attend the meeting.

Hays Listed as Speaker.

Others scheduled to speak are Joseph R. Brodsky, chief counsel for the International Labor Defense; John Haynes Holmes, Arthur Garfield Hays and Roger Baldwin.

The International Labor Defense, through William L. Patterson, its national secretary, assailed the National Association for the Advancement of Colored People yesterday for its statement of Monday to the effect that the injection of communism into the trial affected the verdict in the Patterson case.

"The directors of the N. A. A. C. P. have seen fit to gloat over the death verdict against Heywood Patterson," said the defense secretary. "They take the occasion of this verdict to bring forward a ridiculous claim that had they been in the case the verdict would have been different.

"They say that 'racial prejudice closed the eyes of the jurors' and at the same time that 'the injection of communism into the case brought about the death verdict.'

"Aside from the completely gratuitous confusion of the International Labor Defense, a non-partisan organization, with the Communist party, which is brought forward merely to hide the existence of a workers' organization of defense, this statement is in itself a contradiction.

Statement Declared Untrue.

"The statement that the N. A. A. C. P. has twice offered to cooperate with the International Labor Defense is a deliberate untruth. The statement that the N. A. A. C. P. went to the aid of the Scottsboro boys at the trial is another. The records prove this conclusively."

Harlem Negroes, led by several ministers of their race and by W. H. Davis, owner of The New Amsterdam, a Negro publication, plan to hold a number of mass meetings in Negro churches and at various outdoor points in Manhattan as well as in the other boroughs, Davis announced last night.

A. J. Muste, chairman of the conference for Progressive Labor Action, sent a letter yesterday to President Roosevelt asking that he use his influence to obtain a new trial for Patterson.

The conference, in a letter to The Amsterdam News, suggested yesterday that 50,000 Negroes be enlisted to march to Washington to protest against the Patterson verdict and that 50,000 white workers be asked to join the march.

Alabama

4175

Lynchings-1933
Legal Punishment for Rape.

Unemployed Chinese In New York Find Time To Mix In Decatur Case

4-9-33

Declaring the "Scottsboro [illegible] have [illegible] and are "innocent;" that "the whole world knows this, [illegible] that [illegible] acquitted and their lives safeguarded it will be because you have no power in your own State or do not wish to have it in this case," Anne C. Kennedy, in a telegram forwarded from New York to Gov. Miller and received yesterday, announced: "I have wired President Roosevelt whose wife is a friend of mine."

Dozens of messages and letters were received during the day from various sources, regarding the retrials at Decatur of the seven negroes convicted at Scottsboro more than two years ago, and condemned to death for criminally assaulting two young white women. References were frequently made in these communications to alleged threats to lynch the negroes, and to "lynch mobs." One referred to the defendants as "innocent children." Another declared that the "whole world watches." Repeated demands were made for transfer of the trials to Birmingham.

One of the most interesting telegrams received, came from San Francisco, signed with the names of Lincoln Steffens, Col. C. C. Erkins, Scott Wood, Upton Sinclair, and Orrick Johns, the last being secretary of the committee dispatching the message which said: "California committee of writers comprising 50 well known liberals demands immediate release of Scottsboro boys as result of Ruby Bates testimony and increased protection of their lives. Entire Nation will hold Alabama officials responsible if any violence is done."

Chinese Interested, Too

Chinese citizens of New York are also taking an active interest in the "Scottsboro boys," as evidenced by three different telegrams received. One stating: "We hold you responsible for safety of Scottsboro boys, defense attorneys and witnesses," was signed by Y. Young, secretary Chinese Anti-Imperialist Alliance, New York branch. Another signed by C. Chen, secretary, said: "In name of International Labor Defense Chinese branch here, we register against tolerance of lynching mobs in Decatur and demand guarantee of absolute safety for nine Scottsboro boys and defense attorneys." A third, signed by C. Yen, secretary Chinese Unemployed Alliance, stated: "We hold you responsible for the safety Scottsboro boys, defense attorneys witnesses."

The following message came from a group of "Southerners living in the North:" "May we as Southerners living in the North urge additional State troops to insure adequate protection of defendants, attorneys and witnesses at Decatur trial. We are concerned that the South be not further attacked for any possible lack of protection of defendants from mob violence or for failing to take every possible step to insure fair trial." It was signed by Dr. William H. Kilpatrick, Prof. George Mitchell and Prof. Hatcher Hughes, of Columbia University; Prof. Collis Stocking and Prof. Harry Zorbauch, of New York University, and Prof. William L. Nunn, of Dana College. The telegram was sent from New York.

Clifton Fadiman wired from the same city: "New York Times reports extreme danger facing Scottsboro defense. Strongly urge immediate counter defense via State troops."

Finally, concern for Ruby Bates was expressed in a telegram from William L. Patterson, national secretary of the International Labor Defense, New York, as follows: "Representing 160,000 members and affiliates demand change venue to Birmingham. Holding responsible freedom and safety Ruby Bats. Immediate unconditional release Scottsboro boys."

Jury To Resume Deliberations At Decatur Today

4-9-33

11-Hour Deadlock Ended When Judge Locks Up 12 Talesmen For Night

Severance Granted

Second Defendant Pleads 'Not Guilty' And Trial Is Set For April 17

Montgomery Ala. Advertiser

DECATUR, ALA., April 8.—(AP)—The jury weighing the evidence in the retrial of Heywood Patterson, of Chattanooga, first of the negroes indicted in the "Scottsboro attack case" tonight was ordered locked up by Judge James E. Horton at 11:30 p.m., after nearly 11 hours of consideration, and a verdict did not appear imminent. The jury was empaneled Friday, March 31, two days before testimony was begun.

Judge Horton instructed the jury he would receive a verdict tomorrow. He set 10 a.m. for court to reconvene tomorrow, precluding a verdict before that hour.

And this afternoon, while the jury was deliberating, attorneys for the negroes told Judge Horton "flaming crosses were burned in Huntsville and Scottsboro last night."

The statements were made as Joseph R. Brodsky, of New York, counsel for the negroes, moved for an indefinite continuance of the remainder of the cases while evidence to support a change of venue could be assembled.

"Since Solicitor Wade Wright made his speech in this courtroom against my race yesterday, I have received three threats against my life," Brodsky said. "We have remained silent during the trial of the first case, but the lives of myself and associates have been threatened."

Brodsky indicated the constiutional questions of the alleged absence of negroes from the venire would be raised in the trial of Charlie Weems, who, on his motion, was granted a severance, as was raised in the Patterson trial.

The defense refused to enter a plea for Weems until the court held such a plea must be entered, and an exception to the ruling was taken as a plea of "not guilty" was entered. Trial of Weems was set for April 17.

A week was consumed before the Patterson trial arguing the question of whether the defendant's constitutional rights had been violated because no negroes were included on the Grand Jury that indicted him, and then because no negroes were included in the venire for the trial. Both motions were overruled.

State Asked Severance

Asst. Solicitor Thomas S. Lawson had asked for a severance for Weems and Clarence Norris to try them together, as they were two years ago, when eight of the nine negroes accused of attacking two white women aboard a freight train were sentenced to death at Scottsboro.

Brodsky interposed with a motion for a severance for each of six negroes brought in for arraignment, and on it being granted, made his charge that his life was in danger.

As these charges were made, with Samuel S. Leibowitz, chief of counsel for the negroes, joining with a statement that he had been told on authority he could not doubt "only intervention of the national guard prevented a mob of 200 from entering Decatur the other night," he also asserted "flaming crosses" were burned last night.

Judge Horton overruled the motion for an indefinite continuance, but granted severances for each of the other six negroes facing retrial here under a change of venue from Jackson County where they first were convicted.

Before the court ruled, Solicitor Wright said he had made only his customary "prosecution speech" and that in the seven years he had been prosecutor of the court, no one ever had been harmed "because of a speech I made." Wright added there was nothing personal in his remarks. The one to which Leibowitz objected was: "Are you going to let Jew money from New York buy justice in Alabama,"

All of the negroes in the case except Patterson, tonight were quietly removed to Birmingham under military escort, to remain until April 17, when Weems faces trial.

While the argument went on in the courtroom, and the venire was drawn for the Weems trial less than 20 feet away, behind closed doors the jury was weighing the evidence in the Patterson case which has attracted worldwide attention.

Less than a score of persons were present as Weems and the other five granted new trials with Patterson by the U. S. Supreme Court were brought in the courtroom.

After the severance, the other five, Clarence Norris, Andy Wright, Ozie Powell, Olen Montgomery and Willie Robertson were taken back to the jail.

Throughout the afternoon the jury which received the case at 12:45 p.m remained locked in the jury room, [illegible] Judge James E. Horton, presiding, explain[illegible] what portions of the [illegible] the trials two years ago had been admitted into evidence.

In [illegible] contrast with the crowds of the week, the courtroom was [illegible] deserted this afternoon, only lawyers, newspapermen, [illegible] attaches and a few scattered spectators standing within the building.

from page 1

Telegrams, however, have continued to pour into Decatur to Atty. Gen. Thomas E. Knight, Jr., protesting "attempts to lynch" Patterson, the other defendants, and attorneys defending them. Most of the telegrams also demand a change of venue to Birmingham, and "immediate and unconditional release" of the negroes.

The messages are in the same phraseology as thousands which have been received by Knight and Gov. B. M. Miller since April 9, 1931, when Patterson and seven of the negroes were sentenced to death in the electric chair.

In charging the jury today, Judge Horton for the first time made public the fact that he had been receiving telegraphic protests on the trials.

"The court has been vexed about a great many things," Judge Horton said in warning the jury against letting outside influence govern their verdict. "It may have been evident to you that a great many telegrams have come in here to me since I have been here, but, gentlemen, they do not affect me whatever. The great principle the court desires to see done, the great thing the jury desires to see done, is to see justice done in this case."

Judge Horton, in instructing the jury said two verdicts could be returned, an acquittal or a conviction, and, in the latter case, the jury must fix the punishment. Conviction carries with it a maximum penalty of death in the electric chair at Kilby Prison, or, in the discretion of the jury, a prison sentence of not less than 10 years.

Considerable attention was given by Judge Horton in his charge to the conflicting testimony of the two alleged victims of the attack aboard a freight train in Jackson County on March 25, 1931.

"One is Ruby Bates," said Judge Horton, "who sat on the witness stand and admitted she had perjured herself."

The appearance of the Bates girl Thursday just as the defense prepared to rest its case was one of the most dramatic incidents of the trial which has attracted world wide attention. She took the stand to deny her testimony in the previous trials so far as it related to her being attacked.

The judge told the jurors that it was for them to determine the credibility of the witnesses.

"The law has a stern duty to perform," he said. "Women of the underworld come before it, and the law says it is the duty of the jury to consider that fact, not that the law would trample them down."

Discusses Price Woman

Turning to the testimony of Victoria Price Judge Horton said evidence had been produced that "she is a woman of easy virtue. Evidence has been introduced to show that she made false statements. They claim she swore falsely about meeting Jack Tillery in a " 'jungle' at Huntsville."

"That becomes a question for you gentlemen to decide whether she has sworn falsely about material facts," he said.

Then, with an explanation of a "reasonable doubt," Judge Horton charged the jury that, if the State had not convinced them "beyond a reasonable doubt," an acquittal should be returned, but if the evidence showed all doubt had been removed, a verdict of conviction should be returned.

Attorneys for the State and for the defense hurled charges of "frame up" as they argued before the jury, the one for conviction and the extreme penalty, the other for an acquittal.

Leibowitz told the jury the defense did not want a compromise verdict, but wanted him freed.

Knight Asks Death Verdict

Knight, in closing for the State, asked for a verdict of guilty with a sentence of death.

Mention was made by Knight of the telegrams he had received as he argued the case.

"We aren't lynching people in Alabama, legally or illegally," he shout-

ed. "But the name of the State of Alabama has been lynched."

Knight dwelt at length on defense testimony, particularly that of Ruby Bates, whom he said "has sold out lock, stock, and barrel.

"I told Ruby Bates, in a conference in Birmingham, that I did not want to burn this negro, or any other one, if he was not guilty and asked her to tell me the truth," Knight said. "And she reasserted that she had been attacked.

"Why didn't she come to me with her repudiation?"

Knight told the jury the State wanted no verdict, "based on racial or religious prejudice, race nor creed has no place in this case. It must be decided on evidence alone."

Like Knight and Judge Horton, Leibowitz mentioned the outside influences and once, in his four hours of argument, told the jury "you are deciding more than this case, you are deciding a world issue."

Leibowitz paused in his concluding argument to again comment on outside influences, declaring "I am not an I. L. D. (International Labor Defense). I am not a Communist. I don't belong to that bunch."

The New York attorney who has directed the defense in this trial, yesterday declared he was not receiving a penny for his services. He previously had said he entered the case at the invitation of the I. L. D.

MOB THREAT HEARD AT ALABAMA TRIAL

Times

Judge Orders Guardsmen to Shoot to Kill if Attempt Is Made to Lynch Negroes.

4-6-33

LEIBOWITZ IS PROTECTED

New York, N.Y.

Doctor Is Skeptical on the Medical Aspects of the State's Case.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, April 5.—A dramatic pronouncement from the bench interrupted the trial of Haywood Patterson toda yas he and five other Negroes testified before Judge James E. Horton that Victoria Price swore falsely that they attacked her on a freight train near Scottsboro two years ago.

Taking official notice of reports that a mob was plotting to lynch the nine Negro prisoners lodged in the rickety old jail and run Samuel S. Leibowitz, their chief counsel out of town, Judge Horton ordered the National Guardsmen on duty here to shoot at the first sign of trouble and to shoot to kill.

Despite the increasing impatience of residents of Jackson and Morgan Counties with the painstaking defense prepared for the Negroes by the International Labor Defense, a Communist adjunct, today's proceedings were not marked by the slightest demonstration, not even when Patterson charged that he was "framed" at his first trial in Scottsboro.

The crowd of countrymen in overalls and blue denim shirts listened attentively as Dr. E. E. Reisman, Chattanooga gynecologist, explained to the jury that the Price woman's story of the attack contained biological inconsistencies.

Skeptical of Woman's Evidence.

The medical testimony offered by the State against the nine defendants at Scottsboro and against Patterson here, said Dr. Reisman, was sufficient in itself to make a man of science skeptical about Mrs. Price's statement that she was attacked by six Negroes an hour and a half or two hours prior to her examination at Scottsboro.

The Negroes who denied their guilt today were Willie Robertson, Olen Montgomery, Ozie Powell, Andy Wright, Eugene Williams and Patterson. The first three denied that they had engaged in a fight with the white youths or had seen the girls on the train, while the last three denied seeing the girls but admitted participating in the fracas with the white youths.

Aside from the six accused Negroes and Dr. Reisman, the only other witness of the day was Percy Ricks, fireman of the freight train on which Mrs. Price said she was attacked. He testified that when the Negroes were taken off at Paint Rock by an armed posse, the two women seemed just as anxious to get away as the Negroes.

"I saw them both running up toward the engine," he said. "Some of the men with shotguns came around and headed them off. Then they turned and ran the other way until another batch of men came up from that direction and stopped them."

While the Negroes were testifying, Judge Horton, after a whispered consultation with Attorney General Knight and Captain Joseph Burleson, commanding the militia here, ordered the jury taken from the Court. He then delivered his warning in phrases that fell from his lips like the bullets he promised to lynchers.

"The court wishes to make an announcement," he began. "The audience generally has been orderly and has given respectful attention to the testimony for the most part. These prisoners were given protection at the trial in Scottsboro, and the Sheriff's force and the National Guardsmen are here to protect them now.

"The court also wants it known that it will protect any one else connected with this trial. Whether or not the reports of impending trouble have any foundation, the court does not know. Sometimes rumors occur that are without foundation, but sometimes they reach the point where notice must be taken of them.

"The court is conscious of this fact, that it is trying to arrive only at the truth in this case. If these defendants are guilty they should be punished. If they are not guilty, they should be acuitted. That is for the count and the jury to determine.

"Any one outside, who has not heard the testimony and who attempts to prejudice the case has no right to be heard. These prisoners are under the protection of the court. The court intends to protect them."

No Tolerance for Mob Spirit.

At this point Judge Horton raised his voice, and his face was stern as he continued:

"Any group of men, and I don't say that there are such, who attempt to take the law into their own hands, are unworthy of the protection of the State of Alabama. They are unfit to be citizens. Men who would join in anything that would cause the death of these Negroes not only are murderers, but cowardly murderers.

"The soldiers and the Sheriff's men are expected to defend these prisoners with their lives. Any man who defies them may expect to forfeit his life.

"I have no tolerance for mob spirit. Your very civilization depends upon the carrying out of your laws in an orderly manner.

"I am going to strengthen the guard if necessary, and remember you've got to kill these guards before you get these prisoners. The guards understand that. When it comes to a question of right and wrong there can be no compromise.

"If there are any meetings in this town where such matters are discussed the men who attend them should be ashamed of themselves."

From officers of the National Guard it was learned that a mass meeting, to which 200 young men of the community were invited by telephone, was held in a hall near the court house last night to "protest against the manner in which Mr. Leibowitz has examined the State's witnesses." There was talk there, the officers said, of riding the New York lawyer out of town and lynching the Negroes.

Upon learning of the meeting, Captain Burleson sent several of his men to the apartment hotel where Mr. Leibowitz is staying and doubled the guard around the jail.

Undercover men reported to Captain Burleson that the strategy of the lynchers, if they decide to flout the warning of the court, will be to start trouble at the apartment house to draw off the force at the jail.

Mrs. Leibowitz, who has been with her husband here, left for New York tonight.

"We'll be ready for them if they come," said Captain Burleson. "Just because my men and I are Southerners and these prisoners are Negroes need not lead any one to think we won't do our duty. So long as we have a piece of ammunition or a man alive, those prisoners will be protected."

Arrangements have been made with the local fire department to send an engine to the jail at the first sign of trouble. The cold water treatment will be used first, Captain Burleson said. If that does not disperse the mob, tear gas bombs will be thrown. Bayonets and bullets will be reserved as a last resort but if they are used it will be to kill, said the young National Guard officer.

John Thompson, solicitor of Jackson County who prosecuted the Negroes at their first trial, said feeling was even more intense in Scottsboro today than it was two years ago, but that he had heard nothing of a lynching mob forming there. Scottsboro is more than fifty miles away.

"There might be trouble though," he conceded, "if these Negroes are acquitted or if the trial lasts too long. The first trial cost the people of Jackson County about $3,000 and this one will cost double that amount.

Each of the Negroes who testified today was confronted by the record of his testimony at the previous trial. Attorney General Knight questioned them sharply on even the most minute discrepancies, causing frequent objections by Mr. Leibowitz and warning by the court to the Attorney General.

NEW YORK
NEWS

APR 1 193

Troops Guard Leibowitz at Alabama Trial

By TOM CASSIDY.

(Staff Correspondent of The News)

DECATUR, Ala., March 31.—A chain guard of National Guardsmen tonight surrounded Samuel S. Leibowitz, defense attorney in the Scottsboro case, as the result of serious threats against his life made in powerful circles.

Leibowitz pugnaciously fought to enforce the Fifteenth Amendment, giving equal rights to whites and colored people, when an all-white jury was selected in picturesque Morgan County courthouse today. An Alabama moon washed the courthouse in its yellow sheen before Leibowitz ended his aggressive, belligerent grilling of the 100 white talesman.

Samuel S.
Leibowitz

He then went to his rooms in the Cornelian Apartments, where he is living with his wife, Mrs. Belle Leibowitz, and was surprised to find riflemen posted at the door to the quarters.

Only then Leibowitz learned his life had been threatened, for the threat was not made to him directly.

"The thing is serious," Capt. Joseph Burleson, in command of the National Guard platoon on duty at the courthouse in this history-making trial, told the Brooklyn lawyer defending Haywood Patterson, first of the seven Scottsboro colored youths to go on trial for their lives a second time for attacks on two white girl hoboes.

Won't Reveal Details.

Capt. Burleson declined to reveal the details of his information regarding the threats. The report is they were made by individuals who lead powerful local groups.

Leibowitz aroused the anger of courtroom spectators today by the way he questioned all of the twelve young white farmers and small merchants selected as jurors to try the colored men. Not a single colored man appeared in the venire from which the jurors was selected, and the Brooklyn lawyer harped on this fact as a violation of the Fifteenth Amendment.

Leibowitz capped the climax of his heated sallies by asking Judge James E. Horton to quash the entire venire because all colored citizens were excluded.

White Cultist Objects.

At this point Fred Morgan, a leader of the "All Day Singers," a fanatical religious sect, leaped to his feet in the courtroom and informed the bench he "never heard the like" of the way Leibowitz questioned white talesman. Judge Horton tried to ease the tension by saying:

"In our laws we know neither race nor color. Jew or Gentile, native born, nor foreigner. All persons are alike."

The twelve jurors picked were locked up in a local hotel until Monday, when the trial resumes.

The United States Supreme Court reversed the jury's verdict in the first trial.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4176

TRUTH AT DECATUR, ALA.

Outspoken critics of the South's traditional paternalistic policy toward the Negro usually give credit to those opposed to treating colored Americans as full-fledged citizens for their naked frankness in giving expression to their views, however wrong they may be. But at the second trial of the defendants in the famous Scottsboro case held in Decatur, Alabama, instead of making unqualified statements as to their treatment of Negroes there has been much "ducking and dodging" on important issues.

Samuel Leibowitz of New York, who was induced to represent the defendants at the instance of the International Labor Denfense, raised the question of the right of the Negro to sit on juries in the state courts as provided by the Fourteenth Amendment. His attack of the illegal selective jury system in the South in which only white citizens are chosen as jurors, has occasioned considerable alarm and dismay throughout the Southland.

It is general knowledge that Negroes are excluded from juries in Alabama. But Attorney General Thomas E. Knight, Jr., refuses to admit that such rank discrimination exists. Mr. Leibowitz was told to prove his charge, which he proceeded to do adroitly and convincingly.

The following account of the trial, published in The New York Times, is indicative of the newer attitude of caution and side-stepping.

Arthur J. Tidwell, one of the county's three jury commissioners, was on the stand. ***Turning to Mr. Tidwell, sitting with the bulky jury roll propped up before him on a chair, Mr. Leibowitz continued his examination as follows:

"You and your fellow commissioners are required to place on that roll the names of all citizens who possess the qualifications prescribed by law—all citizens—isn't that true?"

Mr. Tidwell conceded that such was his understanding of the law.

"Now isn't it a fact," demanded the New York defense attorney, "that all the names written in that book are the names of white citizens"

"I don't know," said Mr. Tidwell.

"Do you mean that for an honest answer?" shouted Mr. Leibowitz.

Mr. Tidwell swung around in his chair and seemed about to rise. Several onlookers in the first row of spectators leaned forward.

"Do you mean to say that I would swear falsely?" demanded the jury commissioner, color rising in his cheeks.

"I don't mean to say anything, I'm asking you a question," snapped the defense attorney with a rising voice.

"Can you point to the name of any colored citizen on the page?" The defense lawyer's finger was pointing to the first sheet in the book.

Mr. Tidwell bent forward to study it better. "I don't know whether they are white, black or yellow," he insisted.

Despite Mr. Tidwell's flareup about his veracity, how many in court really felt that the witness was telling the truth, the whole truth and nothing but the truth?

At the beginning of the trial there were some white natives who, with accustomed naivete, spoke their minds even if what they said was a serious reflection on their mentality. Curiously enough, one was the editor of The Progressive Age—J. S. Benson by name. This "authority" stated on the witness stand that it would be well nigh impossible to convince him that anyone but a white man possessed the "sound judgment" and "training in law and justice," which he regarded as essential for a "fair and impartial verdict." In the opinion of the witness, "All Negroes steal."

This is the type of Southern white who is to be more pitied than censured. With him its a case of "Where ignorance is bliss its folly to be wise." He does not libel the Negro race, for no intelligent or liberal-minded person would take his wild and untruthful remarks seriously. The forward-thinking white people of Alabama must be proud of him and pridefully point to his lamentable ignorance about the Negro in this progressive age. He ought to change the name of his sheet.

There was a good reason for Jury Commissioner Tidwell giving the sort of testimony he did. Officials in Alabama and elsewhere have become convinced that the United States Supreme Court is to be called upon to determine without equivocation, whether the Negro is to enjoy full citizenship — whether the Fourteenth Amendment is enforceable in one section of the country and unenforceable in another section.

This issue might just as well be settled now once and for all.

Alabama on Trial

NOT SEVEN BLACK YOUTHS, ridiculously and falsely accused of attacking two white girls who have little to recommend them except their white skins, are on trial at Decatur, but the entire State of Alabama as represented by its more than one million white population. The charge against Alabama is not rape but attempted murder. The evidence against the state in what has come to be known as the Scottsboro case is irrefutable and conclusive, far more so than that to be presented against the seven of the nine youths Alabama seeks to condemn to death.

Age 4-5-33
New York N.Y.

IN HEARTLESS FASHION Alabama has got away for a long time with her crimes against the more than one million Negroes in her population who, though they live there, work there, pay taxes and die there, have been deprived of their rights as citizens of the state and of the nation by law and by extra-legal methods. And Alabama may get away with the Scottsboro case and send the seven boys on trial to their deaths; but not until after this state's own crime will have been exposed to the world for what it is. That much is certain.

ALABAMA has got away with her crimes against the Negro for so long that she has become ignorantly brazen of what she is doing and couldn't be fair in a case like the Scottsboro case even if she wanted to be fair. The fight over the exclusion of Negro citizens from her juries and grand juries, and the remarks of the judge who is to preside over the Scottsboro trials, illustrate how utterly hopeless, brazen and God-forsaken Alabama is in her crimes. While the president of the Morgan county jury board was disavowing the exclusion of Negro citizens from jury duty, during which he admitted that he did not know of one Negro in the county who could qualify as a juror, a white Alabaman in the courtroom was heard to remark: "We've never had niggers in our juries yet and we never will." His companion responded with: "If we told them they could, there isn't a nigger here who would dare try to sit on a jury." And this in the county and in the very courtroom in which the accused youths must hope to get a fair adjudication of the charges against them. Alabama carried her point.

The judge overruled the defense's motion to quash the indictments on the ground of jury exclusion. Alabama won her point, but in winning it was forced to give incriminating evidence against herself.

THE PRESIDING JUDGE knows Alabama is on trial and before proceeding, among other things, said:

> ". . . I have had occasion to preside at trials involving some who were very rich and prominent and some who were not so rich or prominent . . . but in all I have felt that true justice was meted out. . . .
>
> "So far as the law is concerned, it knows neither native nor alien, Jew or Gentile, black or white. This case is no different from any other. We have only our duty to do without fear or favor. It would be a blot on the men and women of this country, a blot on all of you, if you were to let any act of yours mar the course of justice in this or any other case. . . ."

ALABAMA KNOWS that she has excluded Negroes from her juries on the ground of color and contrary to the United States Constitution. She knows that there are Negroes in every one of her counties who are thoroughly competent to sit on juries. Her judges know that there is one law for whites and another for colored. In one breath she admits that all of these things are true and in the next disavows them and proceeds with her immediate plan to murder seven of the nine Scottsboro case defendants on trial and call it justice.

NEW YORK ATTACKED IN SCOTTSBORO TRIAL

Prosecutors Also Hint at Perjury in Its "Surprise Testimony."

MISTRIAL MOTION FAILS

New York.

But Judge Instructs Jurors to Ignore Remarks of County Solicitor at Decatur.

DEFENSE ARGUMENT OPENS

Leibowitz Will Conclude This Morning and Case Is Expected to Reach the Jury Today.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., April 7.—The issue of Alabama against New York City and the clothes, manners and customs of its people was brought up here today before Judge James E. Horton and the jury, which is trying Haywood Patterson, a Negro, for his life.

Summing up for the State at the close of the first of the new "Scottsboro trials," Wade Wright, circuit solicitor of Morgan County, made a frank appeal to local pride, sectionalism, race hatred and bigotry.

"Show them," he said—pointing at the counsel table at which were seated Samuel S. Leibowitz of New York, chief defense counsel, and Joseph Brodsky, counsel for the International Labor Defense, a Communist affiliate—"show them that Alabama justice cannot be bought and sold with Jew money from New York."

At this remark, Mr. Leibowitz arose and asked the judge to declare a mistrial.

"Conviction now, after what he has said, will not be worth a pinch of snuff," he asserted.

The court denied the motion and Mr. Wright continued along the same line, while Attorney General Thomas E. Knight, the chief prosecuting officer of the State, fidgeted in his chair.

When the circuit solicitor finished, Judge Horton told the jury to disregard Wright's statement about "Jew money from New York."

Mr. Leibowitz then began his appeal, urging the jurors to give the Negro defendant the benefit of the "reasonable doubts."

The New York attorney had not finished when the court declared a recess until tomorrow morning. Mr. Leibowitz will then conclude his final argument and Attorney General Knight will say the last word for the State. After that Judge Horton will charge the jurors, and they probably will begin deliberations by noon.

"New York Clothes" a Target.

Circuit Solicitor H. G. Bailey opened the State's argument. In his address there were several references to the "fancy New York clothes" which Lester Carter and Ruby Bates were wearing when they appeared as surprise witnesses for the defense, the girl repudiating her former story of an attack and the young white "hobo" charging Victoria Price, the other alleged victim, with a "frame-up."

His remarks were of such a nature, however, that Mr. Leibowitz took no exception to them. But when Mr. Wright, whose voice has raised him to pre-eminence among local all-day singers, began to speak all the hatred and prejudice that these cases have aroused bubbled to the surface.

Mr. Wright spoke of the reversal of the Supreme Court of Alabama by the United States Supreme Court after Communist sympathizers took up the cudgels for the nine Negro defendants, all but one of whom had been sentenced to die in the electric chair.

But it was New York City, "its sinister influence," and the Jews on which he dwelt and upon which he turned the full flower of his oratory.

Defending the story of the Price woman, Mr. Wright asked the jury:

"Did you ever hear of a more damnable effort to destroy and break down this girl? How did they do it.

"That man Carter is a new kind of a man to me. Did you watch his hands? If he had been with Brodsky another two weeks he would have been down here with a pack on his back a-trying to sell you goods. Are you going to countenance that sort of thing?"

From a front-row seat among the spectators there came a resonant "No!" uttered with the fervor of "Amen" in church.

"Don't you know these people, these defense witnesses are bought and paid for?

"May the Lord have mercy on the soul Ruby Bates!

"Now the question in this case is this:

"Is justice going to be bought and sold in Alabama with Jew money from New York?"

Mr. Leibowitz interposed here with mistrial motion and after it was denied Mr. Wright continued:

"It was Brodsky, too, who brought in Ruby Bates. The same Brodsky who put the fancy city clothes, New York clothes on Lester Carter, and I tell you gentlemen that Ruby Bates was guilty of perjury right here in this court room. And there is such a thing as subordination of perjury."

The Bates girl "couldn't tell you all the things that happened in New York because part of it was in the Jew language," he said.

Mr. Wright then attacked the testimony relative to Ruby Bates's presence in "hobo jungles".

He referred to Carter as "Mr. Carterinsky, as he is now" and Mr. Leibowitz again asked for a mistrial, this motion also being denied.

Mr. Wright concluded with the statement that a verdict of guilty in this case "will resound around the world as a victory for law enforcement."

When he had finished Judge Horton said:

"The court rules that the statement regarding Jew money from New York was simply improper and unjustified and the court asks you members of the jury to disregard it and put it out of your minds."

Leibowitz Asks Square Deal.

In opening his argument Mr. Leibowitz explained that "all New Yorkers do not have horns."

"The least said about sectionalism and prejudice the better," he declared.

"Now, I'm not going to assault your ears with any such ranting and raising the roof as you have been forced to hear from the gentleman seated over there. I shall appeal to your reason as logical, intelligent human beings, determined to give even this poor scrap of colored humanity a fair, square deal.

"What is the argument of the learned solicitor? Change the charge and you would hear the same stereotyped phrases. 'The fair State of Alabama, foreigners,' and all the rest of that claptrap.

"What is it but an appeal to prejudice, to sectionalism, to bigotry? What he is saying is, 'Come on, boys! We can lick this Jew from New York! Stick it into him! We're among our home folk.'

"It was the speech of a man taking an unfair advantage—a hangman's speech."

Mr. Leibowitz surveyed the court room crowd. He had been threatened with tar and feathers, with whipping and with gunpowder and lead.

"Now, as for the Jew money from New York, let me say this. That when the hour of our country's need came there was no question of Jew or gentile, of black or white—all, all together braved the smoke and flame of Flanders Fields.

"Now, I'm not getting any fee in this case and I'm not getting a penny of expenses for myself and my wife who was here with me.

"Mobs mean nothing to me. Let them hang me, I don't care. Life is only an incident in the Creator's scheme of things, but if I can contribute my little bit to see that justice is served then my mission is fulfilled."

Mr. Leibowitz said he was not here as a crusader nor to ask social equality for Negroes, "but to see that the law guaranteeing equal protection to all races in our courts is observed."

In rebuttal evidence Attorney General Knight sought to introduce the testimony of a white inmate of Kilby Prison, whose death sentence for murder has been commuted by the Governor to tell the jury that while Patterson was in the death house, he expressed the wish that he "had killed those girls." Judge Horton refused to allow the witness, Burtus Frost, to testify and the lifer left the courtroom with a prison guard.

The Bates girl was recalled but quickly excused by Mr. Knight after Judge Horton ruled that her cross-examination had been concluded and that if she were to testify at all it would be as the Attorney General's witness.

W. H. Hill, the station agent at Paint Rock, where an armed posse stopped the train on which the attacks are alleged to have taken place, Hill testified that the Bates girl, who declares now that she "only told what Victoria told," at the first trials, was the one who told him the Negroes had attacked her.

Wire Rosevelt of "Klan Mobs."

A statement that Ku Klux Klan mobs were being organized to lynch the Scottsboro defendants was telegraphed to President Roosevelt yesterday by William L. Patterson, national secretary of the International Labor Defense.

The message urged the President to "guarantee the safety of these people in Alabama, where law enforcement is non-existent, so far as protection to Negroes or any one interested in preventing murder of Negroes is concerned."

The International Labor Defense said that protest demonstrations will be held all over the country today under its auspices "against the attempts to lynch the Scottsboro boys."

The New York demonstration will start with a mobilization at 110th Street and Fifth Avenue at 2 P. M., followed by a march through Harlem, it was announced.

NEW YORK MIRROR

APR 3 1933

Holier Than Thou Text Preached to Scottsboro Jurors

DECATUR, Ala., April 2 (US).—The jury of three farmers and nine townsmen in the Scottsboro case heard a sermon today urging tolerance and understanding. The trial was not mentioned.

The jurors were taken to the Episcopal Church, in custody of bailiffs. The Rev. Peter Mack Dennis asked his parishioners not to sow the seed of hatred. Referring to the Manchurian situation, he said:

"We have criticized the Japanese for going into Manchuria, and yet, in Peiping, we have our Marines with bayonets and one of the largest wireless stations in the world. This is a typical 'holier-than-thou' attitude which is similar to that of the woman who leaves her neighbor's house and says, 'I observed some dust on the table,' when, at the same time, she had swept the dust in her own home under the linoleum."

This Tennessee River community remained unruffled today. The five alleged radical organizers who were arrested yesterday on charges of distributing propaganda for the defense in the Negro quarter were cited to appear before Circuit Judge James E. Horton tomorrow for contempt of court, but they were reported to have left town. Three white sympathizers from New York, one a woman, and two Birmingham Negroes, were picked up by local police and detained for several hours. Their literature was confiscated.

Testimony in the case of Haywood Patterson, first of the seven Scottsboro Negroes to be re-tried after the U. S. Supreme Court set aside their death sentences for criminal assault on two white women, will open tomorrow morning.

BOSTON, MASS.
TRAVELER
MAR 31 1933

Defends Alabama

People's Editor:

Your editorial regarding the Scottsboro case betrays some common impressions on the race problem by one who never lived in those parts of the South where Negroes comprise half the population. A review of the facts of this crime should, it seems to me, result in commending the citizens of Alabama for forbearance in bringing the criminals to trial, rather than permitting direct action. However, some people, whose wives and daughters live at a safe distance from the black belt, get smug satisfaction in moralizing on southern justice.

Suppose a lynching had occurred. What an opportunity that would have been to moralize! They were tried before a white jury—so the trial must have been unfair. If half of the jury had been colored, and had returned the same verdict, I presume the editor would say: "The jurymen must have been intimidated!" But why reason about it? Let's wave the bloody shirt instead!

If Negroes, as a group, are as easily mistreated as the writer infers, why don't they come to Massachusetts where they can (but seldom do) serve on juries? Here's why: They are happier in Alabama, where they have a social position in the social structure and where every Negro of good character has his "white folks" who are his friends, even though they do not recognize him as an equal. In the East, on the other hand, the Negro occupys an anomalous position. He is equal before the law, perhaps, but is certainly not regarded as an equal socially, in business or in the arts. If you doubt this ask any Negro.

And by the way—why so much concern over a criminal case in another state? Wasn't the Sacco-Vanzetti affair in Massachusetts—and didn't the Traveler state that such cases should be settled in the state courts—not in newspapers or by outsiders?

I am not a southerner. I lived in Alabama. THINK IT OVER.

Wellesley.

Lynchings - 1933
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4177

Southern Press Mobilized Against the Scottsboro Boys

Daily Worker 3-24-33

I.L.D. Compels Retraction from United Press on False Story About Defense Attorney

New York N.Y.

BIRMINGHAM, Ala., March 23.—The newspapers of the South, as well as the capitalist press services, have been mobilized to assist the Alabama landlords and bosses in lynching, judicially or otherwise, the nine innocent Scottsboro Negro boys when they come up for their second trial in Decatur on March 27.

An instance is the false story spread over the country by the United Press, that Irving Schwab, International Labor Defense attorney, had been withdrawn from the case.

Chamlee Nails Lie.

In a statement issued today from Chattanooga, Gen. George W. Chamlee, chief of the Scottsboro legal defense corps, vigorously denied the announcement attributed to him that Schwab had been withdrawn.

Following a demand by William L. Patterson, national secretary of the I.L.D., that it retract the story, the United Press sent out the following item:

"Irving Schwab, attorney of the International Labor Defense is still one of the defense counsel for the eight Negro boys charged with attacking two white girls in the Scottsboro, Ala. case, according to William L. Patterson, national secretary of the I.L.D. 'Mr. Schwab is still associate counsel in the Scottsboro case and will remain so,' Patterson said in denying a report that the attorney had been withdrawn."

The I. L. D. has subpoenaed 23 Negroes in Jackson County, who are qualified to serve on juries, to support its first motion, and other witnesses from Morgan County, in which Decatur is situated, on the motion to dismiss the jury panel. Through these witnesses it will prove that Negroes have been illegally excluded from grand and petit juries for forty years.

Militia Threatened.

Knight was in Decatur today to confer with Sheriff Davis of Morgan County in their last-minute joint preparations to insure the murder of the Scottsboro boys. He has announced in advance that he will probably call the militia "to prevent the Scottsboro boys from escaping."

This, the I. L. D. charges, is direct lynch-incitement. There is no danger of the boys "escaping."

The I. L. D. has called on all workers and their organizations, Negro and white, throughout the world, to intensify their mass protest

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Dothan, Ala. Eagle
Monday, March 20, 1933

MONDAY, MARC 20, 1933.

HATRED UNDER THE BAGNOLIA BLOSSOMS!

The hired pens of the International Labor Defense League, it seems to us, have taken to writing their little hymns of hate in faded violet ink.

Not that the paid hack writers are altogether lacking in imagination and sulphuric splutters. Nothing of the kind! They still show gifts for grinding out fiction and always they can repeat 'Legal Lynching', 'Legal Murder', and 'Boss Control', not to mention the other half-dozen words of the American Communist Party vocabulary.

But the dirty-collared, long-haired young men who sit in New York offices of the International Labor Defense League and write 'news' dispatches of what is happening in Scottsboro, Ala., have not been earning their daily bread. Or at least, they are failing to make good on a job which any mediocre hate-propagandist should succeed.

Unembarrassed by questions of truth, and unhampered by any prejudices in favor of facts, which they might feel if they actually were on the scene, it seems to us that these gentlemen at least should make the poison more painful than they have of late.

Now since these paid scrubs of journalism are trying to make a case and are not embarrassed by numerous flights of fancy, and are not concerned with justice in either direction, there is no complaint to make against the phrase, 'nine innocent Negro boys', and 'Attorney General Knight's legal lynch plans', which flower in nearly every piece of literature coming from the League's Hate-Hokum factory.

They make no pretense that they are not painting the prisoners lily-white in 'Uncle Tom's Cabin' fashion. And they make no pretense that they are not trying to picture the State of Alabama and its law enforcement agencies, its courts and its people as red-eyed monsters with bloodstained, spurred boots, horsewhips and noosed ropes, up to God knows what, plans for making existence more unbearable for pig-stuck Workers.

But former experiences with these literary gentlemen had taught us to expect more from them.

Take the following paragraphs which were culled from one of the latest 'ditpatches' manufactured in the I. L. D. workshop, mailed to newspapers, churches and not a few of the Oo-or-Die 'liberal' organizations.

It seems that the defenders of the Scottsboro rapists object to Decatur as a trial site. They write:

> Decatur, I. L. D. officials pointed out, is a town of 20,000 population, only about 50 miles from Scottsboro, and about the same distance from Huntsville, the center from which the organization of 'vigilance committee' to make sure of the lynching of the boys, has spread.
>
> It is also the center for gangs of criminals who infest the railway lines of Alabama, and make a special practice of terrorizing and beating Negroes. Described by Northern Alabamians as a 'big Saturday town', it is another Scottsboro on a larger scale. By the expression, it was explained, is meant that it is a town whose normal population is swelled on Saturdays, holidays, and court days, by a huge influx of white farmers, who come in armed and ready for a lynching or any other form of excitement that might present itself.
>
> The population being about nine times that of Scottsboro, and of much the same composition, Decatur on court day would present much the same aspect as Scottsboro did on the April, 1931, day when a band played 'There'll Be A Hot Time in the Old Town Tonight' as the lynch - verdicts were handed down against the Negro boys.

Decatur, the quiet but kindly little North Alabama town, doubtless is surprised to learn of its lawlessness. The citizens of Decatur do not care to stage the Scottsboro trial in their city. And if the trial is held there, they will endure it as an expensive duty just as Scottsboro did. (And Scottsboro, a victim of geopraphical circumstances, is downright sick of the mess.)

But we should like to help the weary hate-hacks.

Why not go the whole hog and spread some real hatred toward Alabama and Alabamians?

We submit to them that:

There is an unwritten law in this State that every male white Boss in Alabama must practice bird hunting first on the down trodden white and Negro workers, before reaching the age of twelve years.

The police departments of all Alabama towns have been ordered to remove corpses of Workers from the streets every 24 hours except on 'court days'.

And on 'court days' as all good I. L. D. public relations advisers know, the entire Boss population appears in spangled uniform to serenade jurors who have promised before hand to send a batch of innocent Workers to the electric chair.

But by far the greatest gala occasion in Alabama is the mid-winter festival at which the wealthy Boss class, (of which nine-tenths of Alabamians are members) gather in the court rooms of their respective counties to enjoy the wholesale scalping of the children of the Worker classes.

But why go further? We extend a personal invitation to the New York typewriter-snipers as sportsman to sportsman to visit Alabama and take part in the Anti-Worker Field Day, marking the beginning of the annual open season on the proletarians.

No guns are necessary in this sport as the State Government furnishes specially-trained native Alabama jaguars and laughing hyenas (abundant in this State) with which to track down innocent Workers.

We Alabamians thoroughly enjoy our native sports!—Montgomery Advertiser.

NEGROES ON JURIES

FIRST, in the Herndon case and now in the Scottsboro trial, we are having brought forcibly to our attention the barring of Negroes from jury service in the South and [illegible] parts of the North, and what it means to colored people. It has already been indicated by the highest tribunal in the land that where Negroes are being tried there should be some Negroes on the jury. Even if this insistence had not come from such a high source, Negroes would be no less [illegible] its truth.

It is especially necessary in the South that Negroes should serve on juries to insure that no injustice be done. All too often the judicial system in many parts of Dixie resolves itself into a machinery for legal lynching. Moreover, to bar Negroes from jury service is to deny them their rights as citizens, and they have far too few left, even though conditions have admittedly improved in the past fifteen years.

Today Alabama is more disturbed about the bringing up of this question than the guilt or innocence of the Scottsboro boys, because it strikes at the very roots of the system of exploitation and persecution that keeps the Negroes suppressed and docile, to the economic and social advantage of the white planters, storekeepers, bankers and industrialists. Attorney Leibowitz, retained by the International Labor Defense, has wrought well. He has given white Alabama a bigger scare than any since the Civil War.

MOVE THE SCOTTSBORO TRIAL TO BIRMINGHAM!

Daily Worker
3-23-33
New York, N.Y.

The fight for a change of venue to Birmingham becomes ow one of the most important points of struggle in the Scottsoro case. The legal lynchers regard Decatur as equally suited for their [illegible] as Scottsboro. They are saying openly: "The niggers got a fair trial in Scottsboro. They will get the ame kind of a trial here." Only in Birmingham are there ossibilities of securing protection for the innocent boys on rial. Only there will those Negroes, whose testimony will show the systematic denial of the constitutional rights of Negroes to act as jurors, feel more free to speak. This is the estimony that paves the way to the return to the United States Supreme Court, if necessary. Yesterday the names of hese proposed witnesses were given to the subpoena clerk of he Decatur court. Already reports are arriving that thy are eing intimidated. **The trial must be held in Birmingham.**

Only the mobilization of a protest movement of infinitely greater power than that which forced a reversal of the lynch verdict in the Supreme Court, can realize this. Yesterday it was the vigorous protest of European workers that largely influenced a reversal in the Scottsboro case. During the long struggle for freedom of these innocent boys, a tremendous movement for their defense developed in Europe. On November 7, 1931, International Scotsboro Day, seven workers, protesting before the American Consulate in Germany against the legal lynching of the Scottsboro boys, were shot down in cold blood.

Today the burden of the struggle rests upon the Negro and white workers and intellectuals of America.

The struggle to change the place of venue must be intensified. Resolutions and telegrams of protest must be immediately forwarded to the Governor of Alabama.

Defense to Call 20 Negro Witnesses on Issue of Right to Jury Service

Daily Worker 3-2[illegible]-33 New York, N.Y.

CHATTANOOGA, Tenn., March 20. —For the third time in a major case involving frame-up of Negroes, the International Labor Defense will go into court next week to challenge the right of the white ruling class of the south to exclude Negroes from juries.

When the Scottsboro case is called, whether on March 27 in the lynch town of Decatur, or in Birmingham, as the defense is demanding, witnesses will be called to support a motion to quash the indictment against the nine innocent Negro boys on the ground that Negroes were illegally excluded from the grand jury which handed down the indictments, and are systematically excluded from all juries in Alabama.

On similar grounds, the Euel Lee (Orphan Jones) lynch verdict was reversed by the State Supreme Court of Maryland, when the jury system of that state was challenged by the I. L. D.

Similar basis for dismissing the case of Angelo Herndon was brought forward in a writ of habeas corpus last December, and though defeated in a technicality, the raising of the issue forced the court to lower Herndon's bail from $25,000 to $2,500, permitting his release pending trial. The I.L.D. is continuing its fight to reverse his conviction on this as well as other grounds.

No Negro Witnesses

Twenty Negro residents of Alabama, qualified for service on the Grand Jury, will be subpoenaed by the I.L.D. to prove its contention in the Scottsboro case, and one white man, formerly a resident of Jackson cou[illegible] now living in Chattanooga, Te[illegible] [illegible]ify that [illegible] his knowledg[illegible] [illegible]es have [illegible] been called [illegible] any ju[illegible] in Jackson cou[illegible]

A[illegible] [illegible]eral [illegible]homas E. Kni[illegible] [illegible]abama will fight to the [illegible] against any move to force the calling of Negro jurors, he has announced. His contention will be, according to statements he has made to newspapermen, that Negroes are not excluded because of their color, but because they are not "persons of sound judgment."

* * *

Responding to Plea

NEW YORK.—Working class organizations all over the country are responding to the call of William L. Patterson, national secretary of the International Labor Defense, to rouse mass action of millions of workers in defense of the Scottsboro boys, and to demand a change of venue from the lynch-town of Decatur to Birmingham.

In response to his telegram of Saturday, dozens of organizations Saturday night and Sunday sent wires to Governor B. M. Miller, at Montgomery, voicing this demand. Among those who reported sending wires and protests are the Workers' Ex-Servicemen's League, the International Workers' Order, the National Committee for the Defense of Political Prisoners, and the John Reed Clubs of the country. Additional hundreds of wires were sent from the Paris-Commune-Scottsboro meetings held all over the country Saturday night, and from the branch meetings of the I. L. D. which have been held during the past week.

Letters are pouring in to the offices of the Scottsboro New Trial Emergency Fund, in response to letters enclosing sheets of Scottsboro stamps, and asking for protest wires and letters. Many of these come from individuals who have never before been involved in any working class activity.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4178

The Scottsboro Farce

The entire country has been watching with interest the trial of the Scottsboro cases. Haywood Patterson, who was given a death sentence for alleged rape in the first trial and whose conviction was reversed by the United States Supreme Court has again been found guilty by a "cracker" jury composed of men whose intelligence is far below the average American. Of course this case goes right back to the Supreme Court of Alabama and if necessary to the United States Supreme Court.

Christian Index

4-20-33

The farce at Scottsboro has turned the light on the judicial system of the South. It has proved that there are two distinct brands of justice in the South and that even the word of a discredited public prostitute like Vic Price, if she is white, can send nine men to death if they are black. It also proves that in the South, an illiterate, half witted, lazy, no account, rabid, nondescript if he is a white man, is more acceptable as a juror than a cultured, high class college graduate if he wears a black skin.

For the benefit of our Northern readers we wish to say that the same thing is true in the main right here in Tennessee and every other Southern state.

Jackson, Tenn.

Some people have sharply criticised the editor of this paper because he lined up with the Communists to see that these boys got a fair trial. To all critics we say we are proud to be lined up with anybody who fights for a square deal for the under-dog and we have no apologies to offer. Had it not been for the Communists these boys would have been rottening in their graves today. Yes, we salute Comrades Liebowitz and Brodsky, gentlemen lawyers, who are turning the light on the rotten judicial system of Alabama and if that means the editor is a Red or Communist, then make the most of it. The Nashville *Tennessean* of April 12 had this to say editorially of the affair:

"The trial has shown the South that until it has won a reputation for dealing justice to its citizens without regard to their race, its courts will not have the confidence of other sections of the nation.

"Heywood Patterson, the first of the nine Negroes indicted in the alleged assault upon two white girls of doubtful morality to have a new trial, was found guilty by a jury Sunday, the verdict carrying the death penalty.

"Patterson's second trial, like the first one, has been held under most distressing conditions. It has seemed at times that the issue at stake was the right of outsiders to go into Alabama to defend the Negro before the court rather than the guilt or innocence of the prisoner. In spite of the apparent efforts of Judge James E. Horton of the Morgan Circuit Court to give the defendants a fair trial, the many threats which were made kept the community in a constant state of racial excitement, a state which tends to relegate justice to a secondary place.

"The fact that one of the girls, who at the first trial testified she had been assaulted, testified at the new trial that her first story was false, was not, apparently, considered sufficient by the jurors to doubt whether there had been an attack at all.

"Regardless of the fate of the accused Negroes, the Scottsboro case has turned the clock back on interracial relations in the South. The remedy however, lies with the South. When the several states have proved that a Negro can count on obtaining justice in courts there will be no excuse for outside intereference."

T. H. Alexander, the Columnist for the great white daily papers of the South also spoke in no uncertain terms when he said:

"When the case of the Scottsboro Negroes was first tried, I hailed it as a great triumph for Southern justice, a sure sign that the South can conquer mob rule if it has the will.

"Now the truth is beginning to appear in the malodorous case. It appears now to have been a frameup, pure and simple, on some ignorant and innocent Negreos by white women of bad character. Those Negroes should be promplty set free. They owe their lives to the liberal opinion of the world which has held them guiltless from the first."

Every right thinking white man and Negro in this country should rally to the standards in this case with a determination not to quit, whatever the cost until every right guaranteed every man by the Federal Constitution is assured that justice shall not be strangled to death in her own temples.

Hats off to Attorneys Leibowitz and Brodsky!

PALM SUNDAY IN DECATUR

Two of our brilliant young men covered the Scottsboro case in Decatur, Alabama, several weeks ago. William N. Jones of the Baltimore-Afro, and P. Bernard Young, Jr., of the Norfolk Journal Guide stopped by Nashville en route home after the trial. We had an opportunity to get some first-hand information from these two representatives of the Cooperative Publishers. Here is Mr. Young's description of Palm Sunday in Decatur:

National Baptist Voice

It was the Sabbath before Easter. Bright, clear, balmy day. The people were on their way to church to sing Hosannas to the King—Christ, Twelve men, good and true, believers in the Christ, were pondering over testimony and charges alleged against nine black boys, age 13 to 22.

One woman accuser, stricken of conscience, had gone to a minister and asked for guidance. He told her to go back to court and tell the truth. She went back and told the judge and the jury that she was a perjurer. That she had lied when she said two years ago the boys attacked her. She admitted that she had promiscuous sex relations with men of her race.

4-22-33

The other woman, whom witnesses testified was of "easy virtue," swore again th[illegible] was mistreated. She contradicted muc[illegible] previous testimony.

Fiery crosses burned on th[illegible]round Decatur. Open threats of physical violence and death were hurled at the men of Jewish religion that defended the black boys. Alabama's soldiers with automatic guns held back a determined mob, who wanted the lives of these black boys upon the words of these women of the underworld.

The 12 men pondered for 21 hours. Then as Christians went to church, they decided which one of the women of the underworld to believe. They decided to believe the one that wanted to send nine boys to their death at the hands of Alabama. And, then, like Pilate of old, they washed their hands.

If you should investigate the church membership of these 12 jurors you would find that they are all members of some respected Fundamentalist churches, sound in the doctrine and "safe." Of course on Palm Sunday the good pastor painted the picture of a lonely Jesus dying on a cross two thousand years ago! The jurymen heard the story, felt sorry, perhaps shed tears, and then returned to the court room and voted to send the poor helpless black boys to death at the hands of Alabama.

Now turn your eyes to New York and look at another preacher. Conscience stricken Ruby Bates turned to a great Baptist preacher for guidance. Here was a woman with a spark of conscience left in her life; who had already admitted she had promiscuous sex relations with the men of her race, seeking help from a spiritual leader. Nine lives were at stake. Preachers stand in their pulpits each week mouthing platitudes about saving souls when in reality they would not lift a finger to save a human life at the cost of a little popularity.

We know what Jesus said to the woman of Samaria. We would like so much to know the contents of the conversation Dr. Harry Emerson Fosdick had with Ruby Bates. It took uncommon courage to do what the Riverside Church pastor did. He wrote a letter to the Episcopal Bishop of Birmingham, Alabama, requesting that he arrange safe transportation for the woman accuser to Decatur, and advised Ruby Bates to return to the Alabama court and tell the truth. The girl did that.

We ostracized Dr. Harry Emerson Fosdick long ago for his liberal views and advanced theology. You may write this down in your notebook: IF THIS WORLD IS TO BE MADE BETTER, ARE THE LIBERALS GOING TO MAKE IT SO? With all their bad theology, they are at least courageous.

Chattanooga, Tenn. News
April 18 1933

A Millstone

THE time has come when the International Labor Defense must give up its ambition to make international propaganda out of the Scottsboro case. It must free the ignorant Negro defendants from its selfish grip and give them and Alabama a chance to see that Justice is done without any further disgusting propagandizing.

Judge James Horton quite properly indefinitely postponed further trials of the defendants yesterday, because Chief Defense Counsel Samuel Liebowitz had, on his return to New York, launched a vituperatic speaking campaign against Alabama juries: "those creatures, those bigots, whose mouths are slits in their faces." Defending Liebowitz, who was absent, his associate in the defense of the Negroes, Joseph R. Brodsky, declared that he didn't believe Liebowitz was correctly quoted, and continued: "Liebowitz's view is that in Decatur and the South the white workers are imbued with the idea of white supremacy, and that only in union of Negro and white workers warring against the ruling class can they gain their ends."

It is quite obvious that Mr. Liebowitz is more fanatically devoted to "warring on the ruling class" than he is on defending seven ignorant Negroes accused of assault. The I. L. D. has made a radical holiday at the expense of the Negroes ever since taking charge. It crowded

out the true friends of the Negroes, members of their own race who sought to provide for them an adequate defense. We happen to know that the service of the leading criminal lawyer of Birmingham was offered to the Negroes, but the I. L. D. had taken out its mortgage on their lives.

The mother of one of the Negroes was shunted around over Europe, being expelled from one country after another, spreading propaganda and picturing Alabama as a tyrannical place where innocent people were lynched by the courts.

One lawyer for the defense was accused of trying to bribe witnesses.

The I. L. D. made no concessions to Alabama pride. It made no use of capable Southern lawyers, students of Southern psychology, who would have pitched the defense on actual evidence instead of radical propaganda.

From the start, the I. L. D. built up the case as a *cause celebre*, soliciting funds from Northern sources. It was really a trial of Negroes for rape, but the I. L. D. lost sight of the nature of the case entirely, and purposely made it appear that innocent people were being rescued from biased, unfair Southern courts, and that the Negroes were being lynched by America's perverted social conscience.

The result of the entire affair has been to create an emotional atmosphere which made postponements of the trials highly advisable.

We believe that if the I. L. D. continues in charge of the defense it will eventually be able to use the electrocution of one or more of the Negroes as international propaganda.

We believe, further, that a verdict of acquittal would be a cruel disappointment to the I. L. D., which thrives on the prejudices and propaganda it is able to make out of the case.

If Mr. Liebowitz cared a straw about the defense in this case he would not have so unjustly held Alabama up to scorn and derision by his billingsgate in Brooklyn, with his talk of "those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice."

Judge Horton, himself, is proof enough to New Yorkers and others that the Southern courts are not presided over by the type of people described by the I. L. D. His conduct in this crisis seems to us altogether admirable. It must be remembered that one of the Prosecuting Attorneys was as extreme in his appeal to prejudice as was Mr. Liebowitz. The entire case had become bound up with prejudice, hatred, appeals to the basest side of man.

We call upon the International abor Defense to withdraw from he case. It has over-reached itself nd exposed its callous indifference o the real issues. We believe that labama will provide adequate, fair ounsel for the Negroes and that a new atmosphere, the trials may roceed.

We do not believe that the comlex emotional atmosphere of prejlice and propaganda, created by e I. L. D. will permit the trial to roceed so long as the I. L. D. has ything to do with the case.

All that we desire is Justice. If e had lynching in our hearts, we ould urge the I. L. D. to continue ith its course, because we believe at is one way to lynch the Neroes—to lynch them in order to eate a *cause celebre* for the Interational Labor Defense.

But we desire that Alabama be further harrassed by these grosque propagandists from other ctions; that Alabama be permitted to conduct her trials fairly and without radical interference.

That, we believe, is the surest way to Justice in this case.

The next step, however, should be the withdrawal—voluntarily or forced—of the I. L. D. lawyers from the case.

Judge Horton summed the matter up when he declares that the "Negroes' lawyers have become a millstone around their necks."

Justice is a mockery if trials are permitted to proceed when everyone knows that the lawyers for the defense are a handicap to the defense—a millstone around their necks.

JAMAICA, N. Y.
LONG ISLAND PRESS
APR 16 1933

Democrats Protest Scottsboro 'Justice'

The Scottsboro verdict was condemned as a travesty on justice by the Queens County Colored Democracy at a meeting at the clubhouse, 164-30 South street, South Jamaica.

The organization is circulating petitions demanding a new trial in another county, Paul Bolin announced.

Hartwell Sollinger of the War Veterans Association was the principal speaker. Renold B. Lighton spoke briefly on the charity work of the club. C. Hutchley Riley presided.

An Easter egg hunt was planned for tomorrow.

JUSTICE BUTLER QUOTED

In reply to Samuel S. Leibowitz of the defense counsel for the "Scottsboro Negroes," who characterized the jurors in the case as "bewhiskered bigots," former residents of Alabama now living in New York, point to the dissenting opinion of Justice Butler of the United States Supreme Court when the case was appealed to that court.

Justice Butler insisted that a fair trial had been held and declared that three of the defendants had implicated their associates.

When the cases of the seven Negroes, now pending with one exception at Decatur, were before the Supreme Court on appeal after their conviction at Scottsboro, the justices were divided.

In the opinion of Justices Butler and McReynolds, the following extract under the title "Powell vs. Alabama," appears:

> And three defendants each, while asserting his own innocence, testified that he saw others accused commit the crime charged.

4-24-33
Montgomery Ala.

Publication by The Literary Digest of a group picture of the jury in the recent Decatur trial should go far to reverse the impression created by the derogatory comment of Mr. Leibowitz regarding that jury.

The fact is that it was not a commonplace jury at all.

All of the 12 were well-dressed, well-appearing men and it is said that they were jurors of unusual intelligence and fitness.

They are not in fact the type of men that Leibowitz pictured them as being.

CIVIC BODY TO AID SCOTTSBORO BOYS' DEFENSE

Deanwood Citizens to Hold Mass Meeting Early Next Month

A mass meeting for the purpose of raising funds to aid in the Scottsboro case was planned by the Deanwood Civic Association meeting Monday night at the Deanwood School.

The body discussed the Alabama case and named H. H. Turner, chairman of a committee to arrange for the meeting to be held early next month.

A letter from the District Engineer Commissioner was read before the body and pointed out that trees could not be planted along the streets in that section until further improvements were made.

The body went on record urging the paving of the streets, including sidewalks, so as to get trees to beautify the community. A petition in regards to the matter will be sen the Commissioners.

The body scored the blocking of the streets between Kenilworth and Deanwood by railroad trains which in a way endanger the lives of school children, who in many instances crawl under the cars to keep from being late for school. A communication will be sent to the railroad officials asking that the matter be taken up.

The association announced that its spring clean-up campaign would get under way May 1. Announcement was also made that a housewives' league had been organized in the community for the purpose of [illegible]

houses of the Deanwood section. Miss Green, of the C.M.A. Stores, was present and made brief remarks. M. T. Tolliver, president of the body, presided.

Lynchings-1933

Legal Punishment for Rape

Alabama

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MONTCLAIR N. J. TIMES
APRIL 18, 1933

THE SCOTTSBORO CASE.

To the Editor of the Times; Sir.—This letter is to commend you on your splendid editorial on the Scottsboro case. The article was so clear and to the point that any clear-thinking person reading it could readily see the fact that those poor unfortunate boys are being railroaded. The so-called Alabama justice has made a disgrace of the whole affair. Every colored citizen who has read your editorial comment has nothing but praise for your fair and unbiased opinion on that terrible, judicial lynching. So here's hoping that every organization, club and church of colored people in Montclair will do all in their power to raise funds to help in the defense of those poor boys in Alabama who have been the victims of that terrible miscarriage of justice.

Montclair, N. J., April 17, 1933.

RANDOLPH FOX

Headland, Ala., Farmer
April 13, 1933

BLACK FOR INNOCENCE

We wonder if it struck newspaper readers that the chief argument of defense counsel at Decatur was that the defendants in the Scottsboro Case are innocent because they are negroes. Or that, if they are not precisely innocent, they should be liberated because they are negroes.

That is the way the Patterson case impressed us. Leibowitz, the New York Jew who was chosen by the International Labor Defense to plead the case, lost not a moment's time in injecting the race issue, on which he harped incessantly throughout the long week of the trial.

It seems clear enough, too, that Leibowitz was not trying this case before the Alabama jury but before the Supreme Court of the United States. There is good reason to believe that he sought to goad opposing counsel into making indiscreet or prejudicial remarks. It even seems that Solicitor Wright fell into this trap when he alluded to the "Jew money" which he thought had had its contaminating influence. There were good grounds for this charge, although the charge itself, made before the jury, was held by the Court to be prejudicial. Ruby Bates, formerly an important State witness, had disappeared, but at the last minute of the trial she made a theatrical entrance upon the scene with some new clothes, some new money, and some new testimony. After perjuring herself, she admitted that she had been in New York, where she had seen Dr. Fosdick and presumably certain members of the I. L. D. It is a question whether her about-face strengthened or weakened the case against the seven negroes. Her tale that she had "borrowed" $50 from a New York woman whose last name she professed to have forgotten doesn't ring true of New York and its money ways.

Leibowitz may be reputed to be a good lawyer in The Metropolis but he would, if he didn't improve on the Decatur showing, starve to death in Alabama. He opened the case by moving to quash the indictment on the grounds that no negroes had sat on the Grand Jury and that none were drawn for Petit Jury service. He had the jury box brought into court and the list of names read off in an effort to show that the names of negroes were systematically excluded. The defendant, he said, was thus deprived of his constitutional rights. And while he probably knew that this was poor strategy in so far as immediate results were concerned, he evidently believes that this point alone will weigh heavily in his favor when the case reaches the Supreme Court.

Of the New York attorney's conduct after the trial nothing complimentary, certainly, can be said. During the trial he resorted to a cheap sort of flattery which he tried to use on Judge Garner, and on more than one occasion to let Attorney General Knight get his goat. But it was after the trial, in his comment on the jury, that he reached his climax. "The verdict," he said, "is an act of bigots, spitting upon the tomb of Abraham Lincoln."

The International Labor Defense by whom Leibowitz was employed or commissioned (he says he didn't get any money out of the case) incidentally is one of the most radical organizations in America. This organization is not only opposed to "Jimcrowism" in all its phases, but is opposed to pretty much everything else that is customary in this country. The I. L. D. has won few converts in the South in the past, and, considering the manner in which it has acted in this notorious case, it will win still less here in the future.

The next of these seven cases it set for April 17, but the propaganda of the uplifters, few of whom have any accurate knowledge of the evidence, will continue, it is anticipated, with increasing fury.

Whether these negroes are guilty or innocent—and if they are guilty these radical organizations take the position that it doesn't matter much, anyhow—they should be liberated at once, so the argument goes, largely because they are members of an "oppressed race."

Ala Baptist, Birmingham

April 20. 33.

Decision at Decatur

The first of the re-trials in the Scottsboro case, ordered by the Supreme Court, was concluded last week with a verdict of guilty, the penalty of death being affixed. In this instance there cannot be complaint of inadequate preparation on the part of the lawyers for the defense; since the negro's counsel, able men from New York and Chattanooga, had ample time to prepare their case. Unqualified praise must be given, moreover, to Judge Horton, who presided, for his firm suppression of tendencies toward lawlessness and for his markedly fair charge to the jury. One detail of the trial, however, is to be condemned—the effort of the prosecuting attorney to prejudice the jurymen against two of the lawyers for the defense by his derogatory references to the fact that they were Jews and hailed from New York.

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Cape Charles, Va., Times
April 13, 1933

THE SCOTTSBORO "TRIAL"

The verdict in the case of Patterson, the negro tried a second time in Scottsboro Alabama, may have been a just one, but from the evidence published we doubt it we think, in other words, it was based more largely upon race prejudice than upon incriminatory testimony. Here were two white women who belonged confessedly to the under world, hoboing their way from Tennessee on a freight train. They were joined on the same train by eight colored men and a colored boy whom they charged on first trial with outraging them. One of these women has repudiated her testimony given at the first trial, and declares if the other was abused she does not know anything of it; in this hopeless jumble of the testimony the jury brought in a verdict of guilty and condemned Patterson to die. It is safe to say the other seven grown men will be convicted. The judge trying the case endeavored to be and was perfectly fair in his instructions, but the fact that the negroes are to be tried under the eye of a National Guard, and that the sign of the Ku Klux Klan was seen during the trial indicates that the jury must have been intimidated.

Making every allowance for the fact that these cases are being heard at a considerable distance from where this paper is published, we are frank to say that it bores us to know that in the far south, at least, race prejudice is so great that any person regardless of race cannot go to trial with the same assurance of fairness that another enjoys. We insist that all persons stand equal before the law, and while we have very little patience with the organization in the North that makes a practice of sending counsel to defend persons in the South who are charged with crime, as in the case of Euell Lee which occurred just over the Maryland line, about whose crime there was no doubt, we must insist that the best method of pushing such an organization out of commission is to render its existence unnecessary.

The great Civil War has been over sixty eight years, and that is ample time for sobriety of thought to have reinstated itself and for race prejudice to have disappeared

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Suffolk, Va., News-Herald
April 12, 1933

THE "SCOTTSBORO CASE"

No higher court would sustain the verdict of guilty pronounced against a Negro convicted at Decatur, Alabama, in connection with the now famous or infamous "Scottsboro case." Even the meagre newspaper reports we read were enough to convince anybody that the trial was in some respects farsical. When an attorney for the state was permitted to stand up in open court and declare that a witness for the defense was "bought with Jew money" without rebuke from the bench one can well imagine the hostile atmosphere in which this particular case was tried. We have never seen an instance of more pronounced prejudice which was divided between the prisoner at the bar and his counsel who happened to be a Jew and from a northern state.

Those who are familiar with this case are amazed that such a prejudiced state of popular feeling could possibly exist anywhere in this enlightened country. That two white women of any standing or no standing at all, like those who figured as principals in this case, could be criminally attacked in the manner described by a group of Negroes in broad daylight is in the first place highly improbable, especially when there were white men in the immediate vicinity. But when one of the alleged victims returns to the stand and testifies she lied in her original statement it seems that that would be sufficient to create "reasonable doubt" in the minds of the jury.

But that jury took on the color of its surroundings and was unable to render a fair and impartial verdict. They were burning fiery crosses on the Alabama hills or seeking to form mobs to march on Decatur to wreak summary vengeance. The jury may not have known the details, but they sensed from the tense atmosphere of the court room what was going on beyond its precincts. The mob demanded the life of this black man and although the might of the law protected him it did not quench the thirst but heightened it. The jury did not dare to acquit the culprit or soften its verdict and go back home in safety for the fury of the mob would have been upon their heads. This case has arrived at the point where the good name of Alabama, not that of a gang of worthless black hoodlums, is on trial.

Norfolk, Va., Ledger-Dispatch
April 12, 1933

The Scottsboro Case

It would be almost impossible in the United States to surround a criminal trial with circumstances tending more surely to obscure the ends of justice than those that enveloped the second trial of one of the Negro youths involved in the notorious Scottsboro case in Alabama—a trial which has resulted in a verdict of guilty with sentence to death. These circumstances are such, indeed, that no man—however familiar he may be with actual conditions and reactions in the Deep South—can say with certainty that the verdict was just or unjust.

The verdict and sentence in the first trial were set aside by the Supreme Court of the United States on the ground that the accused had not had a fair trial, by reason of the openly hostile and violent atmosphere amid which they were tried. This time, the accused was tried at Decatur, which is something like 100 miles away from the scene of the first trial, so that local feeling was not so strong against the accused youths as it had been.

Nevertheless, it is fairly certain that antagonism prevailed throughout the state. Judge Horton, who presided, performed his full duty and more: he made every proper effort to dissipate the cloud of prejudice and hostility that hovered over the court room. Whether he succeeded or not, whether the verdict was or was not justified by testimony given in the presence of the accused—and testimony read by the far-distant public is not at all the same thing as that very testimony given in open court—the rest of the country probably will never know.

It is unfortunate that the convicted youth had for leading counsel a man whom the jury and the whole vicinage doubtless looked upon as a foreigner and whom they suspected of being representative of Communism and Bolshevism and all the rest and who, they were satisfied, looked upon them, in turn, as barbarians who must be prevented from working their will upon the innocent. Almost certainly, the jury and the vicinage regarded leading counsel for the defense as a "nigger-lover," to use the hideous phrase still often heard in the Deep South, and a professional baiter of the whites of the South. It is more than unfortunate that the attorney for the commonwealth lost his temper and lashed out at counsel for the defense and his backers.

With the careful reservation that those at a distance from a criminal trial cannot, in the nature of things, speak with anything approaching authority, the Ledger-Dispatch is forced very gravely to doubt the justice of the verdict.

Lynchings-1933

Legal Punishment for Rape

Alabama

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Montgomery, Ala. Advertiser
Wednesday, March 22, 1933

ALABAMA, THE NEGRO AND LAW

This Southern "Negro problem," one hears so much about exists for most part in the minds of those who have never visited the South, or who for other reasons know nothing of conditions here.

The Southern white man and the Southern Negro are fully aware of racial differences. But nine times out of ten neither is troubled by those differences, neither makes a "problem" of conditions until some outsider declares that such a problem exists.

Just so long as there are blacks and whites in the South, the two races will continue to live as they live now—two distinctive peoples moving unmolested in their own respective spheres, each more or less economically dependent on the other, just as every individual is dependent on all other individuals.

There is no question in the minds of the Southern white and the Southern Negro of the relationship each bears toward the other. It is never questioned by either.

The raising of such a question could bring only trouble, and both white men and black men know it. The will to maintain the present status of the races is mutual here in Alabama as in other sections of the South.

Now Alabama wants its laws respected

It wants black men to respect them.

It wants white men to respect them.

And the State of Alabama, through its people and its courts insists that all men abide by the State laws.

It so happens that in this State it is against the law to commit rape. (And we believe most other States, indeed, most semi-civilized peoples have laws against rape.)

Two years ago nine Negro men boarded a freight train near Scottsboro, Ala., threw several men from a box car and kept two white girls in the car with them.

When the train arrived at Scottsboro, the girls told officers that each of the nine Negroes had attacked them.

In court each of the Negroes accused his eight companions of attacking the girls but denied that he had taken part in the mass rape.

Alabama tried and convicted the men for rape.

The State made no race question of the case. It was a trial for a capital offense.

Selfish radical groups seized an opportunity to flood the nation, and the world, with their own propaganda, using the case as an excuse to exploit themselves and promote their interests.

A surprisingly large number of Eastern newspapers, many otherwise intelligent and enlightened journals, swallowed the stuff broadcast by the radicals and immediately made a "race problem" of a case that should be judged only as a criminal trial.

Alabama is concerned only with the guilt or innocence of these men.

The New York Herald Tribune, which assumes that the first trial was unfair says:

> The case is, of course, Alabama's affair, and expressions of outside advice will only stir more deeply the passions which have been sufficiently aroused by the radicals who took over the defense, and, while winning the new trial, used the affair for the selfish ends of their own propaganda. It is to be hoped, however, that Alabama men and women will themselves see that the only way to triumph over the propagandists is to insist that this second trial shall in fact be absolutely above the slightest suspicion of partiality, haste, or prejudice. That is the only victory to be won by any one in this distressing affair.

But the "outside" advice is not resented nearly so much as the outside interference in a case which Alabamians consider only as a court matter, the trial of which should have no other purpose than to prove the innocence or guilt of the men charged with a felony

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Dothan, Ala. Eagle
April 19, 1933

POSSIBLE RESULT

The Scottsboro case, with all its ramifications, possibly has accomplished one thing: the setting back of the South, and particularly Alabama, a score of years in the matter of lynchings.

This is a horrible implication, and we have seen no hint of it in any Alabama newspaper. But it is what the people are saying.

Let alone, Alabama would have disposed of these defendants fairly and quickly, but so many different elements have thrust themselves into the case, with the resultant villifications of the State from various foreign and irresponsible sources, that the people have become quite thoroughly disgusted.

The Negroes yet will get a fair and orderly trial, for Alabama is determined to keep a cool head despite the heated and baneful criticism from various parts of the North and East, and especially from the New York demagogue who is masquerading in the role of chief defense counsel.

But The Eagle ventures to state frankly in print what thousands of citizens are repeating orally: 'These damnyankees and crack-brained Communists won't have cause to meddle in the next case of this calibre.

If this be 'prejudice' and 'biotry' of the sort that the indecent Leibowitz has hurled against the people of Alabama, then he has little to blame but himself, and let him wallow in Harlem and make the most of it.

The white race is both superior and supreme in Alabama, and fully intends to remain so.

Chatham, Va., Tribune Enterprise
April 21, 1933

THE SCOTTSBORO CASE

This case of nine young Negroes who are charged with criminally attacking two white girls on a freight train moving through Tennessee and Alabama, has aroused interest in all part of this country. These men were tried in Alabama about two years ago and convicted and the penalty in Alabama for this offense is death.

The case was carried to the United States Supreme Court and the verdict was set aside because this court held that the Negroes had not been adequately represented. Haywood Patterson, one of the nine has recently been tried again in the Alabama court at Decatur and again convicted; this time defended by Mr. Samuel S. Leibowitz, of New York, counsel furnished by the International Labor Defense. We have no sympathy whatever with the criticism that these men were, convicted because they black. The evidence as we have read it, indicate that atleast some of them were guilty. Ke know the State of Virginia would not want to convict and sentence to death an innocent Negro and we do not believe the courts of Alabama would. The State of Alabama had its Attorney-General Assistant Attorney-General and two of its county prosecuting attorneys present in this case, to see that the laws of the state were enforced and that the honor of the state upheld. and unusual array of State and County prosecuting attorneys for any case.

We think it exceedingly unfortunate for the State of Alabama and for these nine young men that the International Labor Defense interfered in the case at all, further than to get the new trial. There is little question; but that the defense attorney, furnished by them, was a mill stone around the necks of the defendant, as evidenced by the following staement by Mr. Leibowitz issued after the verdict: "This is a black page in the history of American civilization. An occasion where once more twelve citizens of Alabama, swayed by bigotry and prejudice and hearkening to the yelps of a bombastic Ku Klux, who hurled mud at the Jew and the people of the great State of New York to sympathetic ears in the court room crowded with lantern-jawed morons and lynchers, brought in a verdict that is a mockery of justice."

After returning to New York, he made such a scatting criticism of the jury and people of Alabama and some of the prosecuting attorneys, that Judge Horton postponed the trial of one of the other Negroes for the reason that he could not get a fair trial in the face of such statements from Mr. Liebowitz. There is a movement on foot to furnish these men counsel from among the attorneys in the South.

The Southern people will not stand for this criticism and interference

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Atlanta, Ga. Georgian
April 20, 1933

MIXED JURIES ADVOCATED

An echo of the Scottsboro trial at Decatur, Ala., was heard Thursday when the Commission on Interracial Co-operation announced that a resolution had been adopted stating:

"The commission recites its conviction that the cause of justice can be furthered by selection of jurors without regard to race and solely on the basis of fitness of service."

Defense in the case of Haywood Patterson, first of the negroes to be retried for criminal assault, raised the point that no negroes had been allowed on the list of eligible jurors.

A committee was named at the commission's meeting Wednesday to inquire whether the commission can be of service in the Scottsboro case, adding its "deep interest in the case, its sincere desire to have it disposed of with justice to all concerned and its willingness to render any service to that end that may be found possible.

Senator Wagner Named Head of Levee Probe Committee

Nye (Repub.) of North Dakota and Stephens (Dem.) of Mississippi, Other Members; Appropriation Inadequate but May Be Increased

Senator Robert W. Wagner (Democrat), New York, was named chairman of the special Senate committee to investigate labor conditions in the Mississippi River levee camps by Vice President Garner last Friday. Other members of the committee are Senator Gerald P. Nye, Republican, of North Dakota, and Senator Hubert D. Stephens, Democrat, of Mississippi.

The resolution authorizing the committee which was introduced by Senator Wagner was passed in the closing days of the last Congress, but the appointments were held up until the new session opened.

The National Association for the Advancement of Colored People and its branches throughout the country pressed for a Senate investigation after a report made to it last summer by Miss Helen Boardman, who was sent down into the camps by the national office.

She charged that wages for Negroes were about ten cents an hour; that work days were 12 and 14 hours in length; that sanitary conditions were bad; that brutality was practiced in some of the camps; and that camp commissaries overcharged the men as much as 500 per cent on some articles; and that foremen loaned money to workers at 25 per cent interest rates.

N.A.A.C.P. Has Faith in Wagner

The Negro citizens of the country can be assured that the Senate committee named to investigate conditions in the levee camps will examine fairly into all evidences of alleged virtual slavery, is the assurance of officials of the N.A.A.C.P.

The association, which has made two investigations into the camps in the Delta and which asked Senator Wagner to introduce a resolution for a Senate investigation, pointed out that Senator Wagner has long been an outspoken, fearless advocate of fairness to the Negro. He was the only Senator who dared to speak plainly on the Judge Parker nomination in 1930, bringing the color question, the real issue in the Parker fight, out on the Senate floor.

Senator Nye is one of the band of liberals in the Senate and is known to be open-minded and inclined to sympathize with minority groups. He is a foe of wage slavery and exploitation.

Senator Stephens's Attitude

Senator Stephens has not expressed himself on the levee situation, but it is believed that he is desirious of getting at the truth of the conditions particularly in his home state, since a decent wage for the thousands of Negroes employed on the levees would mean more money spent with Mississippi merchants in the cities and towns along the river.

No date has been set for the taking of testimony. The last congress authorized only $1,000 for the expenses of the probe, although Senator Wagner had asked for $10,000. Efforts are being made to get the Senate committee on audits and control to raise the appropriation. The N.A.A.C.P. is ready to present colored and white witnesses to testify as to conditions in the camps.

MUNCIE, IND.
EVE. PRESS
APR 12 1933

LEGAL LYNCHING IN THE SOUTH

Alabama is on record with a second attempt to lynch legally several Negro boys, the youths being those involved in the now famous "Scottsboro case" in which the Negroes are accused of attacking two white girl hoboes. It was necessary for the United States Supreme Court to intervene to save these boys from death at the time of the first trials. It or some other court probably will have to do the same thing again.

The highest court ordered a retrial of the boys, saying they had been deprived of their constitutional rights through the mistrial of the original case, but that apparently made no impression upon the "hard-boiled," Negro-hating jury that tried Haywood Patterson, first of the defendants, the other day, since in the face of evidence that could not possibly be considered strong enough for a conviction the jurors voted to send Patterson to the electric chair. His crime apparently is that he has a black skin.

One of the girls who had testified in the earlier trial that she had been attacked by the Negroes, journeyed all the way from New York to Alabama to repudiate her first story and to assert that her girl companion was not harmed by the boys but had "framed" them.

The lawyers for the prosecution made their principal attack upon the defense lawyers and charged in the hearing of the jury that the defense was conducted by means of "Jew money" raised in New York, thus stirring up a second phase of racial hatred.

It is to the credit of the presiding judge that he did his best to see to it that a fair trial was had and in his instructions told the jury to ignore all appeals to race or religious prejudice.

The day is not yet at hand in certain parts of the South when a Negro accused of crime has a chance with the law provided his accuser is white.

CHARLESTON, S. C.
NEWS
APR 14 1933

They First Convicted Alabama

In New York, some 1,200 or 1,500 miles from Alabama, the conviction of the "Scottsboro boy" is being denounced by divers persons as a "lynch verdict." These persons are not representative of the people of New York. Nine in ten of the New Yorkers, perhaps a greater proportion, are men of common sense and the South has nothing to fear from the Northern people. Our people should be careful lest they mistakenly interpret the wild and whirling words of professional "liberals", communists and their like as speaking Northern opinion. We are in constant association with Northerners and we observe no disposition on their part to interfere with the South and the Southern courts.

"A peaceful meeting of Negroes in Union Square, called to protest the verdict in the Scottsboro case, developed into a running fight along Broadway for miles with policemen thrown to the ground and trampled and Negroes becoming acquainted with scores of night sticks before it was over." So The New York Times, last Tuesday, reports. Negroes were warned by the police not to parade without permission. They insisted upon parading. So there was "a running fight for miles along Broadway." As many as 3,000 negroes were congregated at one place. No one was trying to "lynch" negroes in New York. Why was this running fight for miles along Broadway? What is "lynch law"? What is a parade in defiance of law with thousands participating in it, with accompaniments of assaults on the police and counter-assaults by the police?

In Alabama have been threats of lynching. Undoubtedly. No one has been lynched. No one has been hurt. No policemen have been "kicked in the mouth" and "trampled," no negroes clubbed. The judge in an Alabama court is commended for his fairness. A lawful jury convicts a man. Thereupon, negroes in New York disobey the police, parade, trample the police and are clubbed.

To the present moment, the lawlessness, the outbreaks, have been in the streets of New York, not in Scottsboro, not in Decatur.

In Decatur, a prosecuting attorney referred to the use of "Jew money" by the defense. That was nasty. That was inexcusable. Worst of all, it was the talk of a fool. Unfortunately, in the criminal courts of this glorious country, from one end of it to another, in New York and in South Carolina, outrageous behavior is often characteristic of lawyers. Whether money was contributed to the defense by Jews or Christians or heathens or atheists has nothing to do with the case—and just as the lawyer was trying to make capital by the expression his use of it is now magnified by equally foolish agitators in New York.

As for the matter of negroes on juries, they will not be placed on juries in Alabama. Not yet. Not for many a long year if ever. Not in any future year near enough to interest us. There will be a lot of foolish talk, but the subjugation of Alabama will not be undertaken. There is no disposition among Northern people, outside of a few small and excited circles, to make war upon the Southerners.

This "negro question" is full of complexities. Decent, honorable white men and women in the South are trying to deal with it practically, justly. They know, we know, that mixed racial juries are not to be permitted generally in the South. Nor does one assert that white juries are always what they ought to be. Unjust verdicts are sometimes found by them—against white people as well as against negroes.

We Southerners are doing the best that we can. We are trying to put an end to lynching. In that campaign The News and Courier has been unceasingly engaged the last sixty years. Putting negroes on juries would not end it. That would undo the good work of years by civilized white men and bring on anarchy again. It is not to be thought of.

Alabama may sometimes blunder, may do worse than blunder. But the Alabamians will have to be trusted. They can be. On the whole they will do justice to the negroes, for they, the white Alabamians, are not inhuman people—they are about like other white people from Seattle to Miami.

What would have happened if these outsiders had not interfered in the Scottsboro case, if it had been left wholly to the Alabamian white people? Possibly the men would have been convicted. Possibly one or two of them would have been executed. We doubt it. At most, seven of the nine would have been sent to prison, their lives saved. In time some of the sentences would have been commuted. If a condition in which even-handed, impartial justice has been embarrassed has been created, part of the explanation of it is that the presence of negroes in the South in great masses has clothed the crime with which the Scottsboro men were charged with a peculiar nature—as in South Africa—as anywhere these conditions exist. Still, we Southerners are making rational progress in this matter. We are slowly putting an end to lynching. But, if an unjust verdict has been brought in, which we are far from saying, the main responsibility is on the interferers, the infatuated strangers who tried and convicted the white people of Alabama before the negroes came to trial and now acquit the negroes.

If for the last two hundred and fifty years the Southern courts and the people, generally, had not treated the Southern negroes with humanity and justice, there would be no negroes here. They would have been driven out, exterminated. Yes, individual cases of injustice are numerous, we know that and regret it, but the saying that negroes cannot and do not receive justice tempered with mercy in our courts is a lie—a mere lie.

Alabama

4181

Lynchings-1933
&
Legal Punishment for Rape

SCOTTSBORO NEGRO SEEKING RELEASE

Asheville

Habeas Corpus Sought For One Of Eight; Held Juvenile By State Supreme Court

1-6-33

BIRMINGHAM, ALA., Jan. 5—(AP)—Freedom of Roy Wright, 15, one of nine negroes indicted in the Scottsboro attack case, today was asked in a habeas corpus petition filed in Jefferson Circuit Court.

Judge John R. McCoy, before whom the petition was filed, set the case for hearing Monday, Jan. 16.

The petition, filed by Irving Schwob, of New York, one of five attorneys retained by the International Labor Defense, alleged that Wright was illegally held and should be turned over to juneyile authorities.

Montgomery, Ala.

Wright was one of nine negroes arrested at Paint Rock, Ala., March 25 1931, charged with attacking two young white girls aboard a freight train passing through Jackson County.

The young negro has been held in jail here without bond since a jury failed to agree in his case at Scottsboro in April, 1931.

George Chamlee, of Chattanooga, chief counsel for the negroes, announced two weeks ago that similar action would be taken in Montgomery Circuit Court in behalf of Eugene Williams, whose death sentence was reversed by the Alabama Supreme Court on the grounds that he was a juvenile.

Williams is held in Kilby Prison, at Montgomery with seven other negroes who face retrial on the charges as the result of the U. S. Supreme Court setting aside their death sentences.

SCOTTSBORO CASE WRIT IS REFUSED

Macon Telegraph

Youngest of Negroes Accused of Assaulting Girls Is Denied Freedom on Bond

2-1-33

BIRMINGHAM, Ala., Jan. 31 (AP) In two words, "writ denied," Judge J. P. McCoy in Jefferson circuit court Tuesday dashed the hopes of Roy Wright, youngest of nine Negroes under indictment in the "Scottsboro case," for at least temporary freedom on bond.

Macon, Ga.

The defendant, now more than 15 years old, sat quietly at the counsel table as George W. Chamlee, of Chattanooga, and Irving Schwab (attorneys employed by the International Labor Defense), argued he was illegally held and was entitled to freedom at least on bail.

When Judge McCoy announced his ruling the Negro apparently was unperturbed, and a few moments later after counsel had conferred with him, he was taken back to jail where he has remained since April 1931, when a jury failed to agree in his case.

The other eight were convicted and sentenced to death in Jackson circuit court of attacking two white girls. The Alabama Supreme court reversed the sentence of one, Eugene Williams, on the ground that he was a juvenile, and the United States Supreme court set aside the sentences of the other seven and remanded them for new trials.

Judge A. E. Hawkins, trial judge, has announced that the cases of all nine will be called in the regular term of court in March. Chamlee and Schwab both said Tuesday that they would seek a change of venue, probably to Birmingham.

Scottsboro Negro Denied Freedom

Advertiser

2-1-33

BIRMINGHAM, ALA., Jan. 31—(AP)—In two words "writ denied" Judge J. P. McCoy, in Jefferson Circuit Court today dashed the hopes of Roy Wright, youngest of nine negroes under indictment in the "Scottsboro case" for at least temporary freedom on bond.

Montgomery

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When Judge McCoy announced his ruling the negro apparently was unperturbed and a few moments later after counsel had conferred with him, he was taken back to the jail on top of the court house, where he has remained since April, 1931, when a jury failed to agree in his case in Jackson County Circuit Court.

The other eight were convicted and sentenced to death in Jackson Circuit Court of attacking two white girls. The Alabama Supreme Court reversed the sentence of one, Eugene Williams, on the grounds that he was a juvenile, and the United States Supreme Court set aside the sentence of the other seven and remanded them for new trials.

Judge A. E. Hawkins' trial judge, has announced that the cases of all nine will be called in the regular term of court in March. Chamlee and Schwab both said today that when called they would seek a change of venue, probably to Birmingham.

Local Folks to Hold Scottsboro Meeting

Boston Chronicle

CALL ISSUED FOR FEBRUARY 19 IN CAMBRIDGE

Including several well known persons in the city a provisional committee of the Scottsboro-Mooney Defense Conference will hold a meeting at 2 Central Square, Cambridge, on February 19. 2-4-33

The call which has been issued reads:

Boston, Mass.

"During the past two years, conferences and meetings were necessary to bring the Scottsboro frame-up to the attention of millions of workers throughout the world. It was the mass protest of these millions, co-operating with the International Labor Defense that resulted in the U. S. Supreme Court, ordering a new trnial and has saved the lives of the Scotsboro boys so far. Similar methods saved Mooney's life sixteen years ago and kept the Mooney-Billings case a living issue until at the present time the demand for their release has reached a new high level. Our conference on February 19th will be one of many being held all over the country in a great campaign which alone will free our class-brothers. We urge your organization to elect two delegates to take part in this conference."

Mrs. Mary E. Moore is secretary of the committee. Others of the committee are: Jessica Henderson, Rev D. S. Klugh, Rev. S. L. Laviscount, Rev Phillip F Mayer, Charles J Shepherd, M Cravath Simpson, William M Trotter, Rev. Samuel O. Weems and Eugene Gordon.

"The God's Truth"

Black Dispatch

Just how the state of Alabama is going to justify its further persecution of the nine Scottsboro boys charged with the crime of rape, is hard to comprehend or understand. Ruby Bates, one of the white girls alleged to have been criminally assaulted by these defenseless black youths, has written a letter to Alabama officials in which she makes a complete confession that she lied, and that not one of the accused youths violated her person.

2-2-33

This letter has been in th hands of supposed-to-be responsible officers of the Alabama court for several months, but suppressed until recently when these officials were forced to bring this letter into court and admit its authorship. Even then these Alabama officials fought to prevent the letter from getting out of their hands. The missive, however, has been impounded, and it is doubtful whether a method can be devised to prevent this important revelation becoming a part of the case made.

Oklahoma City, Okla.

If Ruby Bates is now to be believed, the only assault made upon her honor was made by the brutish, hate-crazed white men who forced her to lie with threats of jail, and lodging other spurious charges against her.

Let it be said to the credit and the honor of Ruby Bates that her keen sense of justice, her unwillingness to be a party to murder, even though it be in the name of the state, would not allow her to suppress the truth. This young white girl has a conscience. Doubtless she spent sleepless nights shuddering at the thought of the blood which would be dashed upon her hands were she not to tell the truth. Hers was a battle between selfishness and unselfishness. Unselfishness won.

Regardless to the outcome of this infamous trial; regardless of whether the nine black boys die and the state of Alabama stands exposed savage, bloody and brutal before the world, the God's truth is now revealed. Ruby Bates has honor and integrity, and the only assault made upon her virtue and womanhood, has been made by craven pale-faced cowards—members of her own race.

Brodsky Will Bare Letter by "Victim"

Amsterdam News

Attorney to Tell of Development Regarded as Means to Freedom for Boys in Alabama —Meeting Scheduled for Tonight

2-8-33

A new development through which the defense hopes the Scottsboro boys may be cleared and discharged will be revealed by Joseph R. Brodsky, chief counsel of the International Labor Defense in the famous Alabama case, at a meeting this evening at Abyssinian Baptist Church, 132 West 138th street.

New York [illegible]

Mr. Brodsky, who will be the principal speaker, will tell of a letter written by Ruby Bates, one of the white hobo girls the Scottsboro boys are accused of attacking in 1931, to a friend. The letter absolves the boys. Mr. Brodsky contends that the letter was suppressed by Alabama authorities. The Labor Defense has obtained a court order forcing the state to turn over a photostatic copy of the letter.

Other speakers at the meeting will be Roger N. Baldwin, director of the American Civil Liberties Union; Countee Cullen, the poet; William M. Kelley, editor of The Amsterdam News, and Miss Louise Thompson, assistant secretary of the National Committee for the Defense of Political Prisoners.

The Eva Jessye Choir will offer a program of choral music. James H. Hubert, executive secretary of the New York Urban League, will preside.

The meeting is one of a series planned by the Scottsboro Unity Defense Committee. The Baptist Ministers' Conference and the Interdenominational Ministers' Alliance have set aside February 19 as Scottsboro Sunday. The Rev. E. A. P. Cheek, head of the Baptist group, and the Rev. D. Ward Nichols, president of the alliance, said appeals would be made in the churches for the boys in Alabama.

On Sunday Grace Lumpkin, Southern novelist who wrote "To Make My Bread," will speak at the Y. M. C. A. Forum on "Prisoners of Emancipation," linking the Scottsboro case with the general plight of the Negro in the South.

The race relations committee of St. Philip's Church will sponsor a Scottsboro meeting at the church February 23, John Spivak, author of "Georgia Nigger," and William L. Patterson, secretary of the Labor Defense, will speak.

Universal Ethiopian Students' League and Harold Williams, secretary of the [illegible] society. Prof. Warren Williams, Mrs. Charlotte A. Gillard and Mrs. Nancy Hamilton Bailey will furnish a musical program.

Scottsboro Meet in Schenectady Feb. 10, in Albany Feb. 12

SCHENECTADY, N. Y.—A mass defense meeting, in defense of the Scottsboro Boys, will take place at the Labor Temple, opposite the City Hall, on February 10, at 8 p.m. The meeting is called by the Scottsboro Defense Committee, a group of Negro and white workers energetically working for the complete freedom of the nine Scottsboro boys.

* * *

ALBANY, N. Y.—A Scottsboro defense meeting, called by workers who belong to a group of the International Labor Defense, will take place at Englemen's Hall, South Pearl Street, on February 12.

Washerwomen Calls for Answer to the Scottsboro Appeal

Daily Worker

NEW YORK, Feb. 8.—Emma Netrefor is a washerwoman. She scrubs clothes many hours a day. A small wizened woman of fifty-five, born in Czechoslovakia, and now residing at 360 East 72nd Street, New York City. Mrs Netrefor read the appeal of the Scottsboro boys from their death cells in Kilby Prison, Montgomery, Ala.

"I read and read the appeal until I was crying and praying till I come here, I have a little boy once and he die I can imagine how I feel if he was in that jail I do not make very much but I gladly give three dollars to help fight, so the poor boys get free and go home to their mother"

Emma Netrefor is not the only worker who feels that way Oppressed workers not only in the United States but over the entire world are expressing their resentment against the legal lynching in this and many other ways Workers and workers' organizations all over the world are clamoring for the unconditional release of the Scottsboro boys Contributions are being received from remote and secluded portions of the entire globe to aid in the struggle

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Scottsboro Meet in Portchester Sunday

Daily Worker

PORT CHESTER, N. Y.—The local International Labor Defense will hold a mass meeting for the release of the nine Scottsboro boys, on Sunday, Feb. 12, 8 p. m. at 42 North Water Street.

2-9-33

Prominent speakers will relate the latest developments in the Scottsboro case. A dramatic program will be provided by the Workers Laboratory Theatre.

SCOTTSBORO CASE DEVELOPMENTS

[illegible]

NOT only murder but many other things "will out" in time. The truth about the Scottsboro case is no exception. When the future looked darkest the revealing letter of Ruby Bates to her sweetheart clears the way to retrial and possible acquittal of the boys.

But we must not rejoice too soon. Epochal cases of this sort are not won by rejoicing, but through mobilization of moral and financial resources. Even then they are sometimes lost. Tom Mooney is still in San Quentin, although his innocence has been established to the satisfaction of everybody. Sacco and Vanzetti were executed despite overwhelming evidence of their innocence. The Scottsboro boys will be executed or left to rot for life in an Alabama prison unless the most skilful tactics are used to free them.

The International Labor Defense has wrought well. Negroes should aid the every effort of the organization in its fight to free these innocent Scottsboro boys. While the tactics of the I. L. D. are very frequently questionable, to put it mildly, it deserves wide support in its efforts to win the Scottsboro case.

I.L.D. Builds Mass United Front Conferences for Scottsboro Boys

Daily Worker 2-13-33

Nation-Wide Demonstrations on Paris Commune Day March 18th; February 25, 26 Tag Days

NEW YORK.—Urgent directives for intensifying the campaign for the freedom of the Scottsboro boys, in preparation for the trials scheduled for March, have been sent by the International Labor Defense to its 18 districts and hundreds of branches. The directives call on the I. L. D. districts and branches to give the fullest support to the Scottsboro United Front Conferences, called in many cities by Provisional Committees of Negro and white delegates from many mass organizations.

Broad Defense Committees.

In many cities, the broadest defense committees are being organized, linking up the Scottsboro case with local struggles, and with the defense of Angelo Herndon, the Atlanta Six, Tom Mooney and the Tampa Prisoners.

Special meetings are called for in every city, to bring forward the pressing problem of broadening out the mass defense, drawing in all elements willing to fight for the freedom of the Scottsboro boys.

Feb. 25, 26 Tag Days.

Funds must be raised immediately for the successful carrying out of the legal and mass defense. National Tag Days will be held Feb. 25 and 26.

Education outlines have been sent out, giving the history of the Scottsboro frame-up and the world-wide mass defense to free these innocent victims of capitalist justice.

March 18 Actions.

The directives call for the organizing of local mass demonstrations and for nation-wide demonstrations on March 18, Paris Commune Day, to carry forward the fight for the freedom of the boys. The Scottsboro issue will also be brought to the fore on International Unemployed Day, March 4; International Women's Day, March 8, and Marx's Anniversary, March 14.

* * *

Conferences Arranged.

United Front Scottsboro Conferences already have been arranged in the following cities:

Boston Mass. — Scottsboro-Mooney Defense Conference Feb. 19 at 2 p.m. at 2 Central Square, Cambridge. The conference is endorsed by scores of unions and mass organizations and many prominent labor leaders, ministers, educators, lawyers and writers. Many organizations already have elected delegates and the conference promises to be a real mass conference.

Buffalo, N. Y., Feb. 23, at 7:30 p.m., at 476 William St.

Philadelphia, Feb. 23, at 8 p.m., at Whittier Hall, 140 N. 15th St.

Newark, April 9, place to be announced later.

Norfolk, Va., March 10, place to be announced later.

In New York City, a provisional committee composed of representatives from a number of organizations is meeting tonight in Harlem to prepare a call for a conference.

Negro Tells Court He Assaulted Girl

Jimmie Lee Johnson, negro, pleaded guilty in Circuit Court yesterday to an attack upon a young white girl and he will be sentenced Saturday morning by Judge Leon McCord. A number of defendants were convicted by juries and several others pleaded guilty.

Tom Jones, negro, was convicted of burglary and grand larceny, and Frank Gibbons and Sam Gibbons, both negroes were found guilty of grand larceny. Walker Craig, negro, was convicted of burglary and grand larceny. Pleading guilty were Clarence Green, grand larceny; Warren Jennings, negro, grand larceny; and John Gabriel, negro, burglary and grand larceny.

Court adjourned at noon until 9:30 a.m. Friday when the week's docket is expected to be [illegible].

Judge Walter [illegible] Jones yesterday was still engaged in hearing a tax protest suit of the N. C. and St. L. Railroad. Henry Cartwright, Nashville tax and real estate expert, was on the stand the entire day and the hearing probably will last two or three more days.

[illegible]

Lynchings-1933

Legal Punishment for Rape.

Alabama

4182

Lynching Feared as Defense Prepares for Struggle

Defender 2-25-33

Chicago, Ill.

BIRMINGHAM, Ala., Feb. 24.—The new trial of the nine Scottsboro boys has been set for March 6 in Scottsboro, before Judge Alfred W. Hawkins, who presided over the original lynch hearing which resulted in death penalties for eight of them, it was learned last week.

On that day General George W. Chamlee, Samuel S. Leibowitz, Joseph Brodsky and Irving Schwab, International Labor Defense attorneys, and, if they can be spared from the defense of Angelo Herndon and the Atlanta "Six," John H. Geer and Benjamin J. Davis Jr., Race attorneys of Atlanta, Ga., will appear in the court to demand a change of venue from the town in which the local band played "There'll Be a Hot Time" while the jury handed down its hideous lynch verdicts of death against the innocent boys in April, 1931, to Jefferson county, which is the city of Birmingham, Ala.

The change of venue will be demanded on the grounds that in a large city like Birmingham it will be more difficult to organize gangs to lynch the boys and on the ground also that the landlords in Jackson county, through their organ, the Jackson County Sentinel, have so conspired to rouse lynch hysteria in Scottsboro that no trial there could be anything but the same legal mockery intended to precede a legal lynching, as in the first trial.

The Ruby Bates letter, made public last week, which categorically denies all the charges this star state witness made on the stand in the original Scottsboro lynch hearing, is but one link in a powerful chain of evidence of the innocence of the Scottsboro boys which the I. L. D. lawyers will present at the new trial, it was announced.

LYNCHING FEARED

NEW YORK, Feb. 24.—Plans for the lynching of the Scottsboro boys in the event they are acquitted by the court are under way in an organized manner in Alabama, the International Labor Defense says it learned last week. A "vigilance" organization, with ramifications through several counties, has been formed for this purpose, according to information which has been received from reliable sources, William L. Patterson, national secretary of the International Labor Defense, anounced.

This organization, according to the information received by Mr. Patterson, stems directly from an editorial printed in the Huntsville Times, immediately following the Nov. 7 decision of the United States supreme court, which granted the innocent boys a new trial, and reprinted in the Jackson County Sentinel. The editorial called for the immediate organization of a vigilance committee in Huntsville for two announced purposes.

The first announced purpose was to see that Victoria Price and Ruby Bates, state's star witnesses in the case—one of whom has retracted her testimony of "rape" in a letter published last week—were well taken care of, fed, clothed and housed, until the trial. The obvious purpose of this was to intimidate the two girls and bribe them so that they should not dare to tell the truth when they are called to the new trial.

The second announced purpose was to "keep Communists out of Huntsville" supposing the change of venue brought the trial to that city. Since for purposes of hiding the existence of the International Labor Defense, a broad, nonpartisan working class defense organization, the press constantly refers to it as "the Communists," Mr. Patterson pointed out, this purpose of the "vigilance" committee was obviously an attempt to intimate the legal defenders of the Scottsboro boys.

THREATS OF LYNCHINGS IN SCOTTSBORO

Journal and Guide

2-25-33

Trials Of Nine Youths Begin On March 6th Before Same Judge

Norfolk, Va.

SEEK CHANGE OF VENUE

Pressure Being Put On Ruby Bates To Repudiate Letter

(Special to Journal and Guide)

SCOTTSBORO, Ala. — Monday, March 6, has been set for the new trial of the nine Scottsboro boys in this same feverish little backwoods town, and before the same Judge, Alfred W. Hawkins, who presided over the original trial in April, 1931, when the Lily-white Scottsboro Band played "There Will be a Hot Time in the Old Town Tonight," and when death penalties were handed out to eight of the youths.

On that day General George W. Chamlee, Samuel S. Leibowitz, Joseph Brodsky, and Irving Schwab, International Labor Defense attorneys and, if they can be spared from the defense of Angelo Herndon and the Atlanta "Six," John H. Geer and Benjamin J. Davis, Jr., of Atlanta, Ga., will appear in the court to make a motion for a change of venue to Jefferson County, which is the city of Birmingham, Ala.

The change of venue will be demanded on the grounds that in a large city like Birmingham, with a large Negro and white working class population, it will be more difficult for mobs to organize or for hysteria to develop beyond police control.

First Trial Mockery

The first trial here has been termed a mockery of the law, and the atmosphere engendered was held to be such that no local jury would dare to decide contrary to the dictates of the crowd. Already the county papers here have been writing the kind of stuff that has set local whites organizing for "what we'll do if those n...are acquitted."

The Ruby Bates letter, made public last week, is but one link in the evidence which will be produced to show the innocence of the nine young men who now face the electric chair. In the meantime reports have it that [illegible] in Huntsville local [illegible] are "chaperoning" Ruby and providing for her as one way to influence her in testifying "right" whenever she is called to tell the court what she dared to write in repudiating the attack of the now condemned youths.

NEW YORK—William L. Patterson, national secretary of the International Labor Defense, urged all organizations to support the plans for the National Scottsboro Tag Days, February 25 and 26 in a statement issued this week. The statement points out the urgent need of funds to carry on the legal defense activities of the I. L. D. in preparation for the new Scottsboro trials on March 6.

Lynch Plot Unearthed

NEW YORK—Plans for a gang lynching of the Scottsboro boys in event the courts find it impossible to carry out the legal lynching are under way in an organized manner in Alabama, the International Labor Defense learned this week. A "vigilance" organization, with ramifications in several counties, has been formed for this purpose, according to information received from reliable sources, William L. Patterson, national secretary of the I. L. D., announces.

The first steps in organizing this "vigilance" committee were taken directly following the decision from the U. S. Supreme Court granting the boys a new trial. The formation of "vigilance" committees was sponsored by an editorial in the Huntsville Times. The editorial was immediately reprinted in the Jackson County Sentinel of Scottsboro.

The first annonced purpose was to see that Victoria Price and Ruby Bates, State's star witnesses in the case—one of whom has retracted her lying testimony of "rape" in a letter published last week—were well taken care of, fed, clothed and housed until the new trial. The obvious intention of this is to intimidate the girls, and bribe them, so they would stick to their perjured testimony at the new trials, called for March 6.

The second announced purpose is to "keep Communists out of Huntsville," supposing the change of venue brought the trial to that city. By Communists is meant not only members of the Communist Party but all representatives of the I. L. D., and all militant workers and poor farmers rallying throughout Alabama to the defense of the framed-up Scottsboro boys. It was the Huntsville police who seized the letter of Ruby Bates in an effort to prevent it falling into the hands of the I. L. D., which is defending the boys.

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9 NEGROES MAY BE TRIED IN JEFFERSON

Advertiser 3-4-33

Knight Asks Birmingham Judge To Be Ready To Hear Scottsboro Cases

Montgomery, Ala

BIRMINGHAM, ALA., March 3—(AP)—Retrial of the nine negroes indicted in the Scottsboro attack case in Jefferson Circuit Court was regarded as probable in court circles today.

One of the criminal court judges here has been asked by the Atty. Gen. Thomas E. Knight, Jr., to be ready to try the cases, if motion for a change of venue to Jefferson County is granted.

The cases have been set on the docket of Jackson Circuit Court for hearing Monday, and George W. Chamlee of Chattanooga, Tenn., has announced a motion for a change of venue will be entered.

While Judge A. E. Hawkins, presiding over Jackson Circuit Court, has not indicated what action he would take on such a motion, since the state will interpose no objections, it was considered probable that the change of venue would be granted.

One question of the change has been raised that is whether the defense would waive drawing of a capital venire since the law provides that defendants in capital cases shall be present when the capital venire is drawn. The capital venire for the current term of Jefferson Circuit Court was drawn last week.

The negroes, now in Kilby Prison, are not expected to be taken to Scottsboro for the hearing Monday, but if the change of venue is granted to Jefferson County, will be brought here.

Only seven of the nine negroes indicted for an alleged attack on two Huntsville white girls as they "hoboed" their way home from Chattanooga aboard a Southern Railway freight train on March 25, 1931, will be tried in Jefferson Circuit Court. The other two, Roy Wright and Eugene Williams, have been adjudged juveniles, and will be given hearings before juvenile authorities before trial in higher courts.

The seven negroes to be tried once were under death sentences but after the Alabama Supreme Court had confirmed the sentences the United States Supreme Court reversed them and remanded the cases for retrial.

Scottsboro Seven Up Again Monday

Advertiser
3-5-33
Montgomery Ala

Cases of seven negroes convicted at Scottsboro of criminally assaulting two young wh[illegible] were later granted new trials under decision of the Supreme Court of the United States, will be called in the Jackson Circuit Court at Scottsboro Monday morning, Atty. Gen. Knight has been advised.

Immediately after the calling of these cases, it is expected that counsel for the negroes will make application for a change of venue, as it has been indicated such action will be taken by the defense. The Attorney General, who said last night he will go to Scottsboro Sunday to be in attendance at court the following day, restated his position in the event change of venue is granted.

"I will not attempt to suggest to the court where the defendants are to be tried," he said, "and I will not oppose their trial anywhere in Alabama that the trial judge may see fit and proper to designate." Mr. Knight has already stated he will prosecute all of the cases on their second trial. In submission of appeals to the Supreme Court of Alabama, and later to the U. S. Supreme Court, from the original judgments, he personally represented the State.

The negroes whose cases will be called Monday are Haywood Patterson, Charles Weems, Clarence Norris, Ozie Powell, Willie Roberson, Andy Wright and Olin Montgomery. Following their original conviction each was sentenced to death. All are now confined at Kilby Prison.

Scottsboro Venue Motion Up Today

Montgomery Advertiser
3-6-33
Montgomery Ala

SCOTTSBORO, ALA., March 5.—(AP)—In the same little [illegible] brick court house [illegible] to death, a new fight for [illegible] seven negroes charged with an alleged attack on two young white girls, tomorrow will be launched.

As the first step in their new fight for the negroes who were taken from a freight train at Paint Rock on March 25, 1931, counsel employed by the International Labor Defense will enter a motion for a change of venue to Birmingham.

George W. Chamlee, of Chattanooga, Tenn., chief of counsel, for the negroes has announced that he will make the motion, and Thomas E. Knight Jr., attorney general directing the prosecution, said he would interpose no objection.

Judge A. E. Hawkins, presiding, who denied a similar motion when the negroes first were tried in April 1931, and who passed the death sentences upon them, has not indicated what action he will take.

It was indicated by preparations made in Birmingham to try the negroes, however, that he was expected to grant the removal to Birmingham. Denial of a change of venue was one of the grounds on which the United States Supreme Court reversed the death sentences.

The negroes, Olin Montgomery, Ozie Powell, Charles Weems, Andy Wright, Heywood Patterson, Clarence Norris, and Willie Roberson, have been held in Kilby Prison at Montgomery since they were sentenced here in April 1931.

SCOTTSBORO LABOR JURY TO BE NAMED AT MARCH 4 MEETINGS

Daily Worker 3-4-33
New York

NEW YORK.—In a move to further intensify the struggle for the unconditional release of the nine innocent Scottsboro Boys, and to raise funds needed for their defense, the International Labor Defense has presented a program to the National Committees of all fraternal mass organizations of the working class, calling upon them to activise every member for this task,

Strenuous efforts are being made by the National Committees to carry out this program. Delegates to a labor jury, which will go to Scottsboro as representatives of the masses of workers in every section of the United States to listen to and observe the trial proceedings and report to the workers a real worker's version of the trial. They will be elected fro the principal cities of the country during the National March 4 demonstrations against starvation and for immediate relief and social insurance.

The following jurors will be elected: from New York, a Negro worker; Cleveland, a steel worker; Chicago a white woman worker; Pittsburgh a miner; Atlanta, one white worker and one Negro worker; from Birmingham, a Negro worker and a white worker; Baltimore a Negro worker and from Detroit, a white auto worker.

Members of the various organizations are being mobilized for the March 18th Mass Meetings, in celebration of the Paris Commune and to intensify the campaign for the release of the Scottsboro Boys. Prominent speakers will address the respective memberships of these organizations, stressing their special tasks, calling on them to support the struggle for absolute political, economic and social equality of Negroes and for the defense of the Scottsboro Boys.

In a letter to the mass organizations, William Patterson, National Secretary of the International Labor Defense, urging them to, rally and support the defense, states in part:

"In the struggle for defense of the Scottsboro Boys, your organization has played a conspicuous part. The present situation, menacing the lives of the Scottsboro Boys, more fiercely than ever, places immediate, pressing tasks before us. Now comes the crucial test, the fierce struggle, which must complete the victory won and bring life and freedom for the nine innocent boys."

Every worker and workers' organization is urged to take active part in this mass program! Not a moment is to be lost! The toiling masses have proclaimed a verdict of freedom and life for the Scottsboro Boys! Now we must win the verdict! Send letters and telegrams demanding the release and safeguard of the Scottsboro Boys, to Gov. Miller, Montgomery, [illegible]!

Scottsboro's Skaggs Case

Journal & Guide
3-4-33
Norfolk Va

THE notorious Norfolk Skaggs-Harper case is unpleasantly remembered and is recalled by the latest development in the more notorious Scottsboro (Ala.) case. In the former, one man was catapulted into the shadow of the electric chair by the perjury of a woman, and saved only by accidental circumstances. In the latter case there are strong indications that nine youths are now on the verge of a legal lynching because of the perjury of two women. Indeed, had it not been for the intervention of the United States Supreme Court, through the efforts of the despised Communists' International Labor Defense machinery, the boys would long since have "burned."

The latest development in the Scottsboro case is a letter from the chief complainant, who swore that she was raped by the nine defendants, repudiating her testimony and declaring that the police made her lie and that the boys are innocent. This letter came into the possession of the police, who kept its contents secret for a year, and who were finally compelled by legal processes to furnish the defense with photostatic copies of it. The letter, with certain words deleted follows:

dearest Earl

i want to make a statement too you Mary Sanders is a goddamn lie about those Negroes * * * (deleted) those policeman made me tell a lie that is my statement because i want too clear myself that is all too if you want to believe me ok. if not that is ok. you will be sorry some day if you had too stay in jail with Seight Negroes you will tell a lie two those Negroes did not touch me or those white boys. i hope you will believe me the law dont. i love you better than Mary does ore any body else in the world that is why i am telling you of this thing i was drunk at the time and did not know what i was doing i know it was wrong to let those Negroes die on account of me i hope you will believe my statement Because it is the gods truth i hope you believe me i was * * * (deleted) but those white boys * * * (deleted) me. i wish those Negroes are not burnt on account of me it is these white boys fault that is my statement and that is all i know i hope you tell the law hope you will answer

Jan 5 1932
Huntsville Ala RUBY BATES
Connelly Alley

p. s this is one time that i might tell a lie but it is the truth so god help me.

RUBY BATES

There are certain elements in the Scottsboro case that closely resemble the Norfolk Skaggs fiasco. White people, who sickened at the spectacle of an ignorant Negro being railroaded to the electric chair for a crime he did not commit, furnished the evidence that finally freed Harper, although Virginia justice let the perjuress go scot free. A former lover of Ruby Bates, the woman who swore, at the instigation of Alabama police officers, that she was raped by nine boys while hoboing on a freight train with both white and Negro youths, furnished the police with her letter revealing her as a self-confessed perjurer. In both cases the police did its utmost to the very last to sustain the perjurers. Our guess is that when on March 6th the Scottsboro boys are retried Ruby Bates will go on the stand—at the instigation of the police—and say that she never wrote that letter. And that will be that. The eight boys will be convicted again, and resentenced to die.

A strange thing about the Scottsboro case is that the *Montgomery Advertiser*, a newspaper whose editor, Grover C. Hall, was awarded a Pulitzer prize for fighting the Ku Klux Klan, has been one of the chief incubators of public opinion—mob sentiment—for the execution of the Scottsboro victims. It seems that the *Advertiser* wants to vindicat[illegible] snap judgment of a court of its state. [illegible]he King can do no wrong," whe[illegible] wrong is alleged by white wom[illegible] [illegible]ver of questionable cha[illegible]cter—a[illegible] [illegible]n the offenders are alleged [illegible] of the under privileged and defenseless race, wh[illegible] is forever ground under the heel of oppression in Alabama—so valiantly defended, right or wrong, by the *Montgomery Advertiser*.

Alabama

4183

Lynchings - 1933
Legal Punishment for Rape.

AID SCOTTSBORO DRIVE IN FRISCO

Daily Worker

Youth Groups Back Up Nat'l Tag Days

2-16-33

SAN FRANCISCO, Feb. 15.—Forty delegates, representing 11 organizations and eight branches of the International Labor Defense, met Feb. 10 in California Hall to map out the next steps in the fight for the Scottsboro boys, and to elect delegates to the coming State Conference in Oakland on March 4 at 7 p.m. in Odd Fellows Hall at 11th and Franklin Sts.

New York, N.Y.

An executive committee of 25 was elected including representatives from Negro organizations.

Resolutions were sent to Governor B. M. Miller of Montgomery, Ala., protesting the continued imprisonment of the nine Scottsboro boys and demanding the charges against the Tallapoosa share-croppers be dropped. Another resolution was sent to the Governor of Georgia against the railroading of Angelo Herndon to 20 years on the chain gang for organizing the unemployed workers of Atlanta, Ga.

• • •

Support Scottsboro Tag Days

NEW YORK.—The Young Communist League and a number of other youth organizations are energetically supporting the preparations for National Scottsboro Tag Days, Feb. 25 and 26, to raise funds for the mass and legal defense activities of the International Labor Defense in the fight it is leading to free the nine innocent Scottsboro boys. The State of Alabama has set March 6 for the new trials ordered by the decision wrested by the world-wide mass fight from the U. S. Supreme Court.

Contributions should be rushed immediately to the Scottsboro New Trial Emergency Fund, 80 E. 11th St., Room 430, New York City. The new trials come up in less than three weeks! There is not a moment to be lost!

Scottsboro Tag Days in Phila, Feb. 18, 19

Daily Worker
2-16-33

PHILADELPHIA, Feb. 14.—The Philadelphia District of the International Labor Defense has arranged two Scottsboro Tag Days for Saturday and Sunday, Feb. 18 and 19, to assist the Scottsboro New Trial Emergency Fund of the I. L. D. in the drive for $10,000 urgently needed for the defense activities. All workers' organizations are urged to participate in the Tag Days.

New York, N.Y.

Attempted Murder

Amsterdam News
2-1-33
New York, N.Y.

UP TO NOW we have been satisfied to base our plea for the Scottsboro boys on the fact that they were not tried in a manner consistent with the Constitution of the United States. It was this fact which moved the United States Supreme Court to reverse the decisions and order new trials for the seven whose cases were brought before it.

THE INTERNATIONAL LABOR DEFENSE, which is in charge of the defense of the boys, all along has insisted that the whole thing is a frame-up and that the boys are not guilty of the charges brought against them. To substantiate this contention the organization on Monday released verbatim copies of a letter written in January of 1932, by one of the white girls the boys are accused of attacking, to a former sweetheart, in which she unqualifiedly repudiates the testimony she gave in the Scottsboro courtroom when the boys were tried. It is this testimony on which they were convicted.

THE HUNTSVILLE, ALA., CHIEF OF POLICE, into whose hands the letter fell, did not voluntarily surrender the letter or copies made from it to the defense attorneys. On the contrary, court action had to be resorted to before it was made available to them. Needless to say, the letter is a most damning document. The woman does not stop with refuting her testimony; she asserts that "those policemen made me tell a lie," confesses that "I know it was wrong to let those Negroes die on account of me" and closes with "I hope you tell the law."

NO WONDER THE POLICE CHIEF REFUSED, until he was forced, to disclose the contents of the letter. Ironically enough, the "law" this white woman asked her former sweetheart to tell about the innocence of the boys is the same "law" which still seeks to send them to their deaths. It is the same "law" which the International Labor Defense contended and is now in position to prove framed the whole case, and the same "law" before which the defendants are to be tried again. In the light of this letter, the Scottsboro case is more than a frame-up. IT IS ATTEMPTED MURDER.

STOP [illegible] VU[illegible]

Tribune
4-27-33
Philadelphia Pa.

THE International Labor [illegible] deserves the commendation of all people for its efforts to insure a fair trial for the Scottsboro boys.

In order that the success of this fight may not be handicapped by lack of sufficient funds, every necessary dollar should be contributed to the proper authorities for disbursement. Cases of this kind carry with them certain necessary expenses. There are lawyers' fees for investigations and even propaganda must be paid for.

However, those who contribute to the Scottsboro Defense Fund desire to have their money spent for the exact purpose for which it was given. As laudable as the Scottsboro defense is, the raising of funds in connection therewith is becoming a racket. Under the guise of protecting those innocent boys, there are vultures raising money in the name of this holy cause for their own use. The Scottsboro Defense Fund has not seen the money and never will.

Because of the service rendered by the I. L. D. in thihs case, THE TRIBUNE desires to see that organization free itself from all false accusations and rumors. It, therefore, suggests that the I. L. D. make an accounting of all expenses in connection with this case as well as the funds obtained. At the same time, the loose manner of collecting money should be stopped. Only the responsible officers of the organization should handle the money. Under the wave of hysteria, poor people are giving of their substance. This is as it should be. However, grafters and chiselers should not be permitted to pocket the dimes of the poor people.

If something is not done to stop this unwise method of raising money, when another noble cause arises, it will be so shot through with suspicion that it will be impossible to obtain the funds necessary for its successful prosecution. The public has the right to know how its money is spent. An accounting is required. I. L. D., let us have it for your own protection.

SIDE BY SIDE.

Times
2-21-33
New York, N.Y.

President ANGELL of Yale, speaking a few nights ago in behalf of Fisk University, an institution in Nashville, Tenn., for the higher education of the Negro, said in its support:

If history has taught us one thing more conclusively than any other, it is that one cannot permit any segment of a population to be snubbed, ill-treated and deprived of opportunity, without having the bill come back home to be paid a thousandfold, at the hands of the group which indulges in that kind of ungenerous treatment.

What he said of that institution to whose excellence Dr. KIRKLAND, Chancellor of Vanderbilt University in the same city, bears witness, may be given a wider application.

There are 21,000 Negro college graduates in America today. They are employed in much higher ratio than those who have had no college training and are contributing to better living among their people. As to Fisk education, it is not one "adjusted" to the Negro, nor one provided "instead" of a good education somewhere else. It is an education of the highest type provided where the Negro is economically best able to avail himself of it, and where he can exert the most direct influence to raise the standards of other schools.

The Negro population is nearly one-tenth of the total population of the United States, and more than one-half of it is urban. At no place is the strain on democracy greater, to quote President ANGELL further, "than at those points where races "of different color and divergent "cultural antecedents live side by "side." But such an institution as Fisk University, standing near Vanderbilt University, both supported largely by private philanthropy, is an evidence of the determination to meet this responsibility of democracy. Next door to the Fisk campus is the new plant of the Meharry School, so that these two institutions "duplicate on a worthy scale" the plant of Vanderbilt University, located two miles distant.

NEWS
Williamstown, Ky
APR 21 1933

RACIAL HATREDS

"We are a white and a Negro race here together—we are here to live together. The world at this time and in many lands is showing intolerance and showing hate. It seems some times that love has almost deserted the human bosom. It seems that hate has taken its place. It is only for a time, gentlemen, because in the great things in life no matter what they are, it is God's great principles, matters of eternal right—that alone live. Wrong dies and truth forever lasts, and we should have faith in that."

It was an Alabama judge who said that, a white man, a gentlemen of the oldest American stock. Judge Horton, in charging the jury, was speaking only of the exhibitions of race prejudice in the course of the trial of the unfortunate Negroes who were convicted of assaulting two white women at Scottsboro, but he might have been speaking for and to all the world.

Not in many years perhaps not in centuries, have there been such violent outbreaks of racial hatreds as have been manifesting themselves in these troublous times. In Germany the Nazi Government has proclaimed its hatred of the Jews to the point of barring them from almost every phase of the national life. Between the Germans and the Poles hatred is so intense that when the shadow of a German flag, on the Polish border, fell upon Polish soil, there was an indignant protest by the Polish government. The Italian people are developing a new national pride which has racial intolerance as its foundation. And we do not need to point to the racial hatreds which have barred the Orientals from Australia and the United States.

We do not by any means advocate opening the doors to all sorts and conditions of men, but we do believe that these racial hatreds are a step backward and not forward in the world's progress. We believe that it is possible for all the peoples of the world to get along amicably, since we are all in the world and can't get out of it. If it proves impossible, because of the stirring up of racial hatreds by prejudiced or malicious interests, then we can see nothing ahead but a complete collapse of civilization as we know it and a return to the Dark Ages when every man's hand was turned against his brother.

Day By Day

With Governor Patterson

[illegible]

In my opinion, the comments and insinuations recently made by Mr. Heywood Broun in the case of the negro charged with rape who was convicted a few days ago at Decatur, Ala., were not fortunate. They were partial, misleading and tended to create an erroneous impression wherever they were read. They were particularly objectionable to people of southern rearing and environment, and who have been confronted with great difficulties. Sympathetic treatment on the part of Mr. Broun was not asked for or expected, but fair and understanding treatment was, of a matter which had more than a local significance, involving as it did so much out of which passion and prejudice might spring.

Mr. Broun is clearly entitled to his opinion that the verdict of conviction in the negro's case was wrong.

I may have the same opinion, but neither his opinion or mine would necessarily imply a reflection upon the jury that heard all the facts, saw the witnesses face to face, and were instructed by an impartial judge how to weigh the testimony and apply the law.

In this case, owing to the grave nature of the charge, the fact that the accuser of the prisoner was a white woman and the accused was a negro, together with other elements of an unusual nature which entered into the trial, it should be noted that the presiding judge was most careful and scrupulous in telling the jury not to let any other consideration enter into its deliberations save the one of the guilt or innocence of the defendant irrespective of his color. While in a way the charge of the court was approved by Mr. Broun, his comments were in fact a challenge to the judge to put in practice his statement by seeing to it that the convicted man was not punished, and the inference was that if he did not intervene to set aside the verdict this would prove his inconsistency and lack of courage.

This was so far fetched and fantastic that it needs only to be stated to carry its own refutation and reveal its absurdity. Then Mr. Broun makes much of the fact that one of the attorneys for the prosecution said in his argument that no "Jew money in New York could buy justice in Alabama." This remark, made no doubt in the heat of argument, was prejudicial, uncalled for and unjustified. The trial judge so ruled and promptly told the jury not to consider it.

The state's attorney also repudiated the remark of his associate, but he, too, was pilloried by Mr. Broun for saying that if the negro was acquitted that he might go to New York, where he could meet Dr. Fosdick and be dressed in fine clothes, as did one of the women involved, who made a visit there and on her return repudiated her former testimony. From what I read of the facts, while this, too, may be a matter of criticism, on the other hand it may not be; but to condemn a jury's verdict, the whole trial of the case, the people of Morgan County and the State of Alabama for an ill-considered remark by a lawyer in a contested criminal law suit, is more of a reflection upon the good judgment and fairness of Mr. Broun himself. Had it been a white man and not a negro involved, the chances are that Mr. Broun would not have noticed the remarks. Then this writer, not content to select here and there instances in the trial of which he did not approve, not only sneers at what he calls Alabama justice, but inferentially the good faith the intelligence and humanity of the entire south in its treatment of the negro.

He attempts to soften this by saying that while the negro is oppressed in the south, he has tuberculosis in the north, which I suppose he considers as an equitable offset. Mr. Broun also draws the picture of a slave ship and how its shadow yet rests upon the land as it once did upon the sea, and speaks of New York as still shuddering at the thought.

If Mr. Broun had the proper understanding and perspective of his subject instead of indulging in such fancies, he would have found satisfaction in the fact that the negro was convicted after an orderly trial in a regular court of justice, that he was defended by able counsel from New York, who had been employed in his behalf, who were accorded every opportunity to conduct the defense of the prisoner and who made every objection possible from the way the panel of jurors was selected down to the smallest detail of the testimony offered. The case was fully argued and no attempt was made to curtail its presentation. The leading attorney for the defense said while he did not approve the finding of the jury, which few lawyers ever do when it is against their contentions, that he would say that the judge who tried the case was eminently fair in his rulings and his charge.

Such a tribute should not have passed unnoticed by Mr. Broun.

Then the writer should not have mentioned a slave ship. This had less to do with any thing pertinent to the trial than the intemperate remarks of the lawyers for the prosecution. It served only to recall something no longer existent and excite feeling among the unthinking. Mr. Broun should know that the chances were that the slave ship of which he speaks belonged to some New England owner, also that slaves were first introduced in this country by England when it was still a colony of England, that slave capture and traffic became afterwards largely a northern enterprise, that the reason slavery became more common in the south than in the north was due to the fact of a warmer climate and peculiar agricultural conditions. The time never was and if it ever existed it has long since passed, when the south should be upbraided for an institution, however wrong, once approved and recognized by the laws and constitution of the country.

It presents a very incongruous situation and one I suspect that is wholly imaginary for New York to shudder at the shadow of a slave ship which sailed the seas 200 years ago, when it complacently accepts the fact that the selfish money power of the metropolis has been busy forging the chains of an industrial slavery more widespread, hateful and destructive than African slavery ever was at the zenith of its existence.

Mr. Broun should know that while racial antagonism exists in some quarters, that it is also deplored by the south, and he should further know that a negro in the south on the whole is better treated than in the north. He should realize that the problem of the white and black races living together is a serious one, requiring reasonableness, forbearance and patient effort to solve on the part of both. He should further understand that mob violence is fast becoming obsolete as a method of punishment in the south, that more and more the negro is being accorded an orderly trial in the courts of justice when charged even with atrocious crimes, as witness the trial of the negro in Decatur.

This is as it should be. My hope is, and it is that of the great majority of southern men, that the day will soon come when lynch law will be only a hideous memory.

In the meantime this will be accelerated by the will and moral consciousness of the southern people uninfluenced by Mr. Broun's article.

SCOTTSBORO NEGROES WELL FED, THEY STATE

Constitution
Atlanta, Ga.
6-20-33

BIRMINGHAM, Ala., June 19.—(AP)—Reporters of the Birmingham Age-Herald today, after an investigation of the treatment and food given the nine negro defendants in the Scottsboro case, declared unfounded statements that they were ill-fed and flogged.

The investigation was made after a statement had been issued in New York by the National Committee for the Defense of Political Prisoners stating that the negroes were ill-fed and flogged daily.

Andy Wright, one of the negroes, told the three men that he got plenty of food and felt all right, but that he had lost 20 pounds during his two years' incarceration. Wright said he weighed 19[illegible] pounds when arrested. Jail officials said he had not been weighed at all.

Charlie Weems, another of the negroes, told newspapermen he was feeling well and had been treated all right. Roy Wright, in an adjoining cell, refused to talk.

The Nation And The Scottsboro Cases

[illegible]

To the Editor of the Tribune:—

America how can you claim to be
A Christian land
Sending the gospel of the Christ
To every heathen strand?
While within your very borders,
Oh horrors to relate,
Your dark skinned sons are tortured
And burned upon the stake
[illegible] black mothers bear in anguish
Sons to be thus sacrificed
To white men's evil passions?
Must their manhood be denied?
Oh poor black boys of Scottsboro,
Does the nation bid you die
Victims for your color's sake?
Her love, is it a lie?
Stand forth oh mighty nation,
Indeed to conquer sin,
Not only in far distant lands
But here at home within.

LELIA V. MILLER

Lynchings-1933

Legal Punishment for Rape.

Alabama

4185

ST. PAUL MINN. PRESS
APRIL 8, 1933

Legal Lynching.

The prosecution in the "Scottsboro case" has been dealt another blow by Ruby Bates' repudiation of her testimony in the trials which resulted in the conviction of eight negroes on charges of attacking two white girls two years ago. The negro boys were at that time sentenced to hang on the evidence of this girl and her companion against them. The Supreme Court subsequently found the trial unfair because the defendants were not provided with adequate counsel and ordered the trial now in progress.

If this new development does not completely exonerate the defendants, certainly it so impeaches the credibility of the previous testimony of the Bates girl as to make her earlier charges insufficient basis for putting eight men to death. Even if the Scottsboro negroes do escape the fate that was prepared for them, however, the unusual publicity focused upon their trial has awakened the country to the strange eccentricities of southern justice. Whatever satisfaction may be derived, if and when the earlier sentence is lifted, will be dimmed by the apprehension that the nation has been privileged to see a sample of justice characteristic of many parts of the country.

If many have been appalled by the illegal lynchings that have come to public light more might be shocked by legal murder performed under the cloak of justice. The first Scottsboro trial undoubtedly has had its parallel in times without number. Hapless negroes have been given the form but not the substance of legal protection and have been lynched as truly as if they had been yielded up to a mob instead of entrusted to the hardly less tender mercies of sham justice.

Jackson, Miss., News
April 13, 1933

THE SCOTTSBORO CASE

The verdict rendered by the jury in the famous Scottsboro case, over in our sister state of Alabama, was in strict accordance with the law and the evidence.

High-priced lawyers hired by the National Association for the Protection of Colored People, a moronic and utterly needless organization, have hurried home to collect their fees they didn't earn.

Big time newspaper correspondents sent down from the North to write the story failed miserably. There was nothing to write about—just a common, ordinary trial in a country town that fell far short of the space it occupied. The big time boys couldn't find even a remote resemblance to race prejudice in Scottsboro.

WICHITA, KANS.
BEACON
APR 11 [illegible]

Scottsboro Case Travesty on Justice

ALABAMA, no doubt, will remain firm in her attitude toward the colored race regardless of the storm of indignation created by inflicting the death penalty on a group of Negro boys, charged with attacking white women while beating their way in a freight car.

The people of the United States generally, desiring justice alike to white men and black, believe the flimsy evidence introduced at the trial of the Scottsboro defendants was insufficient to have warranted conviction in any other state in the Union.

IT should be said in all fairness that the intolerance exhibited in the case in question by certain people of Alabama is not representative of true Southerners. It will be remembered that Alabama and other states of the South were invaded by swarms of carpet-baggers during the post-Civil War period of reconstruction. Their descendants are not less bigoted in antagonism toward the colored race than they, themselves, were grasping and corrupt.

The higher courts are still to speak, the fight for the lives of the convicted youths to be continued. The infliction of the death penalty on the accused youths without presentation of more convincing evidence of guilt than so far has been introduced will give Alabama a black mark from which she will not readily recover.

Birmingham, Ala. News
April 18, 1933

PRESS COMMENT ON THE SCOTTSBORO CASE

To the Editor The News:

First reaction to a perusal of the symposium "National Press Comment on the Scottsboro Case," published in Sunday's News-Age-Herald, is a realization of the infinite number of different angles or points of view from which may be considered an event of so popularly engrossing interest as the one under discussion. But far and away the best and sanest summary of the enlightened Southerner's position is the one so admirably set forth by John Temple Graves in his column in Friday's Age-Herald. As this seems eminently worthy of republication in this column for the benefit of those who may have missed it in The Age-Herald, a copy is herewith included for that purpose:

> Worth pasting permanently in every Southerner's felt and every Northerner's derby is Judge James E. Horton's charge to the jury in the Scottsboro case retrial last Saturday. It was rebuke enough to Solicitor Wade Wright's unpardonably crude appeal to racial and sectional feeling and to the International Labor Defense's equally unpardonable appeal to class feeling. It spoke for a justice honorably and perfectly blind to all such influences and for a South which can be loved without either fearing or hating any other section. It introduced a refreshing note of nobility into one of the most completely ignoble pictures Alabama has ever had to look at.
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> * * *
>
> Walter Lippman paid this column the compliment last Tuesday of wiring from New York for its opinion of the Scottsboro case and asking "what, if anything, I could helpfully say?" It seems to us that the most helpful thing Mr. Lippmann could say is that enlightened Alabamians—and there are thousands of them—have their fingers crossed, that they want with all their hearts to be fair, that they believe the death penalty a social necessity in the South for the crime of which the Negroes are accused, but that they are by no means certain of guilt in this instance and that even if there is guilt the circumstances seem to call for executive modification of sentence. And that they have no more patience with Solicitor Wright than they have with the International Labor Defense. And that they do not believe in lynching—by hand or by telegram.

One phase of the trial which has failed to elicit the comment to which it would seem to be entitled is the flouting, seemingly with impunity, of the state's laws against perjury. At least two of the witnesses testifying in the latest trial are convicted of legal perjury, as of the record. Are they to be allowed to get away with this? If so, the perjury laws may just as well be erased from the state's books.

Mr. E. P. Lacy, in Friday's News, cites Lincoln's position, expressed more than two years before the opening of the Civil War, that "he was not then nor ever had been in favor of bringing about in any way the social and political equality of the white and black races" and that he "was not then nor ever had been in favor of making voters or jurors of Negroes." There can, of course, never be, in the purview of the white Southerner, any question as to social equality. That is simply unthinkable. On the political side Lincoln's position was undoubtedly correct as to the whole body of Negroes at that time and perhaps still holds good as to the majority, but much water has gone over the dam in the intervening 74 years and simple justice seems to require recognition of the fact that many members of the Negro race in the South are at this time fully equipped for the suffrage and for jury duty.

In conclusion, in connection with consideration of all the problems posed by the Scottsboro case, it may be found not unprofitable to ponder carefully the dictum of Justice Fuller recently cited in this column: "The finger of the Almighty has written on the everlasting tablets of the universe that no nation can endure and prosper into which, and through which, does not run the golden thread of equal, exact and universal justice."

536 15th St., S. W. J. MELANCON.

N. Y. HERALD
APR 19 [illegible]

Alabama and the Country

In postponing the second of the Scottsboro retrials Judge Horton has acted with great propriety and with an evident desire to serve the true ends of justice. After Mr. Leibowitz's unprofessional outburst had been published in Decatur, to proceed would have been a travesty of justice. A fair trial in that jurisdiction clearly became impossible, and through Judge Horton the State of Alabama has now recognized the fact. It may, indeed, have been Mr. Leibowitz's intention to produce exactly that result; if so, the matter is immaterial. The Scottsboro cases have now taken on an importance which transcends the importance of Mr. Leibowitz. of the

Communists, the Negroes and the Decatur jurymen put together. They present a clear test of whether the American system of criminal law is capable of guaranteeing a genuinely fair trial to accused persons even when the bitterest of passions and prejudices have been stirred up deliberately, not only by the prosecution but by the defense as well.

To attain some sort of perspective it is necessary to review the development of the cases. The eight Negroes were arrested, put through an obviously hasty and careless form of trial and unfairly condemned to death. That the trial was unfair is the verdict of the United States Supreme Court; it constitutes a black mark against Alabama justice, and the fact stands that only through the intervention of Communists and "New York Jews" was the State of Alabama prevented from unjustly taking those eight lives.

Remembering that there have been similar miscarriages of justice in our own and probably every other state of the Union, this much, nevertheless, must be recognized: Alabama justice was originally at fault; and it was this fault which gave the Communist International Labor Defense its opportunity. The opportunity was ruthlessly and shamelessly exploited, not in the interests of the defendants but in the interests of political propaganda. Mr. Leibowitz is not a Communist; his method of conducting the case, however, when he finally took it over, was such as unavoidably to inflame the passions already aroused. To make good the grounds for appeal, he felt it necessary to raise the question of the exclusion of Negroes from jury service; but this also made it virtually impossible for a Southern jury to acquit. The fate of the defendants was thus linked to a vast social and political issue in which their individual rights and interests were bound to be swallowed up.

After the reversal in the Supreme Court, Alabama opinion in any event would have been under a powerful temptation to "justify" the original conviction by a second one, whether it was just or not. The Communist intervention, with all its attendant propaganda and publicity, operated to exaggerate the temptation a thousandfold. Many statements of the Attorney General prosecuting the retrial, the indefensible address of the solicitor referring to "Jew money" from New York, and finally the verdict—apparently against all the weight of evidence, and now condemned as "outrageous" even by Southern newspapers which excoriate the defense tactics—make it only too apparent that this motive has utterly vitiated the first retrial and will inevitably vitiate the others unless this tragic history can be halted.

The central fact in the whole case is that the eight defendants have become simply pawns amid forces which threaten to grind them to dust without regard for the actual merits of the evidence against them. That is an impossible situation, for Alabama and for the country at large, and instinct with dangerous possibilities for the future. There is, however, one straight road through it. That is for Alabama opinion itself to make a new start, for upright and public-spirited Alabamans—such as Judge Horton himself—to take the case into their own hands, to exclude alike Communists, political lawyers, courtroom orators and mob ignorance, and insist that the facts as they have been established be sifted in fair trial with a sole eye to ascertaining what happened. Every man and woman in the country now has an interest in this case and has the right to ask of Alabama that she enlist her best brains, her ablest and most public-spirited leaders, to guarantee that whatever be the outcome of the case it may be accepted as a fair one. That, after all, is the one thing that matters, the one test of justice, the one way in which the state may emerge from an unhappy and tragic affair with nothing but honor to itself and its courts. Alabama cannot be coerced by others, but the decent opinion of the United States has the right to ask this much of her.

[illegible]gham. Ala. [illegible]

April 19, 1933

Pendulum Thinking In The Scottsboro Case

Much of the intelligent and devoted work in the interest of harmony between the white people and the Negroes in the South has been frustrated by the flaring passions focussed upon Decatur during the last ten days. The consecrated life of Dr. Booker T. Washington and that of his worthy successor at Tuskegee Institute have been partially nullified by this fresh outbreak of brutal hatred. What has been done by such responsible and sincere organizations as the Commission on Interracial Cooperation and a committee composed of men like Dr. Howard W. Odum and Mr. George Fort Milton, for the study and discouragement of lynching has suffered a needless setback.

This newspaper is in no position to pass judgment upon any of the official acts of the court at Decatur. As a Southern institution, however, it is deeply concerned in serving the best interests of the South. The welfare of this section depends upon good will between the white and the black races. Any person, be he a Southerner or a Northerner, who deliberately exercises an influence calculated to injure that good will is not a friend of the South. As The News has already attempted to point out, there are men in Alabama who by nature are capable of thinking of the Scottsboro case in terms of legal and moral integrity. Judge James E. Horton, for instance, is one of those men. In the face of the most taxing circumstances, he proved a consecration to truth and duty which was almost superhuman. When difficulties of the case became actually insurmountable, he courageously closed the doors of the courthouse in order to avoid making a mockery of the justice which he has sworn to uphold. The state of Alabama should see to it that men with Judge Horton's brand of honor are its representatives in future trials of the Scottsboro case.

Much pendulum thinking has been done on both sides of this case. That is to say, there has been a tendency for individuals, organizations and sometimes for newspapers to fly to extreme conclusions. The steadying and conservative influences have been all too few in comparison with the radical and irresponsible factors. It goes without saying that the connection of the International Labor Defense with the case is extremely unfortunate for both sides. If it is true, as many persons have averred, that the I. L. D. wishes to make martyrs of these Negro defendants, that it wishes to insure their execution in order to add incendiary force to its world-wide communistic propaganda, then it certainly does not behoove the prosecution to run headlong into such a trap.

Southerners should realize that the wildly radical International Labor Defense is no more respectable in the North than it is in this part of the country. It is erroneous for us, as Southerners, to leap to the conclusion that representatives of the I. L. D. are men who embody the characteristically Northern view on the Negro question. As a matter of fact, conservative and balanced attitudes on the Negro in the North are not very different from views on a corresponding plane in the South. Although it is frankly seeking the best interests of the Negro, the American Association for the Advancement of Colored People is almost aristocratic as contrasted with the unruly, chaotic and anarchistic International Labor Defense. The one compares with the other about as the extremely radical I. W. W. organizations have compared with the American Federation of Labor.

In reality, the Scottsboro case is not a grand fight to the finish between the state of Alabama and the rest of the world. It has developed into an important test involving the legal situation of the Negro in the United States. The South is profoundly interested in a fair and equitable settlement of that question. In placing a man like Judge Horton on the bench, the state of Alabama has gone a long way toward establishing its good faith. Now if the legal counsel on both sides at the next trial can be composed of men capable of seeing the larger issues at stake, the whole matter of racial attitudes in the United States will be advanced as much as that cause would be hindered by a further display of single-tracked rancor and malice.

[illegible]gham. Ala. [illegible]

April 19, 1933

THE SCOTTSBORO CASE

To the Editor The News:

Your thoughtful generosity in reprinting several columns of national editorial comment on the Scottsboro case for the information of your readers should and doubtless will be highly appreciated by your host of readers. Personally, I very much appreciate it, since I have wanted to know what the feeling of the nation is in this connection.

I am sure the majority of informed Alabamians have their own ideas about the merits of the verdict in that case. I am equally sure that practically every person living in our state wanted a verdict of justice handed down, and not only in the case already tried, but the others to follow as well. Most of us read everything we could find in connection with this case, the evidence submitted, etc., and contrary to some of the communist editorials found in these reprints, fail to find where a miscarriage of justice is in evidence.

It is entirely beyond my imagination how any justice-loving man or woman can place the slightest credibility in the story of a woman of the type represented to us in the person of Ruby Bates. Had I been a member of the jury trying the case, and knew no more about the case than has been published, I should have been obliged to eliminate all consideration of her testimony. A woman of her character is as much apt to tell the truth in the first instance as the second, and more so, as I see it, for the fact stands out that she had been tampered with and was all dressed up in glad rags of questionable origin on her second appearance on the stand, a striking contrast to the first. If the brilliant defense attorney believed the queer story that two white women conspired to get money out of a bunch of ragged, hungry, loafing Negro hoboes, that any reasonable man would wager didn't have a dollar among the whole crowd, I confess he is in a class by himself. The story itself is the most ridiculous and laughable of any I have ever heard and no one believes it, not even the defense attorneys. Her boy companion, who likewise suddenly found much prosperity in the midst of this history-making panic, changed his common attire for one of costly apparel, and his mode of travel from the side-door Pullman to the luxurious comforts of the side glass windows. Quite a difference, if you ask me. It typifies a story seldom found in real life, and strange as it may seem, for a hobo. Believe his story if you want to. I reserve the same right.

The character of these women has nothing to do with the trial verdict. If the accused are innocent every honest person in Alabama, and there are millions, Leibowitz's insinuations to the contrary, want them freed, and on the other hand, if they are guilty of assaulting even the most lewd white woman, we want their lifeblood as the penalty—nothing short will suffice.

The assault made on the trial jury, the people of Alabama as a whole and the state government itself by the great lawyer of the defense is resented, and rightly so, by every honest, loyal Alabamian, and but for his stupidity and nonsensical way of handling the case, no military protection would have been necessary for him or anyone else. A Southern lawyer under similar circumstances in the North would have it just as he did here. From his acts and words we are conclusively reminded that his chief concern was acquittal for those darkies, regardless of the evidence, or their guilt or innocence. We of Alabama don't want that; death if guilty, freedom if innocent, is our motto in an assault charge.

To the defense attorney and his communist backers will go the credit of turning back our state 50 years in the solution of our race problem. It's such a pity that the freedom of our country permits such men to scatter their poison wherever they go. Here is hoping that the new deal will put an end to that.

Childersburg, Ala. B. H. RICHARDSON.

Lynchings-1933
Legal Punishment for Rape

Alabama

4186

High Point, N. C. Enterprise
April 18, 1933

JUDGE HORTON'S ACTION TO BE COMMENDED

JUDGE JAMES E. HORTON by his act in postponing indefinitely the Scottsboro cases because of a bitter criticism of Alabama juries attributed to Samuel Leibowitz, of defense counsel, proved that Alabamans do have a sense of justice and fairness. The New York Herald-Tribune quoted Leibowitz as follows concerning the jury that convicted the first of the Negroes facing retrial on charges of assaulting two white girls:

"If you ever saw those creatures, those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would ask how they could do it."

Whether Leibowitz made such a statement or not makes, as Judge Horton said, little difference. Its publication would influence any jury against the man who was alleged to have uttered it. Leibowitz had cause for bitterness, but such an attack as is attributed to him in the New York newspaper goes beyond all bounds of decency and good sportsmanship.

Judge Horton realized that such a statement would likely prejudice any jury against its author and those whom he represented, and he is to be commended for his action in postponing the cases.

N. Y. EVENING POST

APR 24 1933

Letters From Post Readers

THE PLAIN TRUTH ABOUT THE "SCOTTSBORO CASES"

To the Editor of the Evening Post:

Sir—Your comment that the injection of Communism into the "Scottsboro case" was as prejudicial to the defense as racial prejudice is an understatement. The verdict of guilty appears logical, if not inevitable, to one who watched with dismay the antics of the defense. The result culminated in Decatur, but it was fomented way beyond the confines of Alabama by misguided "friends" of the defendants. These "friends" attacked the State and its system and customs, and sought to intimidate its officials. They should have directed their zeal to an intelligent defense. They reaped precisely what they sowed. They introduced false and extraneous issues and now wail because of the presence of those issues. The defendant ought to have been acquitted, and probably would have been had the defense not been so tactless.

From the outset the defendants were handicapped by their color and by the accusation of a serious offense against white girls. The problem was to overcome these barriers. Adding fuel to the flames may serve as an emotional outlet, but it is not a rational way to cope with flames. The International Labor Defense, whether justifiably or unjustifiably, is anathema to Alabama. Its agitation did irreparable harm. You can't eradicate custom and thought by hullabaloo. You can't ram social or racial equality down the throats of Alabamians any more than you can foist them upon New Yorkers. You can't browbeat people into treating you fairly or denounce them into accepting you as equal.

Whether or not the exclusion of Negroes from the jury is a pernicious system or violative of our democracy is not the crux of the case. How often is a Negro seen on a New York jury? What percentage of Negroes here serve on juries? Has a Negro the same chance before a New York jury as a white person? Even if Negroes had been on the jury panel, the State, as is its right, would have challenged them. The result, therefore, would have been the same—a Negroless trial jury. Attacking the custom of excluding Negroes from jury service was a misconceived trick to divert attention and create atmosphere. It had the effect of offending those from whom an acquittal was sought. It is not valid to retort that what is demanded is "justice" and that "justice" is a right and not a favor. No literate lawyer deliberately insults judge or jury. Southern Negroes do not aspire to jury service, nor do they indorse the performance of the labor defense organization.

Let us face actualities and not to be too idealistic or academic. It was folly for a Jewish lawyer from New York to defend a Negro before a rural Alabama jury, just as it would be folly for a New York City lawyer, Jew or Gentile, to appear as counsel before a rustic New York jury. The wisdom of engaging local counsel does not lie in custom alone; it has an advantage which no litigant or lawyer interested in the result ignores or minimizes.

That there should have been no prejudice against the defendant because of his race goes without saying. And that there was prejudice is undeniable. But conditions must be coped with as they are, not as they should be. Practical problems cannot be solved by "hiring a hall." There is no such thing as abstract justice. "Justice" depends upon its administration, and its adminstrators are humans. Hence, human factors cannot be disregarded. Everywhere—yes, even in free New York—justice is affected and influenced by external forces. And any jury lawyer worthy of his salt strives to meet these forces. Bringing one's head into violent contact with a brick wall may constitute an exhibition of courage, but it only produces harm to the owner's head.

The wild observation of the prosecutor concerning "Jew money from New York" was inexcusably stupid. But Alabama officials hold no monopoly on stupidity. Examine the reviews of New York cases and see how many reversals are ordered because of improper remarks by judges as well as prosecutors. And unless my memory does me a disservice, the chief counsel for the defense has challenged the third-degree methods of officials in 100 per cent civilized New York.

In all this crusading its paramount aim should not be allowed to escape. If the objective is to sacrifice these boys for the greater cause of forcing equal recognition of civic rights, the "friends" of the defendants may be ranting along the right path. And if the agitation is designed to supply notoriety for the agitators, the methods pursued are effective. But if the lives of these boys be the sole stake, then let the blundering engineers of the defense withdraw and intrust it to those who will conduct the case as a legal trial and not as a bombastic publicity campaign for "principles." The boast has been made that no Alabama lawyer would essay to challenge the policy of excluding Negroes from jury service. Perhaps. The course has not seemed expedient or necessary. But many Alabama lawyers would have obtained an acquittal here solely on the shallowness and unworthiness of the prosecution's evidence.

The "mob spirit" does not pervade the duly constituted authorities of Alabama, but the mischievous "friends" of the accused. If these boys are being "lynched" the rope is being woven not by the Alabama courts but by the Negroes' "friends."

I am not unmindful that the "friends" caused the case to be carried to the Supreme Court, where a reversal was ordered. But the price they are exacting for this service is too great. More, the Supreme Court's decision was upon the merits; it was not forced by agitation. And what good are reversals if the conduct of these "friends" continues to produce convictions?

Lest the writer be arraigned as anti-Semitic, allow him to say that he is, unshamedly, a Jew.

EX-ALABAMIAN.

New York, April 18, 1933.

CHARLESTON, S. C.
NEWS

APR 15 1933

Playing With Fire

The parallel drawn in New York by apologists for the Scottsboro negroes of the treatment of negroes in the South and of the Jews by the Nazis in Germany is manifestly and grossly absurd. It slanders the Jews.

In Germany are 65,000,000 people. The Jews in the whole world number about 15,000,000. In all Germany are not more than 3,000,000, perhaps not more than a million and a half, Jews. In these Southern states are some eight or nine million negroes in a total population of perhaps 26,000,000 or 30,000,000. Hence, existing in the South is a racial question. Jews are German, Spanish, English, Russian, of all nationalities, and they are white people like the rest of us. "Jew" is a religious, not a racial term, whatever the popular ignorance to the contrary. White Southerners believe that mixed racial government is impossible, that it would lead to anarchy. Negro government had its trial between 1867 and 1877. It failed. It was anarchy. If the Jews in Germany numbered 25,000,000 they would take care of themselves. There is no doubt about that. There would not be a Jewish persecution.

The weapon of the Nazis is the boycott. The boycott is a synonym for starvation, extermination. In the hands of a powerful majority it is the most destructive weapon conceivable.

Fancy the white people of the South boycotting the negroes, refusing to employ them, refusing to lease lands and homes to them. What would happen? The poor negroes would starve unless in a body they left the South and threw themselves upon the charity of the North. About two million and a half of them are now in the North. There is no Northern community in which they are numerous that does not discriminate against their labor in favor of white labor.

The Southern white people are contributing the only possibile solution to the so-called negro question. They are giving the negroes work. In proportion to numbers there are ten negroes out of employment in Chicago and New York this day to one in South Carolina.

Mr. Norman Thomas speaks of the "industrial exploitation of the negroes in the South." What could be more opposed to the ruth? Where is the Southern employer of negro labor who is not burdened with debt, not trembling on the verge of bankruptcy?

Where is one who does not yearly risk his ill to keep his negroes alive? We are not saying that he does this out of benevolence. The circumstances compel him. Nevertheless, his management, his leadership, his capital stand between the negro and chaos.

Remove the white men from the South and who shall say that the confusion of Haiti will not follow? Always, when the negroes were slaves and when the negroes were free, they have had to be cared for by the Southern white men.

This Leibowitz, the lawyer, returns from Decatur to New York to be carried on the shoulders of negroes who proceed in thousands to disobey the police and fight them, trample them. We quote from The New York Herald Tribune: "Mr. Leibowitz was bitter about the trial." He denounced the jury in terms so bitter and coarse that we do not quote them.

"It has become," he declared, "a question of the bigoted whites of the South against the 14,000,000 negroes of the nation." We do not think so. If the lawyer be correct in his analysis war against the State of Alabama and destruction of it is what he preaches.

That war has been fought once. Alabama finally survived and is strong, and why? Because the white public opinion of the United States, forty-eight states, supports Alabama.

There are white ruffians in the South and fools, plenty of them. There seem to be white and black ruffians in New York city. This man Leibowitz and his associates, whatever their good intentions, are inciters and encouragers of ruffianism.

They are the agents of mob law. They are denouncing the courts of law.

The Southern negroes need friends and have them. The News and Courier is their friend, for sixty years, day in and out, it has denounced lynching for any cause, for all causes.

What can we do for the poor negroes while Leibowitz and his party pour upon us Southerners vituperation through the conduit of the Northern press?

We write of these things not in anger, but in sorrow. We speak for millions of poor negroes. They have our sympathy. They have always had it.

We know few white Southerners who will not divide a crust of bread with them in the time of depression.

We know, too, of the white ruffians and their wrath.

We have got to have white civilization, or none, in these Southern states. That means white juries

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Opelika, Ala. News
April 19, 1933

JUDGE HORTON'S ACTION SHOULD BE RECOGNIZED

If any one in the north doubted for a moment that the Courts of Alabama stand ready to see that a fair trial is given all comers, be they white or black, they can now be convinced, by the action of Judge Horton at Decatur Monday. When he brought an abrupt end to the court session because of alleged inflamatory remarks of counsel for defense in the celebrated Scottsboro case, made in New York City, Judge Horton was protecting the interests of the other negro defendant who was about to be brought to trial.

Imagine the feeling of the average Alabama white man when he read accounts in the newspapers of the alleged New York meeting addressed by Attorney Leibowitz. It can be well understood how hard it would be at the moment for that man to be strictly impartial and unbiased. His judgment would be pitted against an inflamed passion caused by an unnecessary attack made in fertile and foreign fields. Down it, he probably could, but it would be very hard, under the circumstances. And there might even unconsciously crop out at the fringes bits of animosity which would work against a fair and impartial trial. Judge Horton acted wisely—and cautiously.

We trust the defense attorney will take note of this movement for impartiality in meting out justice. If he is fair, he will recant, apologize and express his thanks to Judge Horton. It is hard enough to deal with an alleged rapist. To do so justly under such aggravating circumstances as was created by Attorney Leibowitz is almost beyond most of us.

STANDARD UNION
B'klyn, N.Y.

APR 17 1933

LAUD LEIBOWITZ AT MEETING HERE

O'Brien and McCooey Speak as Funds Are Raised to Appeal Scottsboro Case.

Racial, religious and political lines were erased when 7,000, the majority colored, filled Arcadia Hall, Halsey st. and Broadway, at a meeting planned to raise funds with which to appeal the decision in the Scottsboro case and to welcome home Samuel Leibowitz, defense counsel.

One of the surprises was the appearance on the speakers' rostrum of Mayor O'Brien a few seconds after the Rev. Dr. Thomas F. Harten, chairman, had announced the Mayor had been invited but that it was understood a previous engagement precluded his presence.

Hardly had Dr. Harten made the announcement than the Mayor was seen slipping silently up the centre aisle to the stage. As he was recognized the crowd burst into applause which lasted five minutes and was ended only when the Mayor held up his hand for silence. He spoke briefly, saying he was happy to lend his presence and aid to such a cause. He praised Leibowitz for his work, which he termed determined and valiant.

"We will do the best we can," the Mayor said. "Anything we may do we shall not be sorry for."

From his own experience as a judge, he said, he knew how disheartening it was to sit on the bench and have juries bring in unjust verdicts, but the only way this situation could be improved was by changing the hearts of the men in the jury box.

"Have faith in the country's institutions and in its leaders, and justice will eventually triumph," the Mayor said. "Let us hope that we will soon round the corner to prosperity."

A few minutes after he had closed, William Patterson, Communist candidate for Mayor last fall, who had been sitting almost next to the Mayor, was introduced.

The meeting was held under the auspices of the National Afro Protective League, of which Dr. Harten is president. He is pastor of the Holy Trinity Baptist Church, one of the largest colored congregations in the borough, and is a national leader among his race.

Among the speakers were Democratic National Committeeman John H. McCooey, Register Aaron L. Jacoby, Magistrates David I. Malbin and Sylvester Sabbatino, Tax Commissioner John R. Crews, a Republican; State Transfer Tax Appraised David Soden, Edward F. Cadley, Democratic leader of the 17th A. D., and Dr. Alexander Lyons, of the Eighth Ave. Temple.

NEWS
Andalusia, Ala.

APR 6 1933

THE SCOTTSBORO NEGROES

In the trial of the Scottsboro negroes, according to press reports, the Attorney General at one point actually applauded the statement of a witness testifying for the state. In arguing the case to the jury one of the prosecuting attorneys made the statement that defense witnesses had been bought with Jew money.

Why the necessity of 'lugging' such stuff to a trial when the eyes of the whole world were looking for the slightest evidence of unfairness or race prejudice? Such conduct and such a statement on the part of the prosecuting officials were uncalled for. They were not warranted by the record and were not necessary to secure a conviction. Probably they did not affect the jury in the slightest, but when the whole defense is based upon the theory of projudice all such claptrap merely adds to it when presented to the United States Supreme Court.

And why should the Attorney General see fit to go around over the state and take charge of the prosecution in sensational cases? Especially in cases where there are no complicated legal questions involved and where nothing is to be done other than a simple presentation of the facts. And especially where the regular solicitor is probably a more effective prosecuting attorney than the Attorney General? And more especially where the defendant is an ignorant negro without a friends in the state?

One may wonder if the Attorney General's office is actuated by a desire to get into the limelight. The practice seems to have become prevalent first during the term of Hon. Charley McCall and it looked like he made a mess of things every time he undertook to get a little court notoriety. Notably Geneva and Columbiana.

We are not criticising the official act of the Attorney General in going into different counties and taking charge of the prosecution of criminal cases, but we doubt the wisdom of the practice, especially when it adds to the sensational aspects of the case.

Lynchings-1933
Legal Punishment for Rape

Alabama

4187

Scottsboro Defense Fund

Ministers of the city rendered a mighty fine service to the race when in the Ministerial Alliance an agreement was reached with the N. A. A. C. P. to raise money in the various churches last Sunday. In a pouring down rain few communicants entered the church doors Sunday, and yet their collective mite represents $46.77. It can easily be seen that if the regular church congregations had been on hand fully $100 could have been raised. It is perhaps asking too much to go right back into the same churches for an additional contribution, but the Scottsboro cases are going to be long drawn out legal actions. The last Sunday contribution shows what can be done through and by concerted effort. Six months from now the N. A. A. C. P. will seek again to bolster up the Scottsboro Fund and the local branch can borrow the same key they used Sunday to unlatch the pocketbooks of the populace.

The Black Dispatch believes that in every community in Oklahoma where there is a church, the Negroes should attempt to raise their mite for this cause. There are hundreds of small communities where if no more than $1 is raised in a collection, it will go far to create the very sizeable fund which must be raised if this now famous court action is to be prosecuted with vigor.

The First Baptist church and the A. M. E. church at Red Bird have this week forwarded to this office $1.54. Another church at Drumright sends $2.31. The sender of the latter contribution did not include the name of the church and that is the reason for our not announcing it.

On the front page of this issue we have started a Scottsboro Defense Fund. The regularly organized N. A. A. C. P. branches over the state will, of course ,send their special contributions direct to the New York office. The Black Dispatch, however, desires to compile data covering what is done along this line in Oklahoma and we use this method of determining same. Ask for a church collection Sunday and forward same to this publication. We will publish the name of the individual or the church making the contributions.

Once again we want to repeat: it is the ministers of the race who have the most direct influence over the masses. If the doors of the church were opened to the Scottsboro Defense Fund, all over America, the necessary money could be collected in one week-end rally.

"BOURGEOIS LIE TO SAY THAT YOKE OF NEGRO SLAVERY LIFTED IN U. S."

—From Resolution of the Communist International on the Negro Question in the U[illegible] States, Oct. 19[illegible]. Reprinted from "The ([illegible] the N[illegible] Question, (25c), Workers' Library Publishers, P. O. Box [illegible]8, Station D, New York City.

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IT is only a Yankee bourgeois lie to say that the yoke of Negro slavery has been lifted in the United States. Formally it has been abolished, but in practice the great [illegible] of the Negro masses in the South are living in slavery in the literal sense of the word. Formally, they are "free" as "tenant farmers" or "contract laborers" on the big plantations of the white landowners, [illegible] they are completely in the power of their exploiters; they [illegible] not permitted, or else it [illegible] made impossible for them to leave their exploiters; if they do leave the plantations, they are brought back and in many cases whipped; many of them are simply taken prisoner under various pretexts and, bound together with long chains, they have to do compulsory labor on the roads. All through the South, the Negroes are not only deprived of all rights, and subjected to the arbitrary will of the white exploiters, but they are also socially ostracized, that is, they are treated in general not as human beings, but as cattle. But this ostracism regarding Negroes is not limited to the South. Not only in the South but throughout the United States, the lynching of Negroes is permitted to go unpunished. Everywhere the American bourgeoisie surrounds the Negroes with an atmosphere of social ostracism . . .

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IN the struggle for equal rights for the Negroes, however, it is the duty of the white workers to march at the head of this struggle. They must everywhere make a breach in the walls of segregation and "Jim-Crowism" which have been set up by bourgeois slave-market morality. They must most ruthlessly unmask and condemn the hypocritical reformists and bourgeois "friends of Negroes" who, in reality, are only interested in strengthening the power of the enemies of the Negroes. They, the white workers, must boldly jump at the throat of the 100 per cent bandits who strike a Negro in the face. This struggle will be the test of real international solidarity of the American white workers.

It is the special duty of the revolutionary Negro workers to carry on tireless activity among the Negro working masses to free them of their distrust of the white proletariat and draw them into the common front of the revolutionary class struggle against the bourgeoisie. They must emphasize with all force that the first rule of proletarian morality is that no worker who wants to be an equal member of his class must ever serve as a strike breaker or a supporter of bourgeois politics.

Scottsboro Struggle Stirs White Toilers of the South

By NAT ROSS

Daily Worker
5-[illegible]-33

THE great effect upon large sections of the white toiling masses of the South resulting from recent developments [illegible] Scottsboro [illegible] of fundamental importance. For decades, the Southern ruling class has successfully poisoned the [illegible] of the white masses of the South against the Negro people and created a jim-crow system on the basis of it. As a result of the Scottsboro fight a dim light is beginning to shine thru the darkness of prejudice, among the white workers.

THE DECATUR TRIAL

The white workers could see plainly in the Decatur trial that Negroes were kept off the jury not because they lacked intelligence or ability, but because they were Negroes. They saw that the exclusion of Negroes was based fundamentally on the same causes which excluded the "poor whites" (the majority of the toiling white population of the South) from jury service also. The white workers saw that the Scottsboro boys could not get a fair trial under such circumstances. They were dazed by the testimony of Ruby Bates. Some of them still said the boys should burn just as a lesson to Negroes anyway. Others hesitated, and said that both girls were liars and no good. But many of them knew and said that no white girl who had been raped by six Negroes would have the nerve to lie about it and for that matter it required plenty of honesty and courage to tell the truth in the face of the white lynchers in Decatur.

The "rape bogey" of the Southern exploiters had received a smashing blow in the nose and the white masses saw it.

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THE Southern white toilers were greatly impressed by the wonderful fight of the International Labor Defense. They were hearing about the mass actions of all peoples the world over. And right in their own community they saw growing unity. In Birmingham, Scottsboro meetings were held where Negro and white sat together and where white workers and intellectuals called for the freedom of the Scottsboro boys. **They saw on May 1 in Birmingham, Ala. how Negroes don't rape white women but defend them from police thugs who try to arrest them, even to the point of beating the cops.**

The white workers saw how Tom Mooney, whom many of them idolize, almost unnerved Tom Knight when the latter received Mooney's wire in

the Decatur courtroom demanding the freedom of the Scottsboro boys. The white workers are being roused by the growing struggles of the Negro masses in the South. That is why you will find many white workers sympathetic to the I.L.D. on the Scottsboro issue. That is why for the first time since Reconstruction you will find a deep-going interest, discussion and curiosity among the white masses on the Negro question.

PREJUDICE STILL DEEP

Of course, it would be just as wrong not to mention the still existing deep-going prejudice of the majority of the white toiling masses. It is a fact that winning the white masses for the fight for Negro liberation is one of the most important and at the same time one of the stormiest tasks of the Revolutionary movement in the South. The Scottsboro case, among others, has helped to throw new light on the struggle. More and more sections of the white toilers see in the fight for Negro rights and freedom their own salvation from the hunger, terror and reactionary schemes of the jim-crow and lynch rulers of the South. That is why the united front of all toilers in the South for their common interests becomes the all-burning issue of the day.

NEW YORK TIMES
MAY 13 1933

NEGROES AND COMMUNISTS

Leaders of Race Do Not Approve of Radical Demonstrations.

To the Editor of The New York Times:

"In Topics of The Times," under the caption of "Justice and Propaganda," you referred to the Scottsboro demonstrations in Washington by the Communist forces as detrimental to the hopes of the nine Negro youths incarcerated in an Alabama prison awaiting retrial.

Clear-minded Negro citizens are by no means in accord with these radical displays. If the white people of this country would scan the pages of Negro newspapers and publications of the better class they would note that Negro leaders and the majority of the rank and file resent this injection of Communist tactics into the affairs of the race. Negroes realize that the Communist interest in their misfortunes has a selfish motive.

The Negroes of America hope to assure the defendants of a square deal from the Alabama judiciary but strenuously voice their resentment against the Communist and other radical groups polishing up the electric chair for these youths by their uncalled-for tactics. The Negroes realize that in order to gain complete economic, social and political justice we must do so through sources within the government itself, and not through foreign or pro-foreign hostile radical groups.

True, a few Negroes will be found in the ranks of these radicals, but they are only those who are unable to see beyond an indefinite point described by Communist agitators. The agitation has proved a temporary outlet perhaps for their own emotions so long pent-up within them. It gives them a sort of temporary satisfaction to parade before a government which they accuse of being indifferent to the injustice they suffer. It is not their intention to destroy the only form of government they know, as the Communists desire, but they are under the impression that by making plenty of noise along with the Communist agitators perhaps they can attract the government's attention.

So it is up to the government to seek the honest cooperation of Negro and white leaders and to decide some program of bettering race relations. There will be no justice in America for the Negro until such a program is adopted. The Negro's faith in America must be preserved. Only America can accomplish this, and only by improving the Negroes' status so as to permit them to enjoy life, liberty and the pursuit of happiness guaranteed by the Constitution.

JOSEPH J. McCLAIN.

New York, May 10, 1933.

NEW YORK TIMES
MAY 10 1933

Justice and Propaganda. The Communist stamp was all over the Scottsboro demonstration at the national capital on Monday. This does not say that the nine young Alabama Negroes standing in peril of their lives ~~should be~~ made to suffer the consequences. The paraders in behalf of justice for the Decatur defendants chanted the "Internationale." This only means that the Communist leadership in this country is more interested in propaganda than in justice. It cannot mean that the American people in general and the people of the State of Alabama in particular must imitate the Communists and sacrifice justice to external considerations.

Justice is not always an easy thing to bestow. If this were so it would not be the precious thing it is. The fact that communism is making capital out of the Scottsboro case is something for the public to keep in mind, but not for our judges and juries. They must work without irritation and without resentment. Incidentally, that is the surest way of spiking the Communist guns.

URGE SCOTTSBORO MARCHING CLUBS

5-[illegible]-33

National Action Comm. Gives Next Steps

NEW YORK.—Organization of "Scottsboro Marching Clubs" of those who partook in the recent Free the Scottsboro Boys March to Washington, was recommended by the executive committee of the National Scottsboro Action Committee, Saturday.

The Clubs will take active part in performing the tasks outlined by the Committee in its fight to save the nine innocent Scottsboro Negro boys and to win democratic rights for the Negro people, it was announced.

"It is necessary that there be organised bodies to carry out these tasks," the Committee said in its announcement. "It is proper that those who partook in this historic march, the first mass march to Washington on behalf of the Scottsboro boys and the Negro people, should be organized together, and that they should fulfill this function."

Concretization in states and cities of the Bill of Civil Rights for the Negro people, in the form of city-ordinances, and state laws embodying the same principles and demands of rights, was also decided upon by the committee.

Immediate perspectives for action by the committee include the obtaining of a million signatures to the petition for the release of the Scottsboro boys, addressed to President Roosevelt. Two hundred and five thousand signatures were presented to the president by the marchers.

The campaign for the passage of these laws, as well as for the federal bill presented to the president and congress by the marchers will be built around the slogan of "Mass Violation of Jim Crow Laws" it was decided.

It will include canvassing of all representatives and senators in Congress, as well as local and state legislators, and the exposure of all those opposed to the Bill of Civil Rights.

Chattanooga, Tenn. News
May 9, 1933

A Southern Negro's Viewpoint.

Editor The News:

Since the date of the alleged crime of the famous Scottsboro case, almost every nation has contributed its ideas and demands as to what action the fair state of Alabama should and must take in regards to same. Sir, please allow me, as a colored citizen of the state of Alabama, space in your paper to make a brief review of all efforts and its effects as relates to the Negro not only of the state of Alabama, but to the entire South.

The propaganda and legal efforts of the International Labor Defense, and Communists have only succeeded in contributing a flame to destroy the good will of the good white people, the various agencies that have and are working for the advancement and protection of the Negro of the Southland.

Northern money and northern attorneys are not needed to attack the state of Alabama to secure justice for the state's Negro population. The Negro and all others should drop the idea that Negroes are convicted in our courts solely because they are ignorant and Negroes.

When we realize that the judges and lawyers, and jurors of the state of Alabama are fully capable and efficient to determine the innocence or guilt of a defendant, then we will be heading somewhere, the Negro should join hands with all efforts to curb such activities of the Commmunists and International Labor Defense.

Because the southern white man has learned that judgment is the application of the trained intellect to human lives, and he knows that it is the power to see, to appreciate and to use the truth in improving the condition of mankind, and I want all colored people of the South to know that when we learn to fall in line with the above instruction we will then feel some relief, and not before.

THOMAS WATSON (Col.).

Tuscaloosa, Ala., May 5.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4188

The Scottsboro Case

Planet

Much ado has been raised over the trial of the nine Negroes being held in Alabama on charges of assault upon two white women. Charges have been made and withdrawn, attorneys criticized and praised, jurors have been made to feel that they were far below the moronic stage as far as intelligence is concerned, and the general public is left to feel that the Scottsboro boys are really not live characters, but mythical creatures who furnish loads of copy for overworked newspaper reporters.

5-27-33

Thus far, only one of the boys has been retried—and convicted. The dust has yet to blow over from this trial. One of the two girls who made the charges has withdrawn her accusations. Regardless of the all-too apparent weakness of the girls' stories, the first Negro to be tried was convicted.

Richmond, Va.

What sort of business is this, anyway? When are we to straighten this affair out? Please, let this one trial of Negroes in a Southern state be a fair one. The South is tired of hanging its head when the word "justice" is mentioned.

Let these nine boys be tried, not as Negroes, but as men. Let that sink in, readers. Not Negroes—MEN!—The Richmonder.

THE SCOTTSBORO FIASCO.

Editor of The Daily News:

After the perusal of two editorials, one of them appearing in the Record, under the caption: "Justice Runs Amuck in Decatur, Albama," and the other in the Daily News, "One Question Remains," I was very favorably impressed with the fairness and impartiality of the temper manifested in both articles.

I, also, was reminded, at the time of the question once put to Solomon regarded as the wisest law maker of his day, as to what is the best government under which to live. His reply was: "That is the best government where, when an injury is done to the humblest citizen thereof, it is felt by every one living under that government."

The population of the United States is heterogeneous. Perhaps more so than any other government of the globe. The negro comprises an important element of this population; consequently, he is entitled to fair play and justice under the federal and state constitutions as a citizen, but too often he gets a very raw deal, from those in authority, who have the power and the might. This is clearly evident in the infamous Scottsboro fiasco.

As the Daily News truly asserts, it is not so much the negro boys that are on trial today as it is the judiciary of the state of Alabama, and I do not believe I would be far wrong when I add that, the whole south is indirectly on trial, if it passively condone this travesty of justice in the lynching of these seven boys "within the law."

Judge Horton, presiding, is seemingly fair and just, as is indicated in his address to the jury trying Patterson, one of the boy defendants, in cautioning them that, when "women of the underworld, who at one time or another have perjured themselves, face a jury, their testimony should be regarded as questionable."

Furthermore, the doctor who was summoned by the state, almitted in his direct testimony that, as a result of the examination of the two women, in less than two hours after they got off the train, both the girls were "in a normal condition, mentally and physically and showed no signs of hysteria, when being examined."

But, notwithstanding the caution of Judge Horton and the testimony of the state's witness, the examining physician, 12 men (tried and true?) found Patterson guilty as charged. And that too, when the presiding judge, in his charge, urged them to ignore race and color in arriving at their verdict. Thereupon, the Daily News pertinently suggests the question: "What constitutes a reasonable doubt in the eyes of an Alabama jury?"

One of the main reasons why thousands of negroes have left the south is due to the fact that, whenever some of them have been charged with committing certain crimes against whites in some parts of this section the jury has already too often concluded, regardless of the evidence in the case, that he is guilty because his face is black.

While each state in the union was made more or less self-determining in its governmental polity by the founders of this republic, so far as its relation to the other states is concerned, nevertheless, it was understood that each and all of them would conduct themselves for the good and best interests of the entire union.

This being true, should the southern states passively condone the railroading of these seven colored boys to the electric chair by the state of Alabama, they will play the role of Saul of Tarsus, holding the clothes of the martyr Stephen, while he was being stoned to death by his enemies.

While I do not know what the final outcome will be in the trial of these boys, yet I do not believe I am wrong when I say, if they are required to pay for this miscarriage of justice, they will not be the only ones to suffer, as long as a just and impartial judge reigns in heaven.

CHARLES H. MOORE.
Greensboro.

SOBER SECOND THOUGHT ON THE SCOTTSBORO AFFAIR

Reporter
5-27-33
Birmingham, Ala.

The passion generated by the Decatur trial of the Scottsboro youths has about subsided. The best thought of the South has had time to precipitate. It might be that now is a good time for the sober thinking men and women of both races to use their good offices conjointly to avert any further advertisement of the sorry mess.

Admitting that the Court did the best that such a Court might have done under the circumstances, there yet remains something that the sober thinking people of influence might do or might have done to clear the way for the operation of justice. The stamina of a community is not measured so much by what its citizens think and do as by what they will stand for being done in their area, or how they express dynamic disapproval of what they know to be out of harmony with the [illegible] principles for which they stand.

So long as mass injustice has the silence of a community's influential leadership it, by this token, feels itself to have their backing and support. This is the license on which mass injustice has done business in the South for a long time.

The good and just white people of the South, and there are many of them, have been maligned for what they have permitted or stood for being done without open or sincere protest more than for what they have done or abetted.

Clearly, the license for mass injustice is extended on their silence.

There are so many Biblical instances in which Jehovah brought calamity on Israel not for what the best of them did, but for what they permitted the worst of them to do without any show of righteous indignation.

There are many things which, in themselves, cannot be helped immediately, but there are few, even of the worst things might happen, which could be continuously and highly probable in the face of a stern and sincere "We-will-not-stand-for-that" coming from a community's major influence.

We say "major influence" because we do not yet believe that a majority of the South is sympathetic with mass injustice.

It would seem that the State of Alabama has had enough of the Scottsboro affair—convincingly enough to arouse its moral leadership to arms out of its silence.

Jews Repudiate Goldstein's Slur On Capital City

Advertiser

Statement By 3 Beth-Or Members Holds Rabbi's Views In Condemnation

5-29-33

Left Voluntarily On Distasteful Activity

Montgomery, Ala.

Rupture With Followers Laid To His Insistence

By WILLIAM J. MAHONEY, JR.

Jewry of Montgomery yesterday challenged the assertions which Benjamin Goldstein, former rabbi of Temple Beth-Or, made in New York, and which were quoted in an article published by The Advertiser, on the authority of The New York Times.

Speaking as individuals, members of the Beth-Or congregation discussed the views and attitudes of the former rabbi which had gradually made his position here untenable—a condition which he fully recognized, and which was responsible for his leaving voluntarily.

In addition to a formally prepared statement, signed by three members of the congregation speaking for a large and representative group, the writer has obtained through conversations with other individuals views and opinions of a situation that for the first time in many years threatened the religious and racial tranquillity of Montgomery—striking through communistic argitation at the marked line between the white and black races.

Statements Challenged

The formal statement issued yesterday was signed by E. J. Meyer, Jr., Dr. Clarence K. Weil, and Phil Baum. It follows:

"There has been no meeting of the congregation, of which Rabbi Goldstein was the former rabbi, since the publication in today's press of the alleged statements of Rabbi Goldstein; nor has any formal action been taken by it. However, some of the individual members of the congregation feel that these alleged statements of Rabbi Goldstein should not remain unchallenged.

"The statement of Mayor Gunter, as quoted in this morning's Advertiser, is correct in every detail and has their unqualified approval. Mayor Gunter did not urge Rabbi Goldstein to leave Montgomery. Rabbi Goldstein was not dismissed as the Rabbi of the Congregation. As a matter of fact, Rabbi Goldstein, learning that his religious beliefs and purported Communistic activities were distasteful to the members of the Congregation, voluntarily stated that he would not stand for reelection, and later asked for a leave of absence from the further performance of his duties as rabbi, which was granted, and he left Montgomery.

"They believe that the entire community, Jews and non-Jews, never endorsed or condoned, but in fact condemned Rabbi Goldstein's views and attitudes."

The Full Story

Observations and comments, collected at random yesterday, brought to light the full story of Rabbi Goldstein's tenure of office here, marked by a gradually increasing tension in his congregation. The major portion of this story is of concern only to the congregation.

Mr. Goldstein served for four years as rabbi of the Congregation of Temple Beth-Or. His congregation was the first to feel the effects of original ideas and drastic changes. But his rebellion against the established order was creedal and doctrinal, affecting none but his own congregation, which was free to accept or reject, as it pleased.

Mr. Goldstein had a large group of friends and followers in Montgomery, among non-Jews as well as Jews. These men and women recognized in him a brilliant mind and an original thinker. Some subscribed to all that he said, others differed from him violently, while still others found his utterances and opinions worthy of weighing if not accepting.

When Mr. Goldstein enlarged the scope of his activities to include a crusade in behalf of the Scottsboro and Tallapoosa negroes, he found himself surrounded by a small sympathetic group that included some Jews and some Christians. It is significant, his friends here point out, that not even a representative minority of his [illegible] was in that group.

Advertiser

But Mr. Goldstein's enlarged activities met with active opposition on the part of many of his congregation. Most Montgomerians realized that he spoke as an individual, but some felt it possible that a few might have construed his utterances as those of a spokesman for the Jewish people. His activities became more and more out of harmony with his congregation and increasingly embarrassing to them. The end was inevitable.

Other Factors in Break

Though his activities in the Scottsboro and Tallapoosa cases were directly responsible for Mr. Goldstein's failure to stand for reelection, actually these cases were but the culmination of differences in his own congregation. Finally, being directly opposed to his radical tendencies, his congregation saw no reason for sacrificing their principles for the sake of social ideas and economic changes with which they were not in sympathy.

5-23-33

"I am fond of my right hand," commented one member by way of illustration. "I value it highly and would hate to lose it. But if that hand were diseased and threatened the welfare of my body, I would sacrifice it. Mr. Goldstein's connection with the congregation was an open threat to the welfare of that congregation."

Natural Southern resentment of outside interference in its own affairs is an attitude appreciated and shared by Montgomery citizens of Jewish faith. One member of the congregation voiced that view when Mr. Goldstein became openly associated with the so-called International Labor Defense:

"In the South certain restrictions to which the negro is subjected exist as a matter of necessity. Anyone familiar with the events which took place in the South immediately after the War Between the States will appreciate better the reasons why these conditions exist.

"Most Southerners are anxious to see the negro better his condition, not to the extent of social recognition but to the point where he is allowed equal opportunity for education and for progress."

The Negro Situation

"This State has done much to improve the educational facilities of the negro and has reason to be proud of its schools for colored people. In addition we have an interracial committee composed of outstanding white and colored people, whose chief function is to assist in maintaining peace and harmony between the races. White men whose business brings them in contact with negroes treat them with every consideration, often supplying them with food and medical care which they are too improvident to provide for themselves. I believe as the years go on the race problem will gradually settle itself—provided only that outside interference is not brought to bear on either group.

"It is just such outside interference that is responsible for the present status of the Scottsboro case, and directly responsible for the unfortunate racial clash in Tallapoosa County."

At the time of the Scottsboro agitators' rally in Birmingham, Mr. Goldstein was placed on the program. The board of his congregation promptly instructed him not to attend. Ignoring this, Mr. Goldstein attended and spoke. Several of these incidents of fact were colored by imaginative rumors of inciting race prejudice that became increasingly frequent. Finally there were so many reports current about his activities that it was impossible to verify or disprove them all.

A friend of Mr. Goldstein's, a member of his congregation, finally went to him with the entire matter, and detailed the embarrassment he was causing his congregation. Mr Goldstein promptly requested an immediate leave of absence, to terminate only at the conclusion of his services with Beth-Or. His request was granted as promptly, and there the matter ended, insofar as his congregation was concerned.

Members here yesterday deplored his action in New York in disinterring the story, and followed with their explanation of it. "The matter was closed with us when he left Montgomery," said one, "and it is unfortunate that he has seen fit to reopen it. It is an unpleasantness we will be glad to forget."

Goldstein Says Race Prejudice Sped Departure

Advertiser
5-27-33
Montgomery, Ala

Tells New Yorkers Gunter Urged Him Away And Spread Inciting Stories

Charges Boycott

Declares He Understands Klan Is Firing Crosses At Jewish Homes Here

NEW YORK, May 26.—(Special)—Rabbi Benjamin B. Goldstein said here today that he had severed his connection with Temple Beth-Or in Montgomery, Ala., because his activities in behalf of the Scottsboro prisoners and negro sharecroppers in Tallapoosa County had split his congregation into factions and had laid members open to violence at hands of klansmen.

He also said Mayor William A. Gunter, of Montgomery, suggested he leave town and charged Mayor Gunter with helping to spread inciting stories.

"I was told," Goldstein said, "that my sympathy for the Scottsboro boys and for the Tallapoosa negroes who were shot down by deputy sheriffs had caused a partial boycott of Jewish merchants in Montgomery and neighboring communities. Furthermore I understand that the Ku Klux Klan is now burning crosses by night in the front yards of Jewish citizens down there. The Mayor told me he understood I was the Southern agent for the International Labor Defense and that I had got Samuel Leibowitz into the Scottsboro case as defense counsel because he was a Jew and I was one."

Goldstein declared that the story which caused him to leave town was that "I was to lead a riot of negroes against the whites on May 20." He said that "the Mayor told me he understood that the Ku Klux Klan were preparing to take measures against me because of the views I held, and that he thought it best to oppose the klan."

Goldstein also asserted that the Mayor cited the new criminal anarchy ordinance just passed, telling him (Goldstein) "it might come in handy in the near future."

Dr. Goldstein denied that he was a communist and said, "Anyone who tries to take an impartial attitude towards the conduct of the Scottsboro case down there is immediately branded a communist and nigger lover." He said he did not believe the "Scottsboro boys" had a fair trial.

Boycott Charges False, Declares Mayor Gunter

Rabbi Goldstein's charges were brought to the attention of Mayor Gunter yesterday by an inquiry from The New York Times. In reply, the Mayor made the following statement:

"That the statements made by Rabbi Goldstein, or any other person, that there has been any boycott here of any Jewish merchants, or the burning of fiery crosses in front of any Jewish homes, is an absolute falsehood.

"The Mayor has no knowledge of any activity here of the Ku Klux Klan which, so far as he knows, is dead in this community.

"That he did not urge Rabbi Goldstein to leave Montgomery but that in view of the delicacy he feels in interfering with relations between the Rabbi and his congregation, he prefers to refer an explanation of that matter to members of the congregation, who are writing personally to the editor of The New York Times."

MA WITH ME, RUBY BATES TELLS REPORTER

Afro American

Close-up of Scottsboro Girl Shows How She Has Developed.

5-27-33

GETS A THRILL FROM TRAVELING

Baltimore, MD

Says Vic Price Is on 15 Years' Probation.

[Special to the AFRO]

By DEAL [illegible]

I [illegible] Ruby [illegible] Monday evening and talked with her as one woman to another until her companion or sponsor began to censor her statements. As a whole, Ruby is not hard to look upon, has a keen sense of humor and shows evidences of much cultural advancement since the good old days on the freight train.

Ruby Bates

Though she had just spoken at a large meeting in Philadelphia, and the Camden meeting place was unbearably warm, she smiled thru it all and repeated that she "could go thru anything for the sake of the boys" she had wronged.

Mother With Her

When questioned about the attitude of her parents towards the affair she said that her mother was "with her," but her father against her.

"Victoria Price would testify, too," she stated, "but her hands are tied. She is out on 15 years' probation and she was afraid the officials would get her if she told the truth." She did not know why Victoria had been sent to the penitentiary as that happened before their acquaintance.

Some crude lads who had been allowed, because of crowded conditions, to stand on the platform at the rear of us wanted to know if Ruby "would make a date with them." Ruby, however, was very cautious. Her sponsor reminded her that there was a Philadelphia reporter standing there.

You All's

When Ruby spoke she showed an amazing stage presence. With the exception of a few "I writtens" and "you all's" her talk was excellent.

The varying effects she had on her audience were interesting. Everyone, however, was curious about her general appearance. What they saw was a well-formed, plump, soberly-dressed white girl. She laughingly told of her clothes — of the wild tales that had gone the rounds about them. Their cheapness spoke for themselves.

Black Pumps

Her dress was a dark blue figured georgette cut on very simple lines. She wore black patent opera pumps that, though apparently new, had already bulged on the sides, making room for two bunions to stretch.

Through her tan silk stockings large scars showed—scars that fairly shrieked, "Hobo." I liked her head, a nicely shaped one, whose graceful lines were enhanced by brown, boyishly cut well-groomed hair—so well groomed that it was difficult to place her with the proverbial stringy-haired "poor white."

Thrilled with Traveling

She seems to be thrilled about all the traveling and she keeps a record of each place she visits. Where she was to stay that night was kept a dark secret, as no one was successful in locating her residence.

Hearing for Patterson's New Trial Granted

DECATUR, Ala.—A hearing for the motion for a new trial for Haywood Patterson has been set by Judge James E. Horton for June 22, in the circuit court, here.

Lynchings-1933

Alabama

4189

Legal Punishment for Rape.

Telegraph 4-11-33 Macon, Ga.

Quick, Mates, Here's Treason!

Over in Decatur, Ala., this Judge Horton trying the Negroes for alleged assault upon two white girls, declared from the high place on the bench last Friday that a witness was not beyond belief just because he had been engaged in illicit liquor dealing.

There's an expression that the frivolous sometimes use about a fellow's hat being blown in the river, and if we were less serious-minded and knew more about slangy phrases we should certainly try to ring that one in at this point.

If the "died"-in the wool prohibitionists who have been denouncing everything and everybody who said a kind word for temperance instead of being outright rising and shouting prohibitionists, led by mitred politicians and crusaders, should ever get a crack at this judge, what would happen to him would be aplenty.

We have been educated these many years in Georgia to thinking that if a person glanced even in the direction of anything alcoholic, there was a big hobgoblin just ready to swoop down on him, and if a poor devil was found with a flask of water in his automobile or donkey-wagon it was complete justification for shooting him to death on the highway, and investigating afterwards.

Oh, a crime against the fanatical liquor laws was the worst thing in the category, and now for a judge to say a man was still credible even if he had dealt in the stuff is just too bad for anything. He ought to be shot, and Georgia law would not wait until sunrise!

This newspaper has been much cussed and discussed for its wet proclivities, up to that point that we long ago lost all claims to and consciousness of respectability. We had fully made up our minds just to go on to hell and be done with it. The holies had said we were gone, and we had accepted their judgment, because others knew more about the hereafter than we did. Then here comes a judge who ups and says even a man who had dealt in liquor was still respectable insofar as his veracity was concerned.

Well, we ought to confess that we dealt in liquor once, so as to become thoroughly classified under this recent judicial declaration, and maybe get that additional benefit of claim to respectability. A highly-respected physician asked us if we knew where some good liquor could be obtained for a Methodist preacher who was ill and needed a stimulant—that the man was old, had had the flu and was badly in need of some good whisky—that the doctor would pay for it if I would go into the shadow of the penitentiary in the name of humanity. I told the doctor I would get it for the minister and to give it to him with my compliments. The physician delivered it in his automobile, and the minister accepted it and used it.

The Georgia law which legislators are being urged to change provides that a person who in Georgia buys or sells anything that may be used for beverage purposes which contains over ½ per cent of alcohol shall upon conviction be placed upon the chaingang with all its horrible conditions.

That same law which was forced down the throats of Georgians without their approval or consent provides that any person, including doctors, who transport or possess any alcoholics shall be placed upon the chaingang, and the auto or other vehicle shall be confiscated, sold at public auction and half the proceeds given the arrester.

That same law which ought to be changed because of its outrageous stipulations and all the crime it has occasioned, provides that if any persons, including ministers who may be sick unto death, shall possess any alcoholics, they shall be placed upon the chaingang.

If the Alabama judge had held differently as to veracity, we should have been outlawed on that also, along with what we regarded as a justified errand of mercy, regardless of the law.

If the Georgia law had been enforced in the instance cited, a quasi-newspaper man, a moonshiner, a good physician and one of the most lovable preachers God ever made, the latter on his sick bed, their autos confiscated and divided among rum-chasers—all of these people would have been arrested and placed on the chaingang. And we have seen much argument that all killings in making arrests are justified if prohibition is involved.

We are much obliged to the Alabama judge for his judgment and his courage, and his contribution to our own self-esteem, be it ever so meagre. We have never had a particle of patience with the fanaticism that is behind Georgia's prohibition law, including what has been the Federal, and now that some progress has been indicated in a desire to change the latter, we earnestly hope Georgia will come out of the woods by removing this blot of snooping and bigotry from her own standard.

NEGROES PARADE AND BATTLE COPS

~~Telegraph~~

Disorders Occur as Harlem Hordes Celebrate Return of Leibowitz From Alabama

4-11-33

Macon, Ga.

NEW YORK, April 10. (AP)—Disorder attended the return of Samuel Leibowitz from Decatur, Ala., late Monday, where he defended Haywood Patterson in the "Scottsboro case."

A group of Negroes carried the lawyer on their shoulders from his train to a taxicab and then whites and Negroes which police numbered at 3,000, formed a parade on Broadway, starting at 34th street near Pennsylvania station.

Police in the 30th street precinct, taken unawares by the marching column of fours, telephoned ahead to the 47th street station. When the column reached Times Square, police charged them with night sticks and ordered them to disperse.

Hand to hand fighting followed. Patrolman William Griffin was beaten by a group of Negroes until white passers-by fought them off. Griffin arrested George Northcroft, 36, Negro house painter, as the man who had kicked him in the mouth and knocked out a tooth.

A Negro woman, Rebecca Butler, 28, collapsed and was taken to a hospital for treatment of bruises.

The parade reformed and got as far as 53rd street before the police charged again. Half the marchers hurried into side steets, but the others reassembled, marched on to 59th street and attempted to hold a meeting in Columbus Circle.

The emergency squad from the 88th street precinct reinforced the policemen already on the scene and attempted to disperse some 1,000 persons listening to speakers. Many of the marchers [illegible] as policemen swung night sticks at their legs, but the others marched on.

At 68th street they tried again to hold a meeting and the police broke them up. At 86th street the final set-to occurred. The harried marchers broke up into pairs and small groups and continued quietly uptown toward Harlem.

The entire proceedings lasted about two hours.

Leibowitz had driven homeward in his [illegible] before the parade formed.

THE SCOTTSBORO CASE AND DEVELOPMENTS.

Editor of The Daily News:

I was amazed to read recently, in a negro newspaper, of certain significant developments in the famous Scottsboro, Ala., case involving the nine negro youths who were alleged to have attacked two vagrant white girls on a moving train on which all were beating passage.

Some weeks ago one of the girls in a letter to her sweetheart confessed the nine boys were innocent and had not touched her. Prison officials had sought to suppress this letter, but it got out, nevertheless, and has been given considerable publicity in the negro press, while the white press in the South appears to be strangely silent about the matter. In this letter, which the girl wrote to clear herself in the eyes of a lover, she also claimed that she and her companion were forced by police officials to make and sustain their heinous charge which almost put nine innocent youths to death. These officials now sought to make the girl repudiate her confession; and failing in this, it is now reported that the girl has been spirited away so that she might not appear as a witness in the impending retrial ordered by the federal Supreme court.

In view of the pitiless publicity that was given this case during the past two years, with screaming headlines and many pictures, all tending to inflame popular indignation and hasten a conviction and sentence of death, permit me to ask: Is it fair and just that these later developments, which certainly are the most significant that have so far occurred in this case, should be suppressed by the white press and not be given due publicity so as to correct the many vicious impressions that the previous publicity has created? I am very much surprised, indeed, that this paper has likewise failed to give space to an item of such tremendous import.

I believe I am correct in the assumption that the newspaper is one of our most powerful agencies of education and of the shaping of public opinion. My work as an educator and clergyman has shown this to me clearly enough. It therefore appears to me that newspapers should and must do everything in their power to correct public opinion when the latter has been wrongly informed or given false impressions as the result of perjury and third-degree methods. The papers have recently been filled with accounts of a kidnapping. Here, now, was a kidnapping which was even more significant in that it is one apparently perpetrated by police and court officials who are trying to save their dirty skins.

Is it not bad enough, I am constrained to inquire, that unfortunate, defenseless people should be lynched by courts and public opinion through unfair trials and unwarranted, vitiating publicity? Do the newspapers not add to this by handling negro news as they do and by failing to give, as in this instance, widespread publicity to the perversion of justice that has almost put these youths to death? Many other cases have happened in recent months which have been manhandled in this uprighteous manner. Justice and a sense of honesty compel me to ask why this should be necessary.

The honor of a state or nation or individual cannot be preserved by such methods. It does not make for better citizenship of either white people or black; it rather effects the opposite and tends to preserve and engender much of the friction and ill-will and misunderstanding which is responsible for so much of the disaster that afflicts us in our lives.

WALTER H. BECK.

Greensboro,

NEW YORK MIRROR

APR 1 1933

7 Negros Win Discrimination Point at Trial

DECATUR, Ala., March 31.—(INS).—Circuit Judge James E. Horton today held that the defense in the Scottsboro criminal assault trial had made out a prima facie case of racial discrimination in the operation of the Alabama selective jury system in Morgan County.

He laid upon the state the burden of proof that negroes were not excluded from juries because of their color and Attorney General Thomas E. Knight, Jr., calling members of the jury board, immediately evidence in an effort to show the color line was not drawn when jury rolls were made up.

Judge Horton later denied a defense motion to quash the jury venire of 100 in the retrial of seven Negroes on charges of assaulting two white women.

The defense contended unsuccessfully that Negroes were barred from the Morgan County list of 2,000 prospective jurors because of their color.

Missing Witness Appears In Court To Deny Attack

4-7-33

Ruby Bates, Sought Since Feb. 27, Declares She Has Been In New York

Confesses Untruth

Repudiates Own Story In Previous Trial, Saying She 'Was Excited' Then

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., April 6.—(AP)—In a dramatically tense courtroom, Ruby Bates, long-missing witness in the "Scottsboro case," today denied her testimony in previous trials in which eight of nine negroes indicted for an attack on two girls were sentenced to death.

The girl, missing since Feb. 27, appeared just as the defense was prepared to rest its case in behalf of Heywood Patterson, 19-year-old Chattanooga negro, and the first of the negroes to face retrial.

SPECIAL GUARD ON DUTY

DECATUR, ALA., April 6.—(AP)—National guardsmen tonight were placed on duty at the apartment hotel of Samuel S. Liebowitz, chief of defense counsel in the "Scottsboro case" as reports were received here that a crowd had formed at Huntsville to come here.

Miss Ruby Bates, one of the State's principal witnesses in the first trial at Scottsboro two years ago, who appeared here unexpectedly this afternoon in the trial of Heywood Patterson and denied her previous testimony, was under Leibowitz's protection until court opens tomorrow.

Capt. Joe Burleson, commanding the guard, said early tonight he had checked the reports and believed them unfounded but guards armed with automatic rifles were kept stationed at the hotel as a precautionary measure.

"No sir," she replied, raising her voice slightly in reply to a question from Samuel S. Leibowitz, of New York, chief of defense counsel: "Were you attacked aboard that freight train that afternoon?"

"I told it because I was excited," she replied to Leibowitz's question as to why she testified in the trials in Jackson County two years ago that she had been attacked by six negroes.

Through a long cross-examination, during which, at times, she was obviously flustered and hesitated on some questions, she reiterated that she was not attacked.

Can't Remember State Queries

"I can't remember," she replied to several questions propounded by Atty. Thomas E. Knight, Jr., particularly concerning the surname of a woman for whom she said she worked while in New York. "Marguerite is all I remember," she said.

The Bates girl, on cross-examination said Victoria Price had fainted when she reached the ground at Paint Rock and she sat holding her head in her lap.

The Bates girl said she "could not say" whether Mrs. Price had been attacked.

The court was in informal recess at the time she entered. Judge James E. Horton, presiding, only a minute or two before had said, "the court will wait eight minutes" to a whispered request from Leibowitz.

That remark was the only inkling the spectators, who took every available seat, had that something unusual was impending. Less than 10 minutes earlier, Leibowitz had rested for the defense "with reservations."

The girl, clad in a gray coat and close-fitting hat to match, was accompanied by Mrs. May Jones, social worker, of Birmingham, who said she had driven her here at the request of the Rev. Charles Clingman, rector of the Episcopal Church of the Advent at Birmingham.

Birmingham Rector Subpoenaed

Mrs. Jones was sworn to testify that she drove the girl here from Birmingham and Atty. Gen. Knight immediately asked a subpoena for the Birmingham minister.

Taking the stand, Miss Bates identified herself and, in a hushed courtroom, faced Mrs. Price, whom Patterson was charged with attacking, and identified her.

Montgomery Advertiser Ala

These two women seemed to glare at each other and Mrs. Price's pale face was suffused with color.

Lester Carter, of Knoxville, Tenn., who was on the stand during the morning was brought in and the girl identified him.

Carter in a three-hour recital this morning, during which he gestured almost constantly, had told of a clandestine meeting with the Bates girl at which Mrs. Price and Jack Tillery were present and of intimacies with her.

Taking up a recital of her movements from March 23, 1931, until she was taken from a Southern Railway freight train at Paint Rock, Ala., two days later, and, with Mrs. Price, accused the negroes of attacking her, Miss Bates admitted intimacies testified to in the forenoon by Carter.

Spent Night With Man

She said she spent the night with Carter, Jack Tillery, and Mrs. Price in a box car when the "hobo" trip was planned.

On March 24, 1931, she said, she, Mrs. Price and Carter caught a freight train to Chattanooga and there they met Orville Gillery (Carolina Slim) and spent the night in a "hobo swamp."

Unable to find work, she said, the quartet boarded a freight train the next day to return to Huntsville, and rode a box car to Stevenson.

"Me, Victoria, Lester, and Gilley boarded a box car which we rode to Stevenson, and there we got in a gondola," she said. The fight between the negroes and seven white boys occurred in the next car, she testified.

When taken from the train at Paint Rock, she said she was excited and continued in that state in jail.

"She (Victoria) told me if I did not say it (that she had been attacked) they would put us in jail," the girl testified when asked by Leibowitz if any one told her what to say.

Has Been In New York

The girl said she came here from New York, leaving there Monday and going to Birmingham.

"I certainly did," she said, when Leibowitz asked her if she met Dr. Harry Emerson Fosdick, pastor of Riverside Baptist Church, in New York.

The girl said she told him her story and that Dr. Fosdick sent her to Birmingham to Dr. Clingman.

Taking up cross-examination, Atty. Gen. Knight asked her: "Where did you get that hat and coat?"

"I bought it," she replied and hesitated, biting her lips, when he asked who gave her the money, but finally said, in an almost inaudible voice, "Dr. Fosdick."

Knight switched to her disappearance and she said she had gone from her home in Huntsville to Montgomery with Rosetta Brown and two "boy friends."

It took her 12 days to make her way from Montgomery to New York, she said, hitch-hiking to Chattanooga and there deciding to go to New York.

Miss Bates admitted writing her mother that she was with "Mr. Jackson," whom she could not identify further, and later, during the examination, said he had given her $20 and that she had $15 of her own when they left Huntsville.

"Who suggested going to New York?" Knight asked. "Rosetta, and I said 'suits me'," she replied.

Knight, in sharp tones, asked her who came from New York with her and she replied she came alone on money borrowed from the woman for whom she worked.

Doesn't Know Employer's Name

She could identify her employer only by the name Marguerite. She borrowed $50, she said, and took a bus to Birmingham, where she arrived at 6:30 a.m. today, and was met by Joseph R. Brodsky, of New York, one of the defense attorneys, a Mrs. Clements, and a Mr. Boley. They took her to Dr. Clingman's rectory she said.

Knight switched to what she did in New York and she said she was employed at a tourist camp at $9 a week.

Miss Bates could give no explanation for going to Dr. Fosdick with her story, saying that the women who employed her gave her his address.

"Why did she give it to you?" Knight asked.

"I asked for it," she replied, and said she did so because she had seen his name in a newspaper.

In the forenoon, during his three-hour recital, Carter provoked mirth among the spectators by his frequent use of hobo vernacular and his gestured interpretations.

His story was that, while in jail at Huntsville, he met Tillery and Mrs. Price and, through them, met Ruby Bates. After the night in the box car, he said the "hobo" trip was decided on with him and the girls going on and writing for Tillery when they settled down.

Stayed in "Hobo Jungle"

Carter said he accompanied the two women to Chattanooga, where they met Gilley, and spent the night in the "hobo jungle" near the Southern Railway tracks. In rapid, picturesque phrases, Carter told of the return journey, on which he and Gilley accompanied the girls.

Mrs. Price had said she and the Bates girl went to Chattanooga alone, spent the night in Mrs. Calli Brochi's boarding house, and boarded the train alone the next day after a fruitless search for work.

Carter said he rode with the two girls on a box car to Stevenson and then boarded a gondola in which the State alleges each of the women was attacked after six white youths were forced from the train.

Montgomery Advertiser
Montgomery Ala

On cross-examination, Carter said a minister in a "jungle" near Wynne, Ark., had told him he should tell his story as the "people in Alabama would be interested."

"Oh, there's lots of ministers on the road now," he said, when asked if he meant ministers of the Gospel, "and some of them carry Bibles."

Indications tonight were that testimony would be concluded by noon tomorrow, with the case possibly reaching the jury by nightfall.

STANDARD UNION
Bklyn. N. Y.
MAR 28 1933

CITES COLOR LINE AT MURDER TRIAL

Brooklyn Attorney Defends Nine Colored Men in New Alabama Hearing.

Decatur, Ala., March 28.—Fighting for the lives of nine colored men accused of attacking two white girls, Samuel S. Leibowitz, Brooklyn attorney, today called witness after witness to the stand to prove that color discrimination exists in the Southern jury system.

A packed courtroom heard Mr. Leibowitz charge that "for 25 years past the officials of Jackson County have systematically refused and neglected to place the names of colored persons on the jury rolls, although some 600 residing in that county are qualified to serve."

Mr. Leibowitz challenged Attorney General Thomas E. Knight, jr., to name a colored man who had served as a juror in Jackson County in the past two decades. The Attorney General only jeered him with a return challenge to "prove" discrimination.

Through today and tomorrow Mr. Leibowitz will call 20 colored men to the witness stand, everyone of whom he regards as fully qualified to serve as a juror.

Four white witnesses called by the Brooklyn attorney insisted that it would be impossible to convince them that any but a white man possessed the "sound judgment" and "training in law and justice" essential for a "fair and impartial verdict."

Under the attorney's probing they admitted, with apologetic glances at the Attorney General, that they knew of no cases on which colored men had served as jurors in Jackson County or the name of any colored man even being placed on a jury roll in the county.

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Memphis, Tenn., Com'rcial Appeal
May 11, 1933

The Parade of the Meddlers In the Scottsboro Case.

Several days ago The Commercial Appeal found it necessary, in the discharge of its duty to the public, to direct attention to the mess that a lot of meddlers made of the Scottsboro case in Alabama. Under the pretense of defending some negro boys, these meddlers paraded themselves as heroes in the battle for human rights, rekindled as far as possible all of the sectional prejudices and race hatreds in the book, and in the end made a mockery of both justice and the orderly processes of law.

One of the organizations mixed up in this business was and is the American Civil Liberties Union. The Commercial Appeal felt obliged to denounce as frauds the appeals made by this organization to innocent people for funds with which to make the meddling more complete. The American Civil Liberties Union undertakes to explain, in another column, that it is not a fraud.

The attention of our readers is invited to the explanation. It might be well to observe that the Civil Liberties Union very promptly and ingeniously takes a run-out on the trial itself, frankly stating that for that it "has no responsibility." The International Labor Defense, a radical, mischief-making associate, handled the defense. The Civil Liberties Union was willing to beat the bushes for nickels and dimes to "insure a fair trial," but when the trial turned out to be an indictment of the entire Southern people and even of justice itself, it dismisses the injustice with the statement that it "has no responsibility."

The American Civil Liberties Union is a black and tan outfit which interests itself largely in dabbling in other people's business. It assumes that it must go on parade at intervals by entering a strange community and, without regard to local conditions or customs, pretend to defend somebody by putting the whole community on trial. No local lawyer, jealous of the reputation, integrity and the traditions of local courts and local justice, will do.

This is particularly true of the outfit's activities in the South. It proceeds on the idea that the South is still a conquered province, basking in ignorance, and ruled by a lot of overbearing slave-drivers immune to every principle of justice or morals. A few political self-seekers rose to a doubtful fame and temporary power by such stuff 60 years ago, but happily it is no longer found except among a few professionals who lather themselves up for periodical drives and parades. That northern people themselves have no truck for such mischief-makers was evidenced last week by the very proper and sensible action of the officials in Illinois who denied Civil Liberties Union agents permission to go into the mine district and start a lot of monkey business among an inflamed and dissatisfied community of miners.

The record brands most of these outfits as frauds, thriving on prejudice. Not a night but somebody, frequently a young woman, is "taken for a ride" in New York or Chicago. What does the American Civil Liberties Union do? Light up the torches? Beat the tin pans? No! It quietly scoots for cover and keeps its mouth shut. But let somebody be "taken for a ride" south of the Ohio River. It immediately becomes a "lynching," and all the meddlers rush out with demands that the barbarous and savage outrage be repudiated by the governor and that the courts at once get into action and hang the perpetrators.

No civilized people have found a substitute for law and order. The Commercial Appeal stands for the orderly processes of law. It yields to no voice in this community in its persistent demand for a fair and impartial enforcement of law and the triumph of justice whenever she sits in judgment upon life, liberty or property. Gang killings, lynchings or whatever they may be called are relics of a disordered age. No community can exist without order. But it can exist without meddlers. The sooner everybody learns to attend to his own business, the sooner will everybody have some worthwhile business to attend to.

PHILADELPHIA PA RECORD
APRIL 11, 1933

The South on Trial

Two years ago a fight broke out on a freight train going from Chattanooga to Memphis, Tennessee. The fight has developed into a cause celebre that is discrediting the South in the eyes of the civilized world.

Riding the freight were a dozen Negro boys, seven white hoboes, and two women, Victoria Price and Ruby Bates. In the fight the whites were forced off the train. They flashed word ahead to a little town called Paint Rock.

There a posse arrested nine of the Negroes, and took the women into custody as material witnesses. The women charged that they had been criminally assaulted, and within two weeks all but one of the boys were convicted, and sentenced to die. The boy not sentenced to death was only 13 years old. Later, another of the boys was also saved from the death penalty as a juvenile.

New trials begun at Decatur, Alabama, on order of the U. S. Supreme Court are having no effect on the original verdict in these so-called "Scottsboro cases." At the first retrial, just ended, Ruby Bates repudiated her testimony, charged Victoria Price with "framing" the Negroes. Her startling testimony was corroborated by Leslie Carter, the only one of the white hoboes to testify.

Despite this testimony, despite the admirably fair conduct of the presiding Judge, despite the presence of a courageous Southern white lawyer among defense counsel, the jury took only a few minutes to arrive at a verdict of guilty. One man—though he voted "guilty"—held out for life imprisonment instead of the death penalty, but he was finally overcome after 21 hours of wrangling in the jury room.

It is incredible that a new trial, under fairer circumstances, will not be granted. The conduct of Wade Wright, the circuit solicitor who prosecuted the case, was almost unparalleled in its cheap bigotry and unscrupulous demagogy. The failure to permit Negro representation on the jury actually, if not legally, violated the defendant's rights.

Not nine Negro boys, but the South is on trial in Alabama. Will it prove in the eyes of the whole world that, despite the Fourteenth amendment, the black man has no rights in the South? Will it demonstrate that ignorance and the meanest kind of race hatred hold the Southern white man in their grip?

Will Alabama show the Negro that he must look to the North, and to the despised Communist party, for protection against legal lynching? We cannot believe it. Surely there are others in the South with the courage of Judge Horton and Defense Attorney Chamlee, big enough to give fellow men justice—no matter what the color of their skin.

Columbus, Miss. Dispatch
May 12, 1933

SCOTTSBORO AGAIN

THIS little town in north Alabama has been in the spot light of the nation and a large part of the world for the past two years and the light has not been of that hue which we would crave as a guiding beacon to direct our steps in this span of existence.

Scottsboro is a typical southern town filled with a law abiding citizenry and it would have been far better for this little community if it had been left a free hand by outsiders in the directing of its judicial and civic affairs.

But there are a lot of meddlesome people in this universe who feel duty bound to stick their nose into any trouble that may arise regardless of whether the disturbance affects their own being.

One such class of people are those members which make up the organization of the International Labor Defense which has continually stuck its nose into the now famous trial of seven negroes in Scottsboro charged with criminally assaulting two white women.

The state of Alabama is certainly capable of dispensing justice within its own boundaries and the outrageous affair would have been settled long ago had not outside interference stepped in and churned up the "muddy waters."

Two news items of yesterday brings the "Scottsboro case" again into the spotlight which has been too long shining upon this fair spot of earth.

Mrs. Victoria Price, one of the women alleged to have been attacked and who appeared as a state witness, is reported missing from her home for the last ten days and unless she is located the state will be handicapped in the prosecution of the remaining six negroes who are to be tried.

Her disappearance recalls the story about Ruby Bates, the second of the white women whom the negroes are charged with criminally assaulting.

Ruby Bates, after having given testimony in the first trial that positively identified her negro assailants; dropped out of sight for many months and no trace of her was to be found.

When the case was re-opened a few months ago Ruby made a sudden appearance in Scottsboro but her testimony was of a different nature this time.

She turned from state witness to the aid of the defense and retracted her former testimony; she stated she had been in New York all during her absence—the headquarters of the I. L. D.; and that she did not receive any money for changing her stand in the witness chair.

We once again hear from Ruby as she led a parade of negroes and whites in Washington marching to the White House to demand racial parity and equality for all.

It looks very evident that Ruby Bates has joined the I. L. D. as either an ardent convert or a well paid promotion agent.

The second bit of news concerned the negro Heywood Patterson, who has been convict le but whose sentence is now under appeal. Patterson, who is incarcerated in a Birmingham jail, was stabbed twice yesterday by two of his cellmates—members of his own race who said that the "Scottsboro boy" was too arrogant and upish.

He will recover from his wounds but the incident goes to prove that his outlook has become one of perfect ego since the I. L. D. has taken to nursing his cause.

Perhaps, we will not hear much more about Scottsboro until the trial of the other negroes opens but we are very positive that we hope to hear even less about the International Labor Defense—offensive in its make-up and questionable in its character.

Our sympathy lies with the little town of Scottsboro and our sister commonwealth of Alabama in being hampered with the execution of its judicial power through undue interference from the outside.

The nation as a whole is thoroughly disgusted with the Scottsboro case and though handicaps may prevail we predict that justice will be meted out to those accused with the same unfailing fairness that has always characterized our judicial systems—but the prolonged agony of delay caused by such a militant group as the I. L. D. will never raise the banner of justice to dazzling heights.

EW YORK CITY HERALD-TRI
APRIL 19, 1933

Alabama and the Country

In postponing the second of the Scottsboro retrials Judge Horton has acted with great propriety and with an evident desire to serve the true ends of justice. After Mr. Leibowitz's unprofessional outburst had been published in Decatur, to proceed would have been a travesty of justice. A fair trial in that jurisdiction clearly became impossible, and through Judge Horton the State of Alabama has now recognized the fact. It may, indeed, have been Mr. Leibowitz's intention to produce exactly that result; if so, the matter is immaterial. The Scottsboro cases have now taken on an importance which transcends the importance of Mr. Leibowitz, of the Communists, the Negroes and the Decatur jurymen put together. They present a clear test of whether the American system of criminal law is capable of guaranteeing a genuinely fair trial to accused persons even when the bitterest of passions and prejudices have been stirred up deliberately, not only by the prosecution but by the defense as well.

To attain some sort of perspective it is necessary to review the development of the cases. The eight Negroes were arrested, put through an obviously hasty and careless form of trial and unfairly condemned to death. That the trial was unfair is the verdict of the United States Supreme Court; it constitutes a black mark against Alabama justice, and the fact stands that only through the intervention of Communists and "New York Jews" was the State of Alabama prevented from unjustly taking those eight lives.

Remembering that there have been similar miscarriages of justice in our own and probably every other state of the Union, this much, nevertheless, must be recognized: Alabama justice was originally at fault; and it was this fault which gave the Communist International Labor Defense its opportunity. The opportunity was ruthlessly and shamelessly exploited, not in the interests of the defendants but in the interests of political propaganda. Mr. Leibowitz is not a Communist; his method of conducting the case, however, when he finally took it over, was such as unavoidably to inflame the passions already aroused. To make good the grounds for appeal, he felt it necessary to raise the question of the exclusion of Negroes from jury service; but this also made it virtually impossible for a Southern jury to acquit. The fate of the defendants was thus linked to a vast social and political issue in which their individual rights and interests were bound to be swallowed up.

After the reversal in the Supreme Court, Alabama opinion in any event would have been under a powerful temptation to "justify" the original conviction by a second one, whether it was just or not. The Communist intervention, with all its attendant propaganda and publicity, operated to exaggerate the temptation a thousandfold. Many statements of the Attorney General prosecuting the retrial, the indefensible address of the solicitor referring to "Jew money" from New York, and finally the verdict—apparently against all the weight of evidence, and now condemned as "outrageous" even by Southern newspapers which excoriate the defense tactics—make it only too apparent that this motive has utterly vitiated the first retrial and will inevitably vitiate the others unless this tragic history can be halted.

The central fact in the whole case is that the eight defendants have become simply pawns amid forces which threaten to grind them to dust without regard for the actual merits of the evidence against them. That is an impossible situation, for Alabama and for the country at large, and instinct with dangerous possibilities for the future. There is, however, one straight road through it. That is for Alabama opinion itself to make a new start, for upright and public-spirited Alabamans—such as Judge Horton himself—to take the case into their own hands, to exclude alike Communists, political lawyers, courtroom orators and mob ignorance, and insist that the facts as they have been established be sifted in fair trial with a sole eye to ascertaining what happened. Every man and woman in the country now has an interest in this case and has the right to ask of Alabama that she enlist her best brains, her ablest and most public-spirited leaders, to guarantee that whatever be the outcome of the case it may be accepted as a fair one. That, after all, is the one thing that matters, the one test of justice, the one way in which the state may emerge from an unhappy and tragic affair with nothing but honor to it-

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Charlottesville, Va. Progr
May 9, 1933

NEGROES CALLED TO RALLY HERE

Funds To Be Raised For Defense Of Youths In Alabama

A mass meeting of Charlottesville Negroes to enlist financial support for the legal defense of seven Negro youths under sentence of death in the Scottsboro (Alabama) case, has been called at Mt. Zion church on Ridge Street for Friday night.

The rally, which is intended as an opening wedge for the collection of funds locally to help defend the Negro youths accused of an attack upon two white women, is being sponsored by the colored Baptist ministers of this City.

"The purpose of this meeting," said two of them, Rev. H. E. Williams and Rev. W. R. Strassner, this morning, "is primarily to raise funds for the defense of these boys. They are almost at the point of despair and since it takes money to fight such a case, we intend to give them a helping hand.

"We are not lined up with any Communistis movement," they said. Both indicated that any funds collected would be sent on to the National Association for Advancement of Colored People.

Not Class Organization

"We don't want people to get the idea that this is any sort of a class organization aimed against any other sort of class organization or group," the two preachers declared. "Our relationships here are good and we don't want them broken up because of anything done by the churches."

First announcement of the meeting came yesterday afternoon after a regular meeting of the Charlottesville Ministerial Association. In an address before that body, Superintendent of Schools A. L. Bennett mentioned the Scottsboro case as an illustration for certain points in his talk. This was objected to by Rev Henry W. Battle, D. D., retired Baptist minister, who said that he did not believe that the case should have been mentioned.

The Negro minist[illegible] Williams then arose to point out that the case had been widely publicized and was naturally the center of considerable interest. He could see no objection to its mention, he said.

There are six Negro Baptist churches in this city and an Episcopal mission.

EW BRITAIN CONN HERALD
APRIL 18, 1933

A RED MENACE TO JUSTICE

There is much sweet reasonableness in the statement of the trial judge in the recent Scottsboro case that a "fair trial is impossible" at present. It is significant, too, that the judge admits it. The impossibility of fair consideration for the Neg[illegible] now is due to the defense being [illegible] or conducted by a Communist organization, although Samuel Leibowitz himself is not a Communist. His statements concerning the type of rural [illegible] Alabama, however, was in no sense a reasonable statement by an attorney.

In the recent trial the defense had a remarkably strong case in view of the recanting of the earlier testimony by one of the women involved; it is fair to conclude that in almost any other court or before any jury under normal circumstances the unsupported word of only one woman would not have been taken very seriously. But due to the stark prejudice against Communism in the state the impression was widespread that Communism itself was on trial, and the rural temper in the South is staunchly opposed to the Moscow doctrine.

It was a blunder of grave importance to have permitted the Communistic organization to take over the defense, though Leibowitz, the defense attorney, did remarkable work in tearing the prosecution's presentation to shreds. Communistic activity is a detriment to justice. Everything they touch is injured. Their tactics are to glorify Communism rather than to aid anybody in trouble.

Recently in New York, when Socialists and other citizens held a meeting of protest against the Scottsboro case an army of loud-mouthed Communists breezed along and broke up the gathering before even resolutions could be passed. Leibowitz himself refused to address any of their "mass protest meetings;" but he cannot avoid the effects of the support of these vocalists in the cause of Moscow.

Alabama

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MONTGOMERY, ALA.
ADVERTISER
MAR 31 1933

Jury Book Brought Into Court In Effort To Prove Race Bar

Scottsboro Defense Trying To Quash Venire In Decatur Trial

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., March 30—(AP)—The big red book in which names of prospective jurymen are kept today was brought into court as defense counsel sought to quash the venire drawn for the trial of Haywood Patterson, Chattanooga negro, indicted with eight others in the "Scottsboro case" on charges of attacking two white girls.

Attorneys said it probably was the first time in the history of the State that a jury roll, a secret record under Alabama statutes, had been brought into court as evidence for any purpose.

Samuel C. Liebowitz, of New York, chief counsel for the defendant, asked the jury roll be produced to prove his contention that it contained the names of no negroes which he said, violated the constitutional right of the defendant as guaranteed by the fourteenth amendment to the Federal Constitution.

J. A. Tidwell, president of the jury board compiling the roll, was called by Liebowitz, and, under questioning, said he could not say whether the names were those of "white, black or yellow." "I don't know all of them personally and did not when they were placed on the rolls." He had the book as court recessed for the day.

Patterson is the first of nine negroes indicted for an alleged attack on two white girls to be called for the new trials, transferred here from Jackson County after the U. S. Supreme Court had set aside death sentences.

Horton Halts Parade of Negroes

After 12 negroes had been called, giving almost identical testimony that they had never heard of members of their race serving on juries, Judge James E. Horton, presiding, told the defense he had heard enough of "that line of testimony." John Green, clerk of the Morgan County Circuit Court, made a total of 13 witnesses called by the defense.

The State has called only three, J. A. Tidwell, John Tomlinson, and W. J. Briscoe, who comprises the Morgan County Jury Board, which prepares the jury roll and fills the box from which venires are drawn.

One by one, the witnesses were called to the stand to identify long lists of negroes living in the country and to state under direct examination by Liebowitz that they had never seen a negro on a jury in Morgan County courts.

It took half an hour or more for each witness and frequently longer as Atty. Gen. Thomas E. Knight, Jr., countered defense moves by asking the witnesses if they had any personal knowledge of whether they had been considered by the jury board and found lacking in the necessary qualifications.

Clashes between Liebowitz and Knight, each of whom raised his voice frequently until it could be heard in the corridors outside interrupted proceedings as they sparred for advantage in the legal battle underway.

Only these flareups kept the spectators from drowsing in the courtroom, which became so warm that ceiling fans were kept running.

There was a general craning of necks as Knight asked the Rev. W. J. Wilson, negro minister, "are you a member of the Communist Party?"

"No, sir," Wilson replied, shaking his head, and, on redirect examination by Liebowitz, said he was a Republican.

More than 180 names of negroes living in the county whom the witnesses described as in their opinion, holding the qualifications necessary to qualify for jury service under the selective jury statute of Alabama were read into the testimony.

Constitutional Issue Raised

During the three days court has been held this week, the same question constantly has been raised whether absence of negroes from juries constituted a violation of the rights of the defendants guaranteed under the fourteenth amendment.

In the maze of tedious testimony the names of the two alleged victims of the attack and of the defendants themselves have drifted into the background.

Patterson was the only one of the defendants brought into court today. The others, Andy Wright and Clarence Norris, of Chattanooga; Charlie Weems and Ozie Powell of Atlanta; Willie Roberson of Columbus, Ga., and Olen Montgomery, of Monroe, Ga., were left in the jail.

Patterson at times dozed during the afternoon as the proceedings moved slowly. He had before him a rusty mule shoe, and a rabbit's foot that his counsel obtained for him at his request.

An effort was made by Liebowitz, who entered the case at the invitation of the International Labor Defense but on his stipulation that he accept no remuneration, to have Judge Horton reverse his previous decision to grant the State a severance for Patterson.

Liebowitz wanted the judge to place all seven facing retrial on trial at the same time, contending that it was unfair to Patterson "to single him out." Atty. Gen. Knight yesterday had informed the court he wished to try Patterson separately as Patterson was in the first trial, which resulted in conviction and his request was granted. The other two are juveniles.

MONTGOMERY, ALA.
ADVERTISER
MAR 27 1933

A CRIMINAL TRIAL

The Scottsboro case will be called for retrial today in Decatur.

"This," says The Birmingham News, "is going to be an unpleasant ordeal for Alabama. Under the best possible circumstances a thing of this kind is bad enough. In this instance an unpleasant situation has been aggravated by elements which should not have entered into it. Alabama has been viciously defamed in connection with the affair by unscrupulous agitators who have been more interested in creating propaganda for radical causes than in seeing justice done. This had been unfair and it has been hard to bear with patience."

But, reminds The News, "For its part, Alabama's sole interest is in seeing justice done."

This should be borne in mind by Alabamians.

They need not be reminded that this is a criminal trial which sole purpose is to decide the innocence or guilt of the prisoners.

There is no racial question involved.

The question of capital punishment does not enter the case.

The wisdom of such heavy punishment for the charged crimes is not on trial.

The State of Alabama and its people are not on trial.

The Scottsboro case is strictly a criminal case and as such is held in open court with the world looking on to see that justice is done.

OBSERVERS' LEAVE SCOTTSBORO TRIAL

Times

Leibowitz Threatened to Quit Case if Radical Group Remained in Decatur.

4-3-33

JURORS ATTEND CHURCH

New York Times

Members of Three Faiths Hear Sermon on Tolerance by Episcopal Rector.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., April 2.—The jury which will begin hearing evidence tomorrow in the Scottsboro case prepared for the task ahead today by attending the services at St. John's Episcopal Church in a body.

There they heard a sermon on tolerance delivered by the Rev. Peter M. Dennis, the rector, who avoided any direct reference to the trial which has agitated this North Alabama community much less, in many respects, than other sections of the country.

Most of the members of the jury, chosen from a venire of white men after the lawyers defending the nine accused Negroes had waged an unsuccessful fight against exclusion of Negro talesmen, are Methodists or Baptists, but they attended the Episcopal Church at the suggestion of Eugene E. Graves, the banker member of the jury, who is a vestryman of St. John's.

"We must enlarge our vision, we must banish hatred and hypocrisy," the Rev. Mr. Dennis told the congregation of which the jury, seated in the last two pews, was a part.

Most of the rector's sermon dealt with the "inconsistency" of American policy in protesting the Japanese invasion of Manchuria and forgetting the sending of marines to Nicaragua. But he added:

Appeals for Open Hearts.

"We, all of us, and I am speaking particularly to ourselves right here in Decatur, need to open our hearts to the heavenly spirit and to put away the things that led well-fed bodies and starved souls to nail the Lamb of God to the Cross on Calvary."

After church the jurors, three farmers and nine townsmen, went for a stroll. One member sent home for his radio set and had it installed in the jury's suite at the Hotel Lyons, where they are quartered. Another, who is a barber by trade, had a busman's holiday by shaving some of his fellow jurors.

Meanwhile the nine prisoners, charged with attacking Ruby Bates and Mrs. Victoria Price on a freight train near Scottsboro two years ago, amused themselves in the Morgan County jail by singing work songs in their cells, from which they can see the timbers of a gallows no longer used.

Of the group, the only one actually on trial is Haywood Patterson, who, according to the evidence the State plans to present to the jury beginning tomorrow morning, was the ringleader of the gang. He was indicted jointly with the others, but the State obtained a severance in order to try him alone.

Patterson is charged with attacking the twice-married Price woman, who will be the main witness for the State. The other white girl alleged to have been attacked by the Negroes has been missing from her Huntsville home for a month and, so far as has been learned, remains unfound.

Severe Cross-Examination Expected.

Samuel S. Leibowitz, the New York criminal lawyer defending the Negroes, whose original conviction and sentence of death were reversed by the United States Supreme Court in a decision which received little publicity in Alabama, expects the cross-examination of the State's star witness to consume the better part of a full court session.

That he intends to delve deeply into her past was indicated during his examination of prospective jurymen, when he asked if they would take into consideration in weighing the credibility of a witness the kind of life that witness had led, even if it happened to be a woman.

Attorney General Knight also expects Mr. Leibowitz to use all his skill as a cross-examiner in questioning Mrs. Price.

The lawyer's questioning of talesmen on Friday also brought to light the significant but hitherto scarcely known fact that Ruby Bates formerly lived here. One of the veniremen, in responding to the New York lawyer's questions said he had known the Bates girl when she lived here nine years ago.

"Make a note of that," Mr. Liebowitz said to one of his assistants with an expression of surprise.

Demand Release of Miss Rukeyser.

Chief of Police Rigsby received a telegram today demanding the "unconditional release" of Muriel Rukeyser and the two men taken into custody yesterday for investigation and released.

The telegram was signed by the National Students League, of which Miss Rukeyser said she was a member. No charges of any kind were [illegible] against the three New York [illegible] they were [illegible] only a few hours. They were ordered to appear before Judge James E. Horton tomorrow when the trial is re[illegible]

By the time the telegram was received the visitors from New York [illegible] down along with several [illegible] who came here in the capacity of "observers" in the trial of a case which the International Labor Defense and its Communist affiliates have been used as propaganda for organization work among the Negroes. It was understood that the exodus was ordered by Mr. Liebowitz as a condition of his continuing as trial counsel.

Explaining his attitude, Mr. Liebowitz said:

"I am not interested in the affairs of the Republican party, the Democratic party, the Socialist party, the Communist party or any other group in the conduct of this case. I am interested solely in saving these innocent boys from the electric chair, and I will do my best to see that their case is not endangered by propaganda or agitation from any quarter. I have ordered the irresponsibles away and they must stay away."

GIRL REPEATS STORY IN SCOTTSBORO CASE

State's Witness at Decatur Trial Screams Denial of 'Framing' Negro Defendants.

Times

MORAL ATTACK RULED OUT

4-4-33

Judge Rejects Court Records as Not Affecting the Credibility of Her Testimony.

New York

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

N.Y.

DECATUR, Ala., April 3.—Victoria Price, whose testimony two years ago at Scottsboro led Jackson County juries to condemn eight of nine Negro defendants to death, repeated her charges today before Judge James E. Horton and a jury in the Morgan County Court House at the first of the retrials ordered by the United States Supreme Court.

Called to the witness stand by Attorney General Thomas E. Knight Jr. as the main witness against Haywood Patterson, the first of the nine prisoners placed on trial, she identified him unhesitatingly as one of six Negroes who, she testified, had attacked her on a freight train between Stevenson and Paint Rock.

Her direct examination took just twelve minutes of the court's time. When it was finished she settled back in her chair, crossed her silk-stockinged legs and met a day-long attack upon her character and credibility with angry defiance. At times when Samuel S. Leibowitz, chief of defense counsel, pressed searching questions regarding her past, her lip curled and she snapped her answers in the colloquialisms of the "poor white."

Mrs. Price entered an angry denial when Mr. Leibowitz asked if she had not concocted the whole story of the mass attack by the Negroes and forced Ruby Bates, the other victim of the alleged crime, to corroborate her in order to forestall the danger of her own arrest for vagrancy or a more serious offense. She joined the Attorney General in challenging Mr. Leibowitz to produce the missing Bates girl to "ask her about it."

Shouts Answers to Questions.

"That's some of that Ruby Bates' dope," she shouted in a voice that shook with anger.

"You can't prove it," she shouted another time when Mr. Leibowitz promised to show the court that the condition in which doctors found her when she was examined at Scottsboro after an armed possé had taken the girls and the Negroes off the train on which the attack supposedly took place, was the result of her misconduct the night before in a hobo jungle on the outskirts of Chattanooga.

Certified copies of court records from Huntsville where Mrs. Price lived with her widowed mother, were offered by Mr. Leibowitz to show that prior to March 25, 1931, she had been arrested for offenses against the moral code.

Judge Horton rejected one of the copies on the ground that an offense under the prohibition law is not a reflection on the credibility of a witness and barred the others on the ground that they charged violations of city ordinances rather than State laws.

Mrs. Price came to court wearing a black dress with a fichu of white lace at the throat. The little blue straw hat on her head was enlivened by a small red feather sticking above the crown. A string of glass beads adorned her neck and on three fingers of her left hand were large and showy rings.

She defended the testimony she had given with as much fire as she defended her reputation, heatedly denying at one moment that she had wrecked the home of a married woman with two babies, and in the next breath thrusting aside seeming inconsistencies in her testimony with apologies for her lack of education and faulty memory.

Doctor Describes Injuries.

Although Mrs. Price insisted that she had fought the Negroes off until her strength gave out, and declared that her head was cut open by a blow from the butt of a pistol wielded by Patterson, Dr. R. R. Bridges, the Scottsboro physician, who testified just before adjournment, said he had found only superficial bruises and scratches when he examined her.

While the doctor was on the stand Judge Horton took a hand in the examination, showing patricular interest in the physician's statement that neither Mrs. Price nor her companion, the Bates girl, were hysterical or nervous when they were brought to his office. Not until the next day, he said, did either of them show any signs of nervousness and then, after a night in jail, it manifested itself in tears.

The star witness for the State told the sordid details of the crime before a crowded court with unabashed frankness and plain-speaking. She repeated the lewd remarks she says the Negroes made to her without the flutter of an eye-lash and in a voice that carried to the furthest corner of the court room. The only women in the crowd which heard her story and the very clinical medical testimony which followed it, were two visitors from New York. At times they looked as though they wished they had not come.

There was little that was new in the testimony Mrs. Price gave under direct examination by Mr. Knight. She and the Bates girl, a mill worker like herself, decided, she said to go to Chattanooga in search of employment. Wearing overalls over three dresses they wore to avoid carrying hand luggage, she said, they hopped a freight train and arrived in Chattanooga on the evening of March 24, 1931.

Sought Work in Chattanooga.

There, Mrs. Price said, she was directed to the home of Mrs. Callie Brochie, where she and Miss Bates spent the night. In the morning upon finding that jobs were as scarce in Chattanooga as in Huntsville, she and her companion retrieved their overalls from the corner of the station where they had hidden them and started homeward on an outgoing freight train.

They were in a gondola car with seven white boys, Mrs. Price declared, when Patterson, with the other Negores at his heels, jumped in from the top of a box car waving a pistol and ordering the white boys to "unload." Mrs. Price related all the rest of the conversation that she could remember without sparing any of the details. One of the printable remarks she attributed to the Negroes follows:

"We're going to take you girls up North and make you our women."

There was a fight in which all the white boys except one named Orville Gilley, were thrown off the train soon after it left Stevenson, a way-station between Chattanooga and Scottsboro. Gilley, according to Mrs. Price, was afraid to jump off the train and said he would "rather stay in the car and die with these girls." Mrs. Price said that she too told the Negroes that she was "going to get off at Huntsville or die."

The seven white men were rounded up and held in the jail at Scottsborough until the first trial of the Negroes was over. Only one of them, Gilley, was called upon to testify in the first trial, but it was indicated today that Lester Carter, another of the white hoboes, would be a surprise witness for the defense, if the State does not locate and call him first.

Refuses to Go Over Crime Again.

Mr. Leibowitz opened his examination of Mrs. Price, who had testified that she was 21 when the attack occurred, by asking if she was now 27 years old.

"I ain't that educated that I can figure it out," she replied.

The New York lawyer asked her to describe in detail how she resisted the Negroes.

"Judge, your Honor, I've answered four times and I ain't going to say no more," she said as she turned to face Judge Horton.

Once she protested that she could not understand the questions of Mr. Leibowitz.

"Do I use words you don't understand?" he asked.

"You speak them too fast," she said.

The witness refused to identify a miniature train of box cars, gondolas and tank cars as similar to the freight train and the identification was made later by R. S. Turner, conductor of the train the girls had boarded at Chattanooga. He also testified that he had heard no shots or screams as he rode in the caboose, twenty-six cars behind the gondolas in which the attack is alleged to have occurred.

Several times Mr. Leibowitz, angered at what he termed Mrs. Price's "speech-making," asked the judge to warn her to confine her remarks to answering questions. Twice Mr. Knight warned her to "be calm." When she leaned forward and screamed that Patterson had attacked her, Mr. Leibowitz said:

"You're a little bit of an actress, aren't you?"

"You're a pretty good actor yourself," she retorted.

Mr. Leibowitz asked how many mills she visited in Chattanooga in search of work.

"It's been two years ago and I disremember," she answered.

Denies Accompanying White Boys.

Mr. Leibowitz sought vainly to get Mrs. Price to admit that she and Miss Bates left Chattanooga with Gilley and Carter, but the witness insisted that she and her "friend girl" were "the onliest ones on the oil car" in which they started out.

Denying intimations that the whole case was a frame-up, Mrs Price declared she had urged Miss Bates to "tell nothing but the truth," and she denied that she had quarrel with Gilley and Carter in jail because "they wouldn't commit perjury."

Mr. Leibowitz asked the witness if she had not know Negroes and spent considerable time with them in Chattanooga. This she strongly denied.

Before Mrs. Price left the witness stand she identified photographs of herself and Ruby Bates, produced by Mr. Leibowitz and offered in evidence. One, showing one of the girls with a Negro was marked for identification and will be introduced in evidence later.

When Attorney General Knight objected to introduction of the pictures, Mr. Leibowitz replied that he would use them to show that Mrs. Price was on friendly terms with Negroes.

Court adjourned until tomorrow after the testimony of Dr. Bridges.

ADRIAN, MICH.

TELEGRAM

MAR 24 1933

THE SCOTTSBORO ISSUE

In the Scottsboro case the state of Alabama is faced with a predicament which anyone who knows the racial questions involved will understand.

The guilt or innocence of the nine Negroes accused of attacking two women textile mill workers, after tossing several white men off a moving freight train on which all were riding, is not the principal issue now involved. Alabama unquestionably considers the Negroes guilty, regardless of whether or not [illegible] ial under protection of state [illegible] ilitia was "fair." A second trial, ordered by the United States Supreme Court, will result in another conviction, it is confidently predicted.

The dilemma then, so far as the state is concerned, is not the fate of the accused but the opening up for discussion and judicial decision of certain Constitutional rights which by social sanction and practice have long been withheld from Negroes, not only in the South but elsewhere.

Most important is jury service. Negroes, admittedly, are excluded from jury service in Alabama by a systematic combing of the poll lists. The argument in defense of the practice runs like this: since the white man has no right to object to the presence of a Negro on his trial jury, a Negro cannot legally complain about the presence of whites.

This sophistry is satisfactory enough locally, but it might not be persuasive with the Supreme Court. Consequently the Alabama attorney general is preparing his case with the greatest care with the expectation of having to defend another appeal.

Soon after the question of Negro jury service was first raised an editorial in the Jackson County Sentinel, published in the county where the first trial was held, said "a Negro juror in Jackson county would be a curiosity—and some curiosities are embalmed, you know."

Not only were there no Negroes on the juries which tried the Negroes, but most of the white men compos-

ns them were from the Sand Moun- ain section where natives are said o boast of signs reading, "Nigger, on't let the sun go down on your ead." There are only 25 Negro oters in the county's population of [illegible],000.

The difficult situation is clearly [illegible]ected in the statement of At[illegible] ney General Thomas E. Knight Jr., a son of the Alabama supreme court justice who wrote the opinion affirming the conviction and sentence of the Negroes. "If it's necessary to call out every company of militia in the state of Alabama to give them a fair trial, we'll do it."

Sand Mountain doubtless will show a proper respect for this authority, but it is a foregone conclusion that it will have none at all for any court ruling running counter to popular will.

Alabama

Lynchings-1933
Legal Punishment for Rape

4192

CHANGE OF VENUE DENIED TO NEGROES

Judge Scores Affidavits by 'Dead Men' in Rejecting Plea in Scottsboro Case.

Times 11-22-33 N.Y.

JURY ISSUE IS PRESSED

Court Reverses Predecessor and Orders Official to Reply on Selection of Panel.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., Nov. 21.—Holding that the defense had failed to prove charges of local prejudice, Judge W. W. Callahan ruled today that the Scottsboro trials—the South's cause celébre—must be held here.

Defeated in their effort to have the trials transferred to Birmingham, the lawyers defending seven Negroes accused of attacking two white girls nearly three years ago, resumed their assault upon Alabama's "lily white" jury law.

Denying the defense motion for a second change of venue, Judge Callahan declared that affidavits of investigators who quoted dead men had little probative value and that the State, represented by Attorney General Thomas E. Knight Jr., had satisfied him that the Negroes could and would receive a fair and impartial trial in Morgan County.

Judge Callahan, in the opinion accompanying his ruling, made no mention of the Alabama statute prohibiting more than one change of venue. It was upon the contention that this law was unconstitutional that the defense hoped to base an appeal to the United States Supreme Court should the jury's verdict go against them for the third time.

Must Rely on Jury Selection.

Another possible peg for an appeal was knocked out later in the day when Joseph R. Brodsky, a defense attorney, began reading into the record the testimony by which Samuel S. Leibewitz sought to show at the last trial of Heywood Patterson that Negroes were systematically excluded from jury service in Morgan County solely because of race.

Judge Callahan had ruled that the defense need not call all of its witnesses back. He would accept the testimony they gave before, he said, but he would not be bound by the rulings on admissibility of evidence handed down by Judge James E. Horton, who presidded at the earlier trial.

When Mr. Brodsky came to that part of the record which showed that Judge Horton had sustained an objection by the Attorney General when Mr. Lebowitz asked Arthur J. Tidwell, a jury commissioner, to explain why J. J. Sykes, a Negro apparently qualified for jury duty, was kept off the jury roll, Judge Callahan interrupted.

"I'll overrule the objection," he said.

Mr. Knight explained that his objection was based upon the contention that the jury commissioners enjoyed discretionary powers not subject to review, but Judge Callahan interrupted him, saying:

"If your contention is sound, there is no way of telling whether there is exclusion or not. I hold that the witness should be allowed to answer."

Mr. Brodsky then asked for and obtained the judge's permission to recall Mr. Tidwell and get his explanation on the record. The court waited while biliffs were sent out to seek the jury commissioner.

He was not found, however, and since he was the only witness to be heard on the defense motion to quash the venire from which a jury will be chosen Monday to try Patterson for the third time, Judge Callahan adjourned court until Thursday, the date set for argument on a motion to quash the indictments.

Bias Charges Contested.

Mr. Leibowitz, whose original attack upon the jury system here attracted to himself as much animosity as had originally been engendered against the Negro defendants when they were arrested in Scottsboro, was absent from today's session, and Patterson was the only one of the seven defendants in the court room.

At the outset of the day's session a handful of spectators was present and at its close only newspaper men and lawyers remained. The dullness of the day's proceedings, coupled with a severe rain and wind storm which could be seen approaching from the court room windows, kept others away.

Despite the presence of several hundred destitute citizens of Morgan County gathered on the lawn seeking work relief, there was no trace of the tension which characterized yesterday's opening session of the trial when Mr. Leibowitz was present. Visitors entering the court room, however, were searched for weapons.

Court opened at 8:30 A. M. but it was 2 P. M. before Judge Callahan delivered his ruling denying to the defense their hoped-for change of venue.

In the time between Attorney General and his adversaries, Mr. Brodsky and G. W. Chamlee of Chattanooga fought a battle of affidavits interspersed with the direct testimony of witnesses.

Half a dozen residents of the county who had been quoted in affidavits by defense investigators as saying that the Negroes, their counsel and their witnesses should be killed, took the stand and denied that they had said such things to any one.

A score of others said the same thing in affidavits which Mr. Knight's assistant, Thomas Lawson, read into the record. All were of the opinion that the Negroes would receive "a fair and impartial trial here."

Two Accused of Perjury.

While the affidavit were being read, Mr. Knight charged that two of the defense investigators, John Williams and Victor Ellwood, had committed perjury and asked that bench warrants be issued for them. This brought an objection from Mr. Chamlee, who said that the request should have been made privately.

"Word will go out all over the country that the defense presented perjured testimony," he said.

"Well," said Judge Callahan, "I reckon if it does, the word will go out all over the country that I didn't do anything about it. The affidavits were made outside the county—outside the State—and it's a matter for the grand jury anyway."

Mr. Knight then played his trump card, presenting affidavits from undertakers asserting that four of the men the defense investigators had quoted in their affidavits had died before the alleged interviews were supposed to have taken place. This point was emphasized by Judge Callahan when he denied the motion to transfer the case to Birmingham.

Before the decision was rendered, however, more affidavits were submitted from hardware merchants denying the defense assertion that during the last trial of Patterson local supplies of ammunition and firearms were sold out.

Woman "Cousins" Disagree.

The defense also sprang a surprise in the person of Mrs. Mary Leonard of Birmingham, who said that she came to Decatur to call upon a kinsman and gather such evidence for the defense as she could.

Mrs. Leonard arrived Sunday, called upon Mrs. Grady Cagle, talked wit ha taxicab chauffeur and some friends of Mrs. Cagle, and expressed the opinion in court this morning that "people here are hot about this case."

She added that "a Mrs. Haas told me only two minutes ago right outside this court room that she was afraid to come to the trial last time because they were planning to lynch the Negroes; and if you don't believe me, call her in now."

Mrs. Cagle then testified that she never laid eyes on Mrs. Leonard until she called as a "cousin" on Sunday. The relationship was not cleared up, but she spent the night.

Mrs. Cagle declared that not a word was said about prejudice against the defendants by any one but the visitor, who brought the subject up.

"The men folks just sat around listening silent-like," she explained.

Finally, Judge Callahan, becoming impatient, said: "Oh, let's quit." And a recess was taken to lunch, after which more affidavits were presented by the State. Mr. Brodsky and Mr. Knight then debated the change of venue issue and the announcement from the bench followed at once.

Affidavits of "Dead Men."

The defendants application was very long, and "embellished with well-rounded sentenses," Judge Callahan said. Reduced to its essentials, he explained, it alleged that a fair and impartial trial could not be had here. If that were true, he added, without mentioning the statutory prohibition against a second change, it would be his duty to transfer the case. . . .

He pointed out that the affidavits filed by the defense were based on the "unsubstantiated" observations and reports of conversations with citizens of the country by admitted strangers while the State's affidavits weer made by persons who had lived here for years and knew the temper of the people.

Referring to the affidavits of Victor Ellwood, Jim Jones and John Williams, the investigators retained by David Schriftman to sound out local sentiment on the Scottsboro case, Judge Callahan said: "There is evidence in the case—evidence undisputed—that tends to show that the names of some of the parties alleged to have been interviewed have been long since dead. While only a comparative few were shown to be dead, the fact that they quoted the language of the dead inevitably strikes at the very vitals of the probative force and credence to be given their affidavits.

"It doesn't necessarily follow that error in a few instances must cast a shadow of doubt on all the contents of the affidavits. Certainly not if the error is of such a type as one could conclude was only error, but when it is shown that it is more than mere error, the weakness becomes more serious in my judgment."

"As for troops," continued the judge, "I am not blind to my present surroundings. I can't see anything to suggest to me in the remotest degree the necessity for troops."

While the defense asserted that a fiery cross was burned during the last trial of Patterson and that a mob planned an attack upon the jail last Spring, Judge Callahan pointed out that no evidence had been presented to support the allegations.

"Well," he concluded, "I reckon that's about enough. I am told that I would make everybody happy if I granted this motion. If the facts warranted it, nothing would make me happier. However, they don't so warrant, and I'm going to deny the motion."

Venue Change Appeal Denied; Venire Attacked

Trial At Decatur Recesses Until Thursday; I. L. D. Renews Racial Dispute

To Await Witness

Jury Commissioner Called To Testify Why Negro Is Excluded From Lists

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., Nov. 22—(AP)—A decision on a motion to quash the venire drawn for the third trial of Heywood Patterson, one of seven negro defendants in the "Scottsboro case," tonight was held in abeyance by Judge W. W. Callahan, pending the answer of a witness to a single question.

Judge Callahan this afternoon had overruled a motion for a change of venue to Birmingham for the new trials for the seven defendants, and sought to dispose of the motion to quash the venire before adjourning until Thursday but the witness, A. J. Tidwell, a member of the Morgan County Jury Commission, could not be located.

The negroes were convicted and sentenced to death for attacking Mrs. Victoria Price and Ruby Bates aboard a Southern Railway freight train on March 25, 1931, at their first trials at Scottsboro, Ala., but won new trials after an appeal to the United States Supreme court. Patterson was again convicted in Decatur last April but the trial judge, James E. Horton, set the verdict aside.

The question up this afternoon was propounded by Joseph R. Brodsky, of New York, a member of the legal staff retained by the International Labor Defense to defend the negroes at the April hearing. It was objected to by Atty. Gen. Thomas E. Knight, Jr., handling the prosecution for the State, and Judge Horton, then presiding, sustained the objection.

Jury Commissioner Questioned

Brodsky had asked Tidwell if he knew why the name of J. J. Sykes, negro undertaker, was excluded from the list of qualified jurymen. Judge Callahan held today that to prohibit the question would make impossible determination of qualifications of negroes for jury duty.

The motion to quash the venire was denied by Judge Horton last Spring after an extended hearing when the cases of the negroes were brought here for retrial under a change of venue, from Scottsboro, Jackson County.

Attorneys at this hearing agreed to submit the record of the testimony on the motion last March but Judge Callahan ordered it read saying he might rule differently on the legal points raised but only on the question to Tidwell did he wish to alter the record.

On reconvening Thursday, the question will be propounded again to Tidwell, and the motion to quash the indictments will be taken up. Both motions to quash were based on allegations that negroes were excluded from Grand and petit juries "solely because of their race and color" and thereby were deprived of their constitutional rights.

There was a momentary stir about the courthouse about mid-afternoon, when a crowd estimated at 150 men gathered about one door, but investigation disclosed they were unemployed and their sole interest was in obtaining the jobs to be allotted to the R. F. C. office here this afternoon.

This crowd showed not the slightest interest in the legal battle being fought on the second floor, but was in an hilarious mood at the thought of obtaining work.

"A job is all that interests me," said one of them. "I don't know nothing about no trial."

Judge Denies Troops Needed

Judge Callahan, before announcing his decision to deny the change of venue, went at length into the evidence and dwelt particularly on defense claims of conditions at Scottsboro in 1931 when eight of the nine negroes accused in the case were sentenced to death. One of the negroes sentenced there and the ninth are now in custody of the juvenile court.

"There isn't any evidence before me to indicate that there was any necessity for troops at Scottsboro," Judge Callahan said, "except that they were there at the request of the presiding judge, and I must of course concede that he had sufficient reason for asking them."

The judge remarked on troops here last April when Patterson, the only one tried before the cases were indefinitely postponed, adding "but those things were long ago. x x x I can not see anything here now, or since this trial started, to warrant the use of troops. There are none here now and that answers that."

Judge Callahan in summing up, said the burden of proof was on the defense on the motion for a change of venue and that the State's evidence overwhelmed any proof offered. He also commented on the fact that some of the affidavits offered by the defense, gave purported remarks against the negroes by the men who were dead.

Brodsky and Knight were brief in arguments, the former recounting briefly that Judge Horton had considered the public mind enough inflamed last April 19 to postpone indefinitely further trials.

"I think we are correct in the statement that the feeling is such in Decatur," said Brodsky, "that a fair and impartial trial cannot be held."

Knight Takes Issue

Knight referred to the purported remarks of Samuel S. Liebowitz, chief of defense counsel, deriding the jury that convicted Patterson, and his reply which caused Judge Horton to postpone the trials, and added "Judge Horton did not in any way indicate that Morgan County was an unsafe place to try the cases."

The Attorney General referred to the State's rebuttal to the defense affidavits made by David S. Schriftman, of New York, and three investigators employed by him, Victor Elwood, John Williams, and Jim Jones, all of Birmingham, and declared the State had successfully disproved them.

The high light of the day was the appearance of two women on the stand, the first Mrs. Mary Leonard, of Birmingham, testifying that a fair trial could not be held, and that the defendants and their attorneys were in danger. The second was Mrs. Grady Cagle, at whose home here Mrs. Leonard spent Sunday night.

Mrs. Leonard testified that she came here to visit Mrs. Cagle and Schriftman had asked her to advise him "the whole truth" of anything she learned concerning feeling in the case.

"A taxi driver told me," said Mrs. Leonard, "that 'if they don't do something with them (the defendants) soon, they will all have whiskers.'"

"Ought To Be Shot"

Mrs. Leonard said she had talked to a number of persons and the majority expressed ill feeling against the negroes and their lawyers. She said a Mr. Powell, at the Cagle home, told her "the negroes, their lawyers, and the girls ought to be taken outside the courthouse and shot."

Knight sought to link her with the Communist Party, but she denied seeking a permit for a communist meeting in Birmingham. She subsequently testified that she had gone to the City Commission there to ask a permit for a meeting of unemployed.

Mrs. Cagle was called by the State in rebuttal and said Mrs. Leonard had arrived at her home Sunday afternoon and had identified herself as a cousin of Mr. Cagle, and asked to spend the night. Mrs. Cagle said she had not heard Powell make any remarks concerning the Scottsboro case, although Mrs. Leonard sought to engage him in conversation on the subject.

"She told me she had come here to do anything she could to get the cases transferred to Birmingham," Mrs. Cagle testified.

The practice of searching spectators for weapons before admitting them to the courtroom continued today, but newspapermen were recognized and admitted without the patting of pockets.

Rain Interests Spectators

The crowd inside the Courtroom was more interested in watching the intermittent rain squalls and dark clouds scudding across the sky than in listening to the procedure in the trial. There was constant shifting as spectators became bored and left, and others, most of them waiting their turn at the R. F. C., office next door, entered.

Once or twice Judge Callahan varied the monotony with a quip, causing chuckles to ripple through the drab courtroom. Once as questions were repeated, he interrupted with "Oh, let's quit this" and dismissed the witness.

Patterson was the only defendant in the Courtroom and appeared to have little interest in what was going on.

The other six defendants were kept in jail, 50 steps from the Courthouse, where extra deputies sheriff maintained watch, "just in case the unexpected should happen."

PROSECUTOR MOANED LIKE EVANGELIST

Afro-American

Impassioned Plea of Wade Wright Called for Vengeance for White Womanhood.

12-16-33

DECATUR, Ala.—(By Clarence Mitchell Afro Staff Correspondent)—Snorting, and stopping to catch his breath at regular intervals, over-fed Wade Wright, solicitor of Morgan County, Alabama, exhorted twelve citizens of his State to send two Scottsboro defendants to the electric chair last week.

Baltimore

"You know these n—— meant to rape these white women," he shouted with blood tinging his face an ugly crimson, "they rushed into that car and said, 'all of you white (at this point he used a vile epithet) unload.'"

His discourse was sometimes poetic, sometimes profane, but never quiet and reasoning. He charged the jury by Heaven and by Hades and when he would come to the end of a particular passage in his speech he would hum like an old time Baptist minister.

His voice is the type which is heard at county fairs announcing the world's alleged, greatest show or proclaiming the virtues of a patent medicine.

Challenge To Good

This time he was proclaiming the virtues of a patent story—the story of one Victoria Price, much married, ill-famed, and unlettered. He painted this woman as the acme of virginity and helplessness.

He called her a challenge to all that was noble and good in the hearts of those Alabamians sitting on the jury. She was his lovely princess whose honor must be avenged.

With remarkable agility he evaded any legal quotations, with equally remarkable prevarication he put words into the testimony of witnesses which they had never mentioned even in passing.

When his tumult and shouting had died the sum total of his remarks that should not have been permitted in an intelligent court might have been called nothing and yet it was his speech which helped to bring in a verdict of guilty against two men whose lives hang in balance on the testimony of an alleged street walker.

PATTERSON IS CERTAIN FRIENDS WON'T DESERT

Afro-American

By CLARENCE MITCHELL

DECATUR, Ala.—Rounding the turn of a line of filthy apologies for prison cells on Sunday, I ran against the outstretched arms of a man doomed to die in the electric chair at Kilby prison in Montgomery, Alabama, for the alleged rape of Victoria Price, a white female hobo and alleged prostitute. His name was Haywood Patterson and at that moment his arms were around his sweetheart, Mattie Johnson.

12-16-33

"Hello there, Haywood, old man," I said. His mind was evidently far away because he was a little slow in responding [illegible] he was hard to stop.

Baltimore

"Hello yourself," he said, and stretched his hand out to clasp mine with boyish enthusiasm. On learning my name he proceeded to introduce me to Miss Johnson who was a little bashful because of my sudden arrival.

I tried to avoid talking of his death penalty but somehow he brought it up with a carelessness that was surprising. "Of course they won't do it," he confided. "Too many people are fighting for me. Look, I'll show you some of my letters."

He rummaged around in his bed for a minute or two and produced a pile of mail. "See," he said, "California, Wisconsin, Baltimore,—everywhere." Some of the missives were marked with the letter "M." "Those," he said in lower tones, "are from mamma."

He wasn't sure of what kind of work he would or could do if ever he got free, "I know I'll get something though," he insisted, while leaning against the bars.

This boy of twenty—looking forward to life and future happiness—in the shadow of the electric chair after which there is no known future, only current of "sufficient in- current of "sufficient intensity to tensity to kill" as Judge W. W. Callahan said while reading Patterson's death sentence on Wednesday.

Has Faith in I.L.D.

It is doubtful if ever he has had a lesson on what Communism is all about and it is equally doubtful if he ever heard of the I.L.D. until his trial began but his faith in both of them is a refreshing illustration of youth's unfailing idealism.

You Can't Get a Fair Trial

Afro-American

12-16-33

Baltimore

Negroes in Alabama accused of raping white women, whatever the women's proved characters, cannot get a fair trial in the courts. [illegible] as the chief lesson of three convictions of the Scottsboro boys.

Even after reversal by the Supreme Court on the ground that the accused did not have a fair trial in the first case and a new trial granted by Judge Horton in the second case on the ground that Victoria Price's rape story couldn't be believed, nevertheless, Judge Callahan and a jury aided by Prosecutor Knight again condemned two of the boys to the electric chair.

The jury, rather ashamed of its verdict, did not look at the prisoners as they were led out of the room. They knew that they hadn't convicted the boys because they believed them guilty but because they are black, because they have Communist lawyers, and because it is necessary to keep Negroes in "their place."

Lynchings-1933
Legal Punishment for Rape.

Alabama

HAMMOND, IND.
LAKE COUNTY TIMES

DEC 4 1933

JUSTICE DENIED

Conviction of one of the Scottsboro defendants in the third trial yesterday would seem even more terrible but for the hope that the U. S. Supreme court will set aside the verdict as it did in the first trial. In the second trial the trial judge himself threw out the verdict.

It is unthinkable that these Negro boys shall be executed on contradictory and discredited flimsiest case against them. Since one of the two girls confessed that her earlier testimony was a lie, there has been no real case.

Judge Callahan's charge to this jury was so unfair that he even failed to tell the jurors how they might acquit until the defense counsel protested. The state's attorney confessed that his own speech to the jury was "an appeal to passion."

It was a partisan trial drawn on the color line. Justice was denied by race prejudice.

NEWS
PROVIDENCE, R. I.

DEC 4 1933

TO VINDICATE JUSTICE

To people who assume that the latest verdict in the Scottsboro case represents public opinion in the more intelligent sections of Alabama, as it seems to in the type of district where Tom Heflin used to find his support, may be commended the bravely worded criticism of the leading newspaper in Birmingham. It views, and it is baoked by others, with grave misgiving the picture which will be presented of Alabama justice if the Patterson trial comes for review by the United States Supreme Court. The specific cause of this misgiving, as the newspapers state, is the manner in which the trial judge behaved last week.

It is greatly to be hoped that the Supreme Court of Alabama itself will so deal with the trial as to make it unnecessary to bring the case to Washington. It is abundantly proved that only when the case is tried with another judge such as Judge Horton proved himself to be, during the second trial of Patterson and when he set aside the verdict, and a jury drawn from a community which will not allow itself to be whipped by an unfair prosecutor into a spirit of racial persecution, will the prerequisities of justice be present. That such a judge and such a jury can be obtained in Alabama is the confident belief of those who are in a position to speak for the State.

After the previous trial, this newspaper expressed the hope that the conduct of the defence in future would be entrusted to lawyers of honorable records as members of the Alabama bar. Justified or not, the local sentiment now prevalent against those who are defending the Negro defendants is a factor which cannot be ignored. To adapt Grover Cleveland's famous phrase, what the cause of justice is faced with is a condition not a theory. No one who remembers the fierce resentment in Massachusetts against lawyers "imported" to defend, or help defend, Sacco and Vanzetti, can fail to perceive the unwisdom of flying further in the face of local pride no matter how misguided it may be. The end to be served is not an exposure of racial animosities in Alabama, but the vindication of justice.

ALABAMA'S AMATEUR PENMAN

Globe and Independent
12-8-33
Nashville, Tenn.

There can not be less than nation-wide astonishment over one of the disclosures at the Decatur trial of the Scottsboro boys. It pertains to the jury commissioner "red handed" in an attempt to "fix" a record that would render it impossible for the Supreme Court to grant new trials to the Scottsboro boys on the plea that will be made that Negroes have been persistently excluded from jury service in Alabama. The man's act was so amateurish, and doubtless so disgusted many newspaper men at the trial who feel that a white official should be above doing so dishonorable a thing, that, even though showing this jury commissioner up was one of the most sensational happenings at Haywood Patterson's trial, the news was suppressed and evidently not sent out to many daily newspapers. Those of our readers who failed to read what the handwriting expert found out about "Alabama justice," are urged to read the following report from the special correspondent of the Associated Negro Press:

"Decatur is still chuckling over the way Judge Callahan overruled the defense's motion to quash the Jackson county indictments against the Scottsboro boys on the grounds that they were illegal because Negroes were systematically excluded from jury services.

The defense proved conclusively by the testimony of John V. Harding, a nationally known handwriting expert, that the Jackson county jury lists had been tampered with. The names of Negroes used by the defense at the trial this Spring, had been forged on the jury roll.

The handwriting, according to the expert, was that of Kelly Morgan, a Jackson county jury commissioner. The names had been forged on the roll after the roll had been completed. The superimposing of names over red lines which had been drawn across the pages of the jury roll, was clear even to spectators who peered through Harding's magnifying glass. In one case a letter of one of the forged names was superimposed over the writing of another name written before the Negroes' name had been forged. Nevertheless, Judge Callahan held that the defense had not proved that there was any fraud connected with the jury roll.

In uttering his decision overruling the defense motion to quash the indictments, the jurist chose his words with care. When he concluded he had left out the most important part of the testimony presented by the Defense, that of the sworn testimony of Kelly Morgan who said that there were no red lines drawn through the jury roll book when he wrote in names of the jurors.

Since the Negroes' names were written over the red lines it was clear that these names had been added since the roll was completed. This Judge Callahan did not touch upon. When Leibowitz tried to call his attention to it, Judge Callahan said irritably:

"My mind is made up. I will not listen to arguments."

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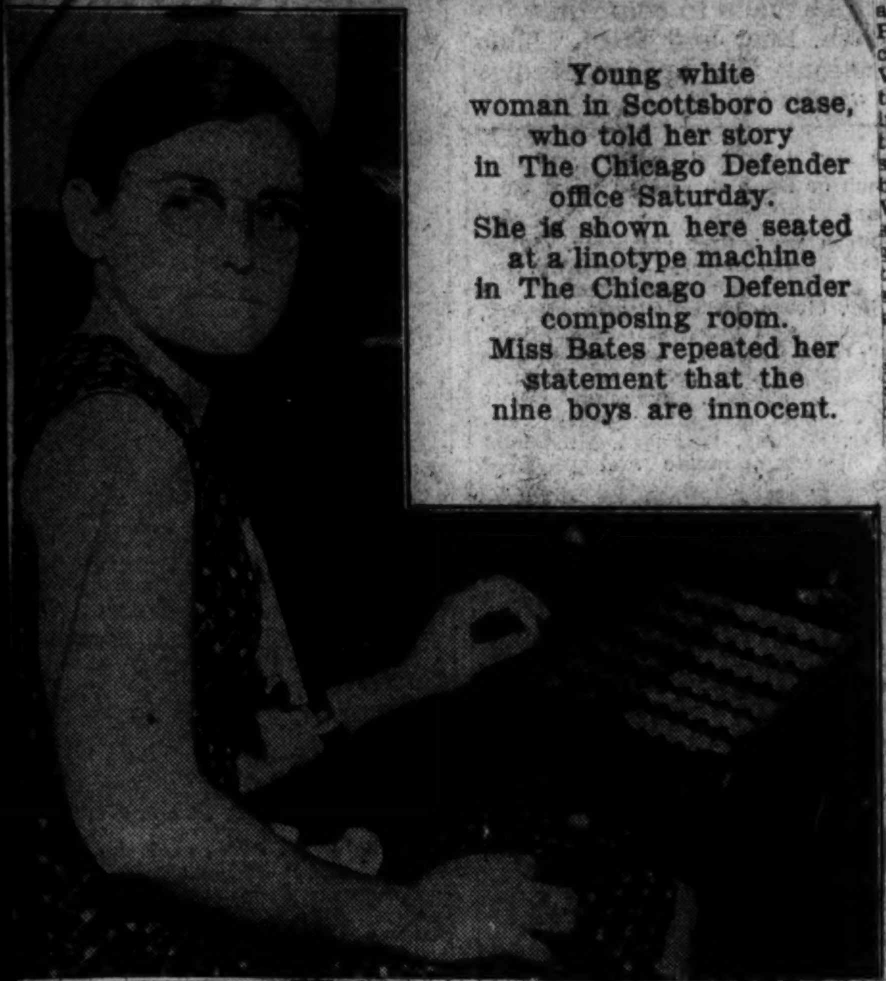
RUBY BATES VISITS DEFENDER



Young white
woman in Scottsboro case,
who told her story
in The Chicago Defender
office Saturday.
She is shown here seated
at a linotype machine
in The Chicago Defender
composing room.
Miss Bates repeated her
statement that the
nine boys are innocent.

Ruby Bates in City, Talks of Alabama

December 9-9-33

Chicago Def

By DEWEY R. JONES

A young woman, quiet of voice and pale of complexion, sat in the office of The Chicago Defender Saturday morning and told of her experience trying to right a wrong she had helped to do a group of boys in Alabama. She was Ruby Bates, former Huntsville, Ala., mill hand, who, at 19 years of age, has lived through a more varied career than is permitted to most people at three times her age.

It is true, most of her experiences have been of the brand that few people would like to share, but they have been experiences nevertheless and have added much to her knowledge of human beings. For instance, she has been an inmate of an Alabama correctional institution for girls, she has been a worker in a garment mill at Huntsville at a wage of $2.75 per week. She has hoboed her way about Alabama dressed in men's clothes and slept in hobo camps with men. She has been arrested in more places than one and driven from some places, and she has figured prominently in one of the most sensational criminal cases ever recorded. And all these things before she reached her 20th birthday.

In Defender Plant

These are some of the things Ruby Bates told to this writer Saturday as she walked through the plant of The Chicago Defender. She told of the Scottsboro case and how it had affected her. Years of toil and privations, a lack of home life, poverty and ignorance, she said, had contributed to her being in the position she was at the time the Scottsboro case opened in 1931. She was tired of slaving away for nothing and to listening to the quarrels of her people, and son, on the advice of Victoria Price, the other white woman in the case, she decided to "hit the trail." Victoria, she explained, was more than 30 years old and knew all the ins and outs of the kind of life the two were choosing. It was she who suggested that the two join with some boys, Orville Gilley and Lester Wright, to hobo to Chattanooga in search of work. And it was with this girl and the two men on the return trip to Huntsville that Ruby Bates saw the fight that resulted in the wholesale arrests and rape trials.

"Why did you testify that you were attacked by the boys when the Scottsboro trial was held?" I asked her.

And without hesitation she answered: "Because they told me that I would be sent back to jail if I didn't say they had attacked me. I had been in that place and I didn't want to spend another three years there. I didn't know till later that the boys were sentenced to the electric chair; then I knew I had to tell the truth."

Why She Changed

To my question as to why she changed her testimony she stated that her conscience wouldn't let her see innocent boys be sent to the electric chair if she could help it. "They now tell me that I was paid by the I. L. D. to change my testimony," she said. "But I wasn't paid a cent. I just couldn't stand to see those boys be railroaded to jail when I knew it was a frame-up. I have brothers and sisters too, and if this can happen to Colored boys it can happen to white ones in time."

And there was no doubting the sincerity of her emotions as she said this. Somehow one felt instinctively that here was a girl who, had she been given the right start, might have meant much to the proper understanding of a great human problem.

When I asked her how her mother and father felt about her stand on the question she answered that her father wants to kill her. "He tried to get into the witness room at Decatur," she said, "and said that he would be glad to lead a mob to lynch me." Her mother, she said, feels that she is doing the right thing. "She said I could not do anything else."

System Revealed

As she talked you came to see the whole system of the South. You saw the mills, the peonage, the segregation and its debasing influences; you saw the riots, the lynchings, the murder, rapine, bastardy and all the other evils of the South rolled into one frail person who now seeks to correct them. She told about sheriffs and guards at Alabama prisons who take "Negro girls out at night and stay out with them till daybreak." She told of how these same officers of the law would lead mobs when they were supposed to be protecting the lives of those in their territories.

As for Victoria Price—she was dismissed with this significant sentence: "Why, Victoria told me herself that she had stayed with Colored men and that she would prefer them any day to white men."

And so that is the story of Ruby Bates, the white girl who told a white jury at Scottsboro that nine innocent boys raped her and who came back to Decatur from New York two years later to tell another white jury that she had lied the first time. She was in Chicago making speeches to help right the wrong she had done, and she says she will fight until she succeeds. "Yes, I'll go back to testify for them again," she said. "And I'll keep on going back until the whole world understands that justice must be done."

Oneonta, Ala., Democrat
December 7, 1933

The Taxpayer Foots the Bill

Every time a crime is committed somebody has to suffer, financially or otherwise. When a criminal is apprehended the taxpayer has a burden placed upon his shoulders. The cost of the courts must be met and the taxpayer is the one who has to meet it.

In many instances the taxpayers of a county, in their efforts to uphold the law, are forced to bear the cost of the prosecution in which neither the defendant nor the injured parties are residents of the county where the crime was committed.

We had a case of this kind in this county several years ago when a resident of Etowah county was seized while in Blount by citizens of Jefferson and carried to that county and given a flogging. The taxpayers of Blount county had to pay the cost of that trial.

Another case in point is the famous Scottsboro case. Two women from Madison county were assaulted by some negroes from outside the State while they were passing through Jackson county on a train. None of the parties lived in Jackson. No body in Jackson was interested in either the women or the negroes but in their efforts to enforce the law the county became liable for the cost in the prosecution of these criminals.

Some of the defendants in this case have been tried for the third time, once in Jackson and twice in Morgan. All cost has to be borne by the taxpayers of Jackson county. It has almost bankrupted that county and the end is not yet in sight.

The burden is too great for any one county to bear alone, and we believe that the next Legislature should pass a law relieving Jackson county of a part of this burden.

Alabama Lynch Terror Defended by Boss Politician

Daily Worker
9-30-33

(By a Worker Correspondent)

PORTLAND, Me.—A committee from the Portland branch of the I.L.D. were given permission by the pastor, Rev. [illegible] to speak at the [illegible] A.M.E. Church (Negro) on the Scottsboro case. The speeches were well received and much enthusiasm was expressed. As a resolution was about to be taken to send a protest to the Supreme Court of Alabama, the floor was taken by former judge Max L. Pinansky, one of the most notorious "red baiters" in the State of Maine, who went to every extreme of capitalist political jokery to give the impression that the "purest justice" prevails in all the courts, and that if there were no Negroes on the jury in the Scottsboro case it was merely an accident.

The writer is not a member of the I.L.D. but was merely a spectator at the meeting, but in 20 years of listening to capitalist propaganda he never heard such a piece of political fakery.

New York

Lynchings—1933
&
Legal Punishment for Rape.

Alabama

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Knight Openly Coaches Price Girl on Stand at Decatur

Daily Worker

Forms Answers with Lips, Signals to Her with His Pencil When I. L. D. Attorney Traps Her

12-7-33 New York

By JOHN L. SPIVAK

ARTICLE IV.

(EDITOR'S NOTE: This is the fourth article of a series of four by John L. Spivak who attended the Decatur trial of Heywood Patterson as special correspondent for the Daily Worker.)

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THE court's refusal to wait for the deposition of Ruby Bates, seriously sick in a New York hospital, was comparable only with the attorney general's deliberate and open coaching of Victoria Price on the stand which every newspaperman in the court room as well as Judge Callahan saw.

It was while Victoria was testifying, insisting as she had at the spring trial that Patterson and the other Scottsboro boys had raped her. Throughout her testimony as at the former Patterson trial Victoria kept her eyes glued on Knight. Whenever Leibowitz asked a question that she could not answer she would repeat it after him while waiting for Knight to form the answer with his lips. Knight had done the same thing at the Spring trial but this time it was more obvious. It seems that he did not care what the rest of the world noticed about his coaching the witness.

Daily Worker 12-7-33 N.Y.

Victoria Tells Fantastic Tale.

Victoria, in telling her story, drew a vivid picture of the Scottsboro boys climbing over the side of the gondola, Patterson with a gun in his hand which he used to clip her forehead making it bleed.

(Even state witnesses contradicted her testimony that she was bleeding from cuts on her head.)

"That there defendant Heywood Heywood Patterson hit me over my head with the butt end of the revolver," she intoned in her metallic voice.

"Which end of the gun is the butt end?" Leibowitz asked sweetly.

Victoria looked at him, a startled light appearing in her eyes. For a long moment she was completely silent. Then, as though caught, she uttered a sickly chuckle, looking at Knight despairingly. Knight's ruddy face grew redder. An embarrassed smile spread across his features.

Knight Signals Answer to Her.

Suddenly he held his right hand up over the table and opened and closed his fingers several times around a pencil he held in his hand.

"The butt end of the gun is the part you hold in your hand," Victoria said in desperation.

Knight sank back in his chair with a sigh of relief.

Ray Daniell, Allen Raymond of the N. Y. Herald Tribune, Tom Cassidy of the N. Y. Daily News, who were sitting at my left, turned to me with looks of amazement on their faces.

"Did you see him signal to her?"

"You bet I did."

The Southern newspapermen kept their eyes glued to their copy. If they saw—and I cannot imagine how they could have missed it—they were saying nothing about the deliberate coaching of the witness. Certainly the jury saw it. It was impossible to have missed it if a man had his eyes open.

Judge's Partiality Crudely Obvious.

Judge Callahan did not say a word. Throughout the whole trial Callahan's partiality for the prosecution was so obvious that it was ludicrous.

"What the hell is he trying to do?" one of the Northern newspapermen said at one time, "Is he trying to give the defense a record a thousand times better than the Horton case for appeals?"

Decision after decision, ruling after ruling from the bench, had made it inevitable for the higher courts to overrule. This was particularly true whenever Leibowitz, pressing witnesses for answers and the witnesses found themselves caught in cleverly laid traps, was stopped from continuing his questioning.

"That's enough now," Callahan cried repeatedly whenever he saw a witness about to break down.

Once Leibowitz, goaded to fury by the Judge's deliberate interference with witnesses' answers, protested that it was not enough.

"That will do!" Callahan roared slapping his palm down on the bench. "That will do, Mr. Leibowitz. I said that will do!"

Leibowitz, knowing that the judge was aching for an opportunity to hold him for contempt of court, desisted. There was nothing to be gained by going to jail—and the record showed the prejudice and unfairness of the judge.

Judge Fails to Consider Possibility of Acquittal.

After three days of this sort of farce that Alabama calls justice came the court's now world-famous charge to the jury. For one and a half hours he read from notes. He touched upon everything that the jury needed to convict Patterson and not ONE word did he utter of instruction should the jury want to acquit the defendant. It was not until both Leibowitz and Knight rushed to the bench and called his attention to it that he added a few weak words of instruction should they find the defendant innocent.

This charge in itself is undoubtedly the rawest charge that was ever made in this country, scene of so many raw cases. But at least in the Tom Mooney case, in the Sacco-Vanzetti case, in a host of other cases, the judges no matter how prejudiced they were against the defendant, made a pretense to law. Here there was not even the slightest pretense to law or justice.

Patterson was a "nigger" and it didn't matter.

Southern Correspondents Soft-Pedal Raw Deals.

If Northern newspapermen had not been present at the trial the world would never have known how utterly disgusting was Alabama's "justice" in this case. Only the Northern reporters told what was happening in the court room. The rest of the world, getting its news from the Associated Press, United Press and International News Service, got the facts in the case, with the most important facts buried in the heart of the story in a paragraph or two.

It was that way during the Spring trial with the exception of the International News Service which had Carter Brooke Jones covering it. This time the deliberate burial and suppression of news was so evident that even conservative reporters like Daniell and Raymond could not avoid noticing it and commenting upon it.

The first motion Leibowitz made for a mistrial on the ground that the judge was deliberately prejudicing the jury against the defense happened some ten minutes after court opened one morning. Present were David Davenport of the Associated Press, Ralph Hurst of the Birmingham News Age Herald, Ben Cothran of the United Press and myself. Daniell, Raymond and Cassidy did not come in until some fifteen minutes later.

When Daniell asked me if anything had happened I told him about Callahan's accusations against Leibowitz that he was trying to implant "vicious" ideas about Victoria Price's chastity into the minds of the jury, Leibowitz' move for a mistrial and Callahan's apology.

Ben Cothran edged over and offered Daniell his running story of what had happened.

A. P. Buries Story of Jury Roll Forgeries.

That Leibowitz had made a move for a mistrial was given in a line. There was not a word about Callahan's using the word "vicious," Leibowitz' protest and Callahan's apology. Neither was there a mention of it in the A. P. or Hurst's copy.

During the entire trial this deliberate overlooking of important news that was against the state was evident. When the jury roll forgeries came out it was a national story. Here, for the first time in Southern history, the South had confessed that they deliberately discriminated against Negroes on jury rolls by trying to forge the names of Negroes. Yet that very story and the actual facts of the forgeries were buried deep in the A. P. story which went to the entire country. Hurst scarcely touched it until subsequently, when the handwriting expert testified and he could not avoid it.

When Callahan's amazing charge to the jury was made every Northern newspaperman there realized its gravity and importance. Daniell had made arrangements to take the whole thing down verbatim. He suspected in view of Callahan's decisions that the charge might be a bombshell and wanted every word of it. The other reporters wrote furiously, taking down the salient points.

The Southern reporters sat back, taking occasional notes.

When the charge was finished Daniell turned to Raymond [illegible] the, his eyes round with [illegible].

"I never heard anything like it," he said. "That [illegible] of a b[illegible] just told them to come in with a verdict of guilty. It's so raw that it [illegible] sure of one thing: these boys will never burn in the electric chair."

Daily Worker 12-7-33 N.Y.

The papers that afternoon carried the Associated Press story. The Birmingham News Age Herald carried the story. But all they carried was that the judge had charged the jury. Not a single word of the rawness of the charge. Not a single word of Callahan's forgetting to instruct the jury in the event they should decide to acquit the defendant.

Daniell talked to Davenport in the corridor of the county court house. We were all around. Daniell said he could not understand how the Associated press didn't carry the story of the judge's forgetting to instruct on acquittal.

Davenport returned: "Oh, I wrote the whole thing, including the high lights of the charge. But I guess some copy reader cut it out."

It was so funny that the Northern newspapermen walked away disgusted, convinced that the Associated Press, let alone the 'liberal" Birmingham News Age Herald, had deliberately suppressed news not only in this instance but throughout the whole trial.

It is difficult to write of these things without feeling a growing sense of indignation and hatred of the farce Alabama just put on in Decatur. No matter how calmly one tries to look at it, the crudeness of it, the utter callousness of the deliberate railroading of Patterson to the electric chair is so brazen that certainly one is convinced there is no hope for justice in Alabama unless terrific pressure and condemnation is put upon those officials responsible for this outrage.

Atlanta, Ga. Journal
December 11, 1933

Klansmen Attend Meet Held for Alabama Boys

Called for the purpose of raising funds for the defense of the seven negroes charged with a capital offense at Scottsboro, Ala., a negro mass meeting Sunday afternoon at the Holsey Temple, corner of Boulevard and Chamberlain Street, raised only $15, due partly to the presence of a score of hooded Klansmen and partly due to the arrival of a detachment of police.

The meeting, which was to have been addressed by two representatives of the International Labor Defense, simmered down to a group gathering that heard Rev. J. Raymond Henderson, a negro preacher, make a brief appeal for funds for the "Scottsboro boys."

Ku-Klux Klansmen in full regalia distributed handbills that carried in bold type "The Ku-Klux Klan Rides Again" and "Communism Will Not Be Tolerated." Negroes in the vicinity were visibly disturbed by the demonstration, although the Klansmen went quietly about their business of passing out the handbills.

Somebody telephoned police headquarters that a riot was imminent and Lieutenant Lon Evans, with a squad of officers, arrived in jig time. They shooed off a number of negroes and several white persons, among them Mrs. Mary Leonard and Parker Q. Wilson, of Cincinnati, both representatives of the Communist organization, who were scheduled to address the mass meeting.

The officers took into custody Nathan Yagol, 21-year-old Emory University student, but later released him when he insisted that he was on hand merely to "increase his store of information" in connection with his study of political science.

Sidelights on the Lynch Trial of Heywood Patterson

World-wide Protests Make Decatur Officials Change Their First Lynch Plans

By JOHN L. SPIVAK

ARTICLE II

Knight and I spent three and a half hours discussing the Scottsboro case. In the course of that conversation I told him that, so far as I was able to see, the whole thing looked like a set-up for a slaughter of the defendants and their I. L. D. attorneys: No steps to guard the Scottsboro boys; deep, seething hatred against "Northern Jews" who were coming in to fight for "niggers" and the numerous subsidiary reasons. Knight did not deny my charge that it looked like a set-up. All he did was bang on a chair with his cane and repeat:

"I tell you, Spivak, those 'nigras' will not be lynched."

"How about Leibowitz, Brodsky and the other I. L. D. attorneys?" I insisted.

He shrugged his shoulders without committing himself.

"Callahan is running for re-election this spring. He has not been liked in Morgan County. You are running for Lieutenant Governor. With sentiment aroused against the Scottsboro boys, admit it, and they are convicted, Callahan's re-election and your election is a foregone conclusion."

"Spivak," he returned, grinning, "you don't think anybody is honest, do you?"

Threatened With Contempt of Court

The day after I called upon Knight I went to Decatur and spent about half an hour with Callahan. The crusty old farmer judge did not want to talk.

"Let Tom Knight do the talking," he growled. "He's always shooting his mouth off. What I have to say I'll say from the bench."

Callahan's determination not to guard the defendants and their attorneys was obvious, and when I mentioned that it looked like a set-up for a massacre he just raised his eye-brows without saying anything. Then I mentioned his political career and he rose in great indignation from his chair:

"Young man," he cried furiously, "if you say anything about that, you are insinuating that my judgments from the bench will be influenced by political aspirations. If you say anything like that you will be in contempt of court and liable to serve a jail sentence!"

Since I am out of the jurisdiction of his court now I can say freely that his whole attitude on the bench was that of a man seeking to make political capital out of the case. His rulings, comments and speeches were designed to stir up hatred against the Negroes and then to exploit that aroused sentiment for his own and his Party's purposes in exactly the same way that Hitler arouses, and then exploits anti-semitism. Otherwise I cannot account for the amazing decisions he delivered from the bench during this past farcial trial. Both Callahan and Knight were playing to the lynch mob; that was evident to everyone at the trial.

Impossible for Patterson to Get Fair Trial

That it was an impossibility for Patterson to get a fair and impartial trial in Morgan County was a foregone conclusion. Other newspapermen and I had talked to citizens several days before the trial started. Everywhere we heard bitterness and fury against the defense and their defendants. In several places I personally heard repeated assertions that Leibowitz, Brodsky and the "Northerners" would be shot down in the courtroom. That there was no massacre is one of the miracles. On the Saturday night and the Sunday before the trial actually got under way, a house to house canvass was made in Decatur, telling the residents to keep away from the courtroom and that "all trouble was off." No explanation was made for this action. Whether the pressure of President Roosevelt and his action in forwarding the protests without comment to Governor Miller had anything to do about it, I do not know. There is one thing certain though: The world-wide publicity given to the set-up and the flood of excoriating and denunciatory protests undoubtedly left its effect upon the Alabama officials.

Farcical Decisions

Before the actual trial started and Callahan began to make his now famous farcical decisions on law which have amazed the whole world, he called the newspapermen into his private office to discuss our complaint about the lack of facilities for writing our stories. Originally he had refused to let us have a press table and even during this conversation he refused to let us within the enclosure where the actual trial was going on because of his fear that should trouble start in the courtroom the newspapermen would be in the way of flying bullets.

"Gentlemen," said Callahan when we were all seated, "this business of supplying seats for the press is a ticklish one. There is a 'nigra' reporter here from some paper or other. For me to supply you with seats and not him would make it seem like I was prejudiced against him. I cannot do that. If I set aside a reserved seat for him it will arouse a good deal of resentment among the townsfolk, and this is a situation that has to be met without arousing too much ire. So I don't know what to do about it."

A little later in the conversation after we had settled the press table problem, he turned to the Northern reporters:

"You know," he said ingratiatingly, "I do not see why Alabama has been made the brunt of attacks on its exclusion of Negroes from the jury. There are no Negroes on juries in New York, yet you fellows say nothing about that."

This was the first expression of the judicial attitude Callahan was to show so brazenly in the coming trial. A little later the learned judge, in discussing the danger of mobs, said:

"Those 'nigras' are in no danger. Nevertheless I have ordered two Birmingham deputy sheriffs to stay at the Morgan County jail day and night. There is, of course, some sentiment against Mr. Leibowitz, but I have appointed two sheriffs to act as his bodyguards at all times while he is in Morgan County. As for you gentlemen of the press, if any of you are armed, I would suggest that you leave your pistols in your hotel because you might get into trouble."

That afternoon when we entered court we were "frisked," along with everyone else. It was under this condition that Callahan decided, even after he had bluntly told the reporters that the I. L. D. attorney was in danger, that there was no reason for a change of venue on the grounds that their lives were threatened.

For the Country at large the case is of peculiar interest as a study of the nice discrimination with which the South treats matters of venery. The women concerned were white, the offenders on trial were black. Had they been white there would have been no case.

As a matter of fact white men were participants. Some of them actually have been witnesses in the successive trials against the Negroes. They have received a consideration even more striking than that accorded by a Hudson Valley judge recently to a white man who mistreated a little white stepdaughter.

"You have," remarked the magistrate in this case, "committed a very grave offense, one for which in the South you might be lynched. I sentence you to a year in prison—Sentence suspended."

JAMESTOWN, N. Y.
MORNING POST
DEC 4 1933

THREE TIMES CONDEMNED.

For the third time Heywood Patterson, one of the accused Negroes in the "Scottsboro case," has heard a jury announce that he is guilty as charged and that the punishment is fixed at death. Yet, that he will be legally executed for the crime of which the jury has declared him guilty, appears to be doubtful. The grounds on which the case was carried successfully to the United States Supreme Court on the occasion of the first conviction and which caused the verdict to be set aside still have force. It is indicated that similar steps will now be taken, provided the Alabama courts do not set aside the verdict as was done in the second trial.

The seven Negroes should suffer punishment for whatever crime they committed. However, the obstacle in the case has lain in determining on unimpeachable testimony what did happen in connection with the offense for which they have been subjected to trial. It was the belief that the Negroes were in the process of being "railroaded" to death through Alabama prejudice against their color that raised up sympathy for them and brought them the means of defense. The International Labor Defense which came to their aid may have a Communist origin, but, if it were striving to promote justice, its radical character would not deprive it of the right to be heard.

There is a spirit of resentment in Alabama against the outside interference in this case. That has made it impossible to secure a trial free from prejudice. The case has been under way for nearly three years and it may continue to attract attention for as many more before it reaches a termination. Probably, the precautions taken for the protection of the prisoners is all that has prevented a wholesale lynching.

MIDDLETOWN, N. Y.
TIMES-HERALD
DEC 4 1933

WHITE AND BLACK

Twice before the purpose of the state of Alabama legally to hang the three Scottsboro Negroes has been frustrated by appellate court intervention. A jury now has recommended the death penalty a third time, with the prospect that this verdict likewise will be upset on the ground of injustice and erroneous procedure. Ultimately, in all probability, the case will be settled by resort to the impulsive Southern method of lynching.

Lynchings-1933
&
Legal Punishment for Rape

Alabama

4196

SCOTTSBORO CASE LAWYER ASSIGNED GUARD BY JURIST

Birmingham

Dire Punishment Promised In Event Figures In Trial Are Molested

VENUE CHANGE, QUASHING OF INDICTMENT SOUGHT

Birmingham, Ala

Seven Defendants Arraigned Preliminary To Trial Starting Next Week

BY RALPH E. HURST
The Birmingham News Staff Writer

11-20-33

DECATUR—After an afternoon session devoted to defense efforts toward removing the Scottsboro cases to Birmingham for trial, Samuel S. Leibowitz, chief counsel for the seven Negro defendants, announced he was going Monday night to Louisiana in connection with the case and would be absent from Decatur for "a few days."

The defense motion for a change of venue was based on affidavits of investigators who claimed they had obtained expressions of sentiment from nearly 500 Morgan County citizens declaring that the Negroes would not get a real trial and that they should be lynched.

The state asked that those named be subpoenaed, which the court ordered, and then Atty. Gen. Knight met the contention by offering counter affidavits from half a hundred prominent residents of the county declaring they wanted to see justice done and expressed belief that neither the defendants nor their attorneys were in any danger.

Reading of the defense affidavits consumed more than two hours, and Judge W. W. Callahan adjourned court at 4:45 p.m., until 8:30 a.m. Tuesday.

The defendants, brought here from Birmingham at dawn, were arraigned at the morning session at which venires were drawn for the trials next Monday and motions made by the defense to quash the indictments and veniremen and to permit Ruby Bates' testimony to be submitted in depositions instead of having her return to Alabama.

Hearing on the quash motion was set for Thursday, with the defense planning to call a number of witnesses from Jackson County.

Although he refused to request troops, Judge Callahan took unusual precautions by swearing in 20 Jefferson and Morgan County deputies and ordering them to provide a constant guard for Leibowitz wherever he goes day and night.

All persons entering the courtroom were searched, and one gun was taken from a man soon after the afternoon session started. There was no indication of any trouble, however.

Strict rules regarding newspaper men and photographers were laid down by Judge Callahan, who told the deputies to bar cameramen from the courthouse and its grounds.

Two photographers, John Tresilian, of The New York News, and Donald Shropshire, Decatur, were brought into court for shooting long range pictures. On their plea that they had not heard of the judge's restriction, they were ordered not to print the pictures and were told that any other violations of the order would be dealt with severely.

A plea of "not guilty" was entered for the seven Negroes by Leibowitz, who asked a severance for each of the defendants.

Atty. Gen. Knight designated Patterson to be tried first.

An agreement was made to permit the defense to offer from the record evidence and testimony taken here last Spring on the motion to quash the indictments.

As court convened, Judge Callahan instructed the officers not only to maintain rigid order within the courtroom but to protect the defendants and attorneys in the case within or without the courtroom.

"Any person who is connected with this case," said Judge Callahan, who recently announced he would not ask for national guardsmen to protect defendants and other principals in the case, "is entitled to your protection, in this court, on the street or anywhere in Morgan County."

The court, besides warning the officers to be on the alert to head off any demonstrations, instructed them to be watchful also to prevent photographs from being made, either in the courtroom or on the courthouse premises.

Soon after swearing in the special officers, Judge Callahan called the principals to order and the routine arraignment of the nine Negroes who are to be tried a week hence got under way.

Judge Callahan turning to Leibowitz, asked him if he was ready to proceed with the arraignment and the latter announced the defense had several motions to offer.

Subsequently, George W. Chamlee, Chattanooga, one of Leibowitz's associates, offered motions to quash the indictment and to dismiss the evidence.

In the arraignment which followed the nine defendants were charged jointly with attacking Victoria Price, Ruby Bates' name not being mentioned. Defense counsel entered a general plea of not guilty.'

The seven Negroes were taken out of the Jefferson County Jail at Birmingham at 4 a.m. and after an uneventful trip were placed in the Morgan County Jail at 6:15 a.m. They were escorted by Sheriff Hawkins and 19 Jefferson County deputies and Sheriff "Bud" Davis and a deputy from Morgan County.

The defendants were loaded into four automobiles which were preceded and followed by cars. The deputies were heavily armed with pistols, rifles, shotguns and submachine guns.

Alabama law does not provide for a second change of venue. The motion to move the cases from Decatur to which place they were brought from Scottsboro will be in the nature of a predicate on which the defense might appeal from convictions, attacking the constitutionality of this Alabama statute.

The defendants will be guarded here by the Morgan County sheriff's office, supplemented by 15 Jefferson deputies that Sheriff Hawkins will leave here.

An appeal to President Roosevelt to urge the governor of Alabama to provide national guardsmen during the trial was sent by telegraph to Warm Springs, Ga., by Samuel S. Leibowitz and other defense attorneys after Judge Callahan had stated he would have no troops on duty. The message pictured conditions here as "extremely grave."

Decatur was normally serene Monday morning and there was not a single outsider about the courthouse or jail when the defendants were brought in.

Atty. Gen. Knight was prepared to oppose the motion, explaining he was anxious to avoid delay in the trials. The final decision rests with Judge Callahan, who was designated to preside at the arraignment in the place of Judge Horton, the other Morgan County circuit judge, who recused himself.

Patterson, the first of the nine Negroes to be tried for an alleged attack on two white girls in 1931, originally was tried in Jackson County, but was granted a new hearing by the United States Supreme Court. He was convicted and sentenced to death at his second trial here under a change of venue, but Judge Horton set aside the verdict.

Should Judge Callahan overrule the defense motion for the change of venue, the Jefferson deputies, under direction of Chief Deputy Gilbert, will remain in charge of the Negroes until the completion of Patterson's trial next week.

The case which has attracted world wide notice, developed aboard a freight train near the Alabama-Tennessee border. The nine Negroes were removed from the train in Jackson County and charged with attacking Ruby Bates and Mrs. Victoria Price, Huntsville cotton mill workers, who had donned overalls and boarded the freight in Chattanooga.

In the first trials in April, 1931, in Jackson County, eight of the defendants were convicted and sentenced to die, Eugene Williams, and another, Roy Wright, who gained a mistrial in Scottsboro, were held to be juveniles. The case was returned to the Alabama courts when the Supreme Court set aside the death sentences, holding the Negroes had not had the benefit of adequate counsel.

Troops Not Needed At Trial, Miller Says

MONTGOMERY—(AP)—Gov. Miller Monday wired George W. Chamblee, general counsel for the Scottsboro Negroes, that he did not believe troops were necessary as the trials opened at Decatur, but that they would be sent there immediately if there was any change in sentiment.

The telegram read: "Your wire. Have kept in close touch with trial judge at Decatur and state and county officials there. They advise me there is no indication of mob violence. Have authorized trial judge to appoint necessary additional deputies at expense of state. Investigation has been made in all portions of Morgan County and local officials base their judgment on this investigation, and state that, in their opinion, no military guard is necessary. I am keeping in close touch with officials of Morgan County in charge of these cases and should they advise any change in sentiment, or any necessity for military guards, I will provide such immediately. I have confidence in the judgment of civil authorities in charge of these cases and I have an abiding faith in the law-abiding spirit of the citizens of Morgan County."

Gov. Miller dictated the telegram from his sick bed at the mansion where he has been confined since last Monday with a slight fever.

HINTS AT TRANSFER OF ALABAMA CASE

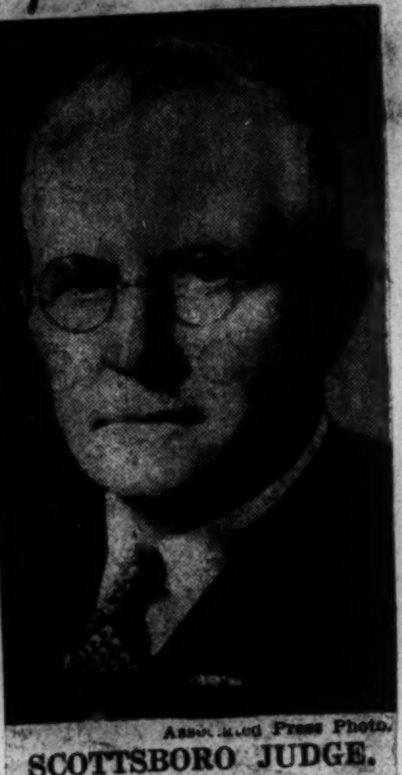
Times 11-21-33

Judge Intimates Change of Venue as Negroes' Defense Offers Bias Affidavits.

N. York

ORDERS GIRL'S DEPOSITION

Strong Civil Guard Posted in Decatur Court as Scottsboro



Associated Press Photo.

SCOTTSBORO JUDGE.
W. W. Callahan.

Hearing Opens.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., Nov. 20.—Seven Negroes who have been imprisoned ince March, 1931, accused of atacking two white girls on a freight rain near Scottsboro, sat in Morgan County Court today and heard heir lawyers plead that they be ent to Birmingham for trial to hwart threatened mob violence ere.

It was the same courtroom in which Heywood Patterson, one of the defendants, was condemned to death on Palm Sunday by an all-white jury. Yet the scene and the very atmosphere of the courtroom were different and more tense than at any time in the previous trial.

Upon the bench sat Circuit Judge W. W. Callahan, gray haired, sharp featured and impatient with lawyer's ways of delaying the proceedings. His manner formed a contrast with the comparatively complacent Judge James E. Horton, who was supplanted as trial judge after he reversed the verdict against Patterson as contrary to the evidence.

Contrasts With Previous Trial.

Instead of the large detail of National Guardsmen on duty in the courtroom at the last trial, nineteen deputies in mufti, recruited in Birmingham and elsewhere outside of Morgan County, were there on Judge Callahan's order to guard the prisoners, their lawyers and witnesses.

Times 7-17-33
N. York

This time there was no provision for the press, whose representatives at the previous trial enjoyed reserved seats inside the railed enclosure before the bench. The townfolk, it was said unofficially, resented such consideration being shown to "outsiders."

Flashlights boomed and typewriters clicked last Spring in the courthouse, but this morning two photographers who snapped a picture on the lawn were haled before the bench and threatened with contempt citations if they repeated their offense.

When Patterson was tried here before, half the spectators benches were occupied by Negroes. This morning when court opened there wasn't a Negro man or woman in the courtroom or anywhere near the building. Visitors leaving the courthouse at the noon recess remarked with pleased expressions that it was going to be "an old-fashioned trial," without any new-fangled city trimmings.

One "Gun-Toter" Rebuked.

Yet Judge Callahan showed no disposition to minimize the dangers confronting the defendants or their counsel, Samuel S. Leibowitz, Joseph Brodsky and G. W. Chamblee, all of whom are retained by the International Labor Defense, which, because of its Communistic affiliations, is anathema here.

Every person entering the courtroom was searched from shoulder to ankle for weapons. This vigilance was rewarded in the afternoon when an overalled farmer, arriving late, was found to be carrying a six-shooter. The bailiff who discovered it promptly marched him down the centre aisle to Sheriff Ed Davis, who smilingly took the weapon and escorted its owner out of the courtroom.

No arrest was made, however, and the "gun-toter" was sent home with a warning. He explained, it was said, that he had brought the revolver to town this morning to have a new sight placed upon its barrel. Then having nothing else to do, he had sauntered down to court, without knowing that visitors were being searched.

Times
7-17-33
N.Y.

Even before this incident occurred, Judge Callahan, in swearing in the specail deputies at the opening of court, advised them that they were to protect "all connected with this case, defendants, lawyers and witnesses, not only the court room but anywhere in the county."

He took special precautions to guard Mr. Leibowitz, assigning two picked men to accompany him everywhere he went.

"I mean everywhere, too," he added, as the two men nodded their understanding.

Appeal Basis Laid in Motions.

Immediately after pleading the seven defendants not guilty to a charge of a criminal assault upon Ruby Bates and Victoria Price, the defense offered three motions, two of which, if they accomplish nothing more, will furnish the basis for an appeal to the United States Supreme Court if that proves necessary.

Most of the day was spent arguing the motion for a change of venue. Judge Callahan set Thursday for argument on another motion to quash the indictment against all the defendants on the ground that it was invalidated by the exclusion of Negroes from the grand jury which returned it.

A third motion was disposed of without argument, the defense gaining its point. This was a petition for the appointment of a commissioner to take the testimony of Ruby Bates, who changed from the rôle of prosecutrix to that of star withness for the defense at the last trial. She recently informed Mr. Leibowitz that she was afraid to return to Decatur.

At the direction of Judge Callahan the clerk of the court issued an order commissioning Julius Applebaum of 32 Broadway, New York City, to issue a subpoena for the former Huntsville girl and examine her at his convenience.

A copy of the defense interrogatory and a letter containing her address was being held here tonight pending the preparation of the cross-interrogatory of Attorney General Thomas E. Knight Jr., the prosecutor.

N.Y. Times
7-17-33
N. York

An incident which in drama matched the discovery of an armed man in the court room came late in the afternoon when the defense offered half a dozen affidavits in support of their contention that the lives of the defendants and their counsel would be jeopardized if they were forced to go to trial here next Monday, the date set for Patterson's third trial.

These affidavits, sworn out by private investigators sent into the county as brush and soap salesmen last Summer to sound out sentiment, contain the names and addresses of hundreds of Morgan County residents who allegedly expressed the opinion that mob action was the proper way to correct what they supposedly regarded as a miscarriage of justice.

Among those quoted were National Guardsmen who said they would throw their guns away if a lynch mob tried to seize the prisoners; one man who named thirty-one confederates in an attempted lynching of a Negro here last August, and garagemen, merchants, café-keepers and barbers, who said that the "Jew lawyers from New York," should be strung up "like the Niggers." Some of the most substantial citizens of the county were on the list.

When Mr. Brodsky offered the affidavits, the judge promptly asked him to read them, asserting that "this is a public trial." Mr. Leibowitz objected, asserting that public reading of the affidavits and their publication in newspapers would "aggravate an already inflamed public opinion."

Change of Venue Forecast.

Judge Callahan was adamant, but before Mr. Brodsky began reading, he ordered the room cleared of any of the 100 veniremen, drawn earlier in the day for Patterson's trial, because "matters are about to be gone into which I don't think it is proper that you should hear." The only venireman present promptly departed.

When Mr. Knight objected to the introduction of the affidavits, Judge Callahan declared that he would rule that the defense was entitled to apply for a change of venue in "spite of that section of the code" of Alabama criminal procedure limiting defendants to one change of venue.

The defense contends that this statute is unconstitutional in that it inhibits the right to a fair trial.

The reading of the document consumed two hours and twenty minutes. Mr. Brodsky read rapidly in a low tone so that, strain their ears as they would, the spectators could distinguish a name only here and there. Some left the room.

Even the judge had difficulty in hearing, cupping his hand first behind one ear and then behind another. Finally he left the bench and sat in the witness chair directly in front of Mr. Brodsky, who let his voice fall lower.

Times
7-17-33
New York

Investigator Is Questioned.

When the reading ended, Mr. Brodsky, on demand of the Attorney General, took the stand. He testified that the affidavits were made by men employed by David Schriftman, a New York attorney, whom he had retained "to investigate and report the true state of public opinion in Morgan County, regardless of whom it helps or hurts."

Mr. Schriftman following Mr. Brodsky to the stand, stated that the men he engaged to help him in his investigation were one John Williams, Jim Jones, a Birmingham Negro, and Victor Ellwood, also of Birmingham.

"How do you know that these men didn't copy all these names out of old telephone directories?" Mr. Knight asked.

Judge Callahan sustained an objection by Mr. Leibowitz.

"You don't know whether they included the names of persons who have been dead a number of years?" demanded the Attorney General.

Judge Callahan again refused to let the witness reply.

Mr. Schriftman went on to say that his own investigation had consisted only of a leisurely drive through Morgan County, stopping at gasoline stations and stores to engage in casual conversations about the case.

Thomas Lawson, an Assistant Attorney General, then presented a great sheaf of affidavits from residents of the county asserting that no prejudice existed either against the accused Negroes or their lawyers.

Just before Judge Callahan adjourned court until tomorrow morning, Mr. Leibowitz announced that he would be unable to attend the next few sessions of the preliminary hearing.

"I wont be here tomorrow,' he said. "I have a message which which takes me to the State of Louisiana on this case. However, my associates will be here.

Throughout the day's session which began at 8:30 A. M., and ended about 5 P. M., the seven Negroes sprawled comfortably in their chairs chewing gum, staring out of the windows and obviously enjoying a sense of importance.

Their transfer from the Birmingham jail, where they have been held since last Spring for safe-keeping, was accomplished without incident. They left Birmingham about 4 A. M., escorted by Sheriff James F. Hawkins of Birmingham and a score of deputies with rifles and a machine gun. They arrived here a little after 8 A. M. and were in the local jail before the townsfolk knew they were here.

Fifteen of the deputies were selected as court guards upon Sheriff Hawkins's recommendation because of their reputation for experience in handling crowds in court rooms and for level-headedness and sound judgment. They will be assisted by four local deputies.

Chattanooga, Tenn. News
July 18, 1933

Crusade Against South?

THAT the I. L. D. radical racketeer is using the Scottsboro case as a *cause-celebre* for propaganda purposes, this newspaper has often charged. Dr. Frank L. Owsley, of Vanderbilt, in the *American Review* for October, contends that the action of the I. L. D., coupled with other phases, indicates that a third crusade against the Agrarian South is under way. We have respect for Dr. Owsley's opinions, but we thing that he overestimates the part politics and Eastern industry have taken in the affair.

Behind the Scottsboro propaganda and the Lowell decision, Prof. Owsley sees a new and anomalous alliance between Communists and Republican capitalists. It is an alliance born of the Republican East's fear of Democratic dominance in the South and West, and of the Communists' desire to integrate the Agrarian South in the American Soviet. Their ostensible motive, he says, is to promote "justice" and crush "Southern tyranny," a battle cry which echoes the emotionalism of the Civil war. The real purpose, he insists, is the subjugation of the South to preserve a balance of power which in recent years has become endangered.

"In considering any political action," according to Prof. Owsley, "the Southern white first considers how that action will ultimately affect the relationship between the races." That is the point which he discusses. He emphasizes that he wants to see justice done, but that he is primarily interested in the social effects of this new outburst against the South.

"Those engaged in this new crusade of 'justice for the Negro' in Southern courts," he writes, "may be divided into the four classes so characteristic of abolitionism and reconstruction: first, the industrialists themselves, either capitalists or Communists, with their smart lawyers and publicity advisers; second the journalists publicists,, novelists poets, preachers professors who work as paid propagandists; third those who, being victimized by stories of Southern outrages, take up their pens to write in anger against the South, against which they already abhor an animosity inherited from former attacks; finally, the public at large, uncritical, lacking in either historical information or historical sense, ready because of its inherited dislike of the South to believe the worst of that section."

From analogy and circumstantial evidence Prof. Owsley concludes that the industrialists have declared war upon the South. The Communists have given him direct evidence of their intent from their official literature. Neither campaign will succeed, he beleves, beyond forcing the Southern whites to revert to the methods and psychology of the Ku-Klux Klan and retarding the development of the Negro.

The views are interesting and we agree with his indictment of the I. L. D. However, we doubt if other elements would join so irresponsible an organization in a concerted crusade against the South.

Lynchings - 1933

Legal Punishment for Rape.

Alabama.

4197

MY Observations

ROMEO L. DOUGHERTY

Help the Scottsboro Boys' Fund

Amsterdam News

3-2-33

New York, N.Y.

IN SCOTTSBORO, EARLY this month, nine innocent Negro boys will be on trial for their lives. The eyes of the entire world will be centered on this small Southern town where race prejudice and Negro oppression will struggle against the liberation movement of the Negro.

While this drama of historic significance to the Negro, is being staged, Negro and white workers and intellectuals everywhere are building the mass support for the Scottsboro case. The Scottsboro Unity Defense Committee, a group of persons who regardless of their political and religious differences, have united to support the Scottsboro boys. This committee has arranged a dance to help raise funds for the defense of this case. For without money the hands of the defense are tied. Every step taken by the International Labor Defense is a costly one.

The dance arranged by the Scottsboro Unity Defense Committee will be held at the Savoy Ballroom, Lenox avenue and 140th street, Wednesday night, March 8. At this benefit there will be an all-star performance. Some of New York's most famous entertainers will donate their services to making the evening a success. Fletcher Henderson, Bennie Carter and Red McKenzie and their orchestras, Chilton and Thomas, the famous dancers, Monette Moore of "Flying Colors," Carolyn Snowden, the well-known dancer, and the Three Black Dots will all be on hand.

Tickets for this dance are only 50 cents. Everyone is urged to buy tickets in advance, so that the defense committee may know how much money they may pledge to the organized Scottsboro defense. Tickets will be on sale at The Amsterdam News, 2293 Seventh avenue; the Harlem Personal Service Shop, 236 West 135th street; the John Reed Club, 450 Sixth avenue; Workers' Book Shop, 50 East Thirteenth street, and Room 611, 80 East Eleventh street. To buy a ticket for this dance is to join the mass support of the Scottsboro boys.

• • •

Harlem chorus girls are sending up a new wail. The chorines claim that their salaries have now reached a new low of $22.50 weekly. "Even if prosperity returns we are in for another beating," said one the other day. "I would not be surprised to see our salaries keep on sliding, and if good times come again it is going to be a long time before we can hope to reach the $25 in Harlem and the $30 to $40 on Broadway.

In the meantime the following letter came from the organization which showed the way to actors and stage hands years ago:

Dear Sir:

We, the Colored Union Motion Picture Operators, members of Local 306, at our regular weekly "get-together," held in our clubrooms at 2005 Seventh avenue on February 21, desire to express to you especially and to the publishers of The Amsterdam News our heartfelt thanks for the fair and impartial measure of publicity given our cause, and for the fine racial and community attitude you manifest concerning the struggle we are now waging to maintain union conditions of work and wages in certain Harlem theatres.

In this struggle we are aware that it is one not only in our own interest, but in the interest of the community also. Every institution in Harlem, be it religious, social, industrial or otherwise, depends upon the Negro wage-earners for its maintenance and success. We feel, therefore, that our efforts deserve the unstinted sympathy and support of every Negro and others in Harlem who are not completely blinded by prejudice against Negroes and antagonistic to the principles of organized labor which we represent.

We also desire to take this opportunity, through you and The Amsterdam News, to thank the theatre-going publice for the support thus far given us on the picket line before the several theatres in Harlem. We shall continue to think with profound gratitude of this support and hope that the economic advantages which will accrue to our group and the community as a result of our struggle will, in a measure, be compensation to our friends and well-wishers among whom we hold none higher and more deserving than yourself.

Sincerely yours,

THE COLORED MOTION
PICTURE OPERATORS,
Members of Local 306.

2205 Seventh Avenue,
New York City.
February 22, 1933.

Scottsboro Defense Protests Absence Of Negroes On Jury

Advertiser

3-6-33

Montgomery Ala.

Decision On Venue Change Delayed By Effort To Quash Charges

SCOTTSBORO, ALA., March 6.—(AP)—Decision on a motion for change of venue for seven of nine negroes indicted in the "Scottsboro attack case," today was delayed as defense counsel unexpectedly filed a motion to quash the indictment because negroes "were excluded from the Grand Jury."

The motion to quash was filed by Irvin Schwab, of New York, one of the attorneys employed by the International Labor Defense to defend the negroes, who contended that exclusion of negroes from the Grand Jury was unfair to the defendants.

Thomas E. Knight, Jr., State attorney general, who is directing the prosecution and who had stated no objections to a change of venue would be interposed, asked defense counsel to withdraw the motion to quash so that the change of venue might be decided.

When this was declined, Knight asked the court for a recess to prepare his argument against the motion to quash. This was granted, and arguments on the motion were set for tomorrow. Defense counsel indicated they might seek to offer evidence.

The negroes were granted a new trial by the U. S. Supreme Court which Nov. 7 set aside the death sentences.

Schwab said members of the jury commission would be called as witnesses and said he had affidavits from negroes that they were qualified to serve on both grand and petit juries but were never called in such capacity.

The motion for a change of venue was based on allegations that "due to prejudice, the defendants would not be given a fair trial in Jackson County."

If Judge A. E. Hawkins, presiding, who once sentenced eight of the nine negroes involved to death, overrules the motion to quash, he then will rule on the request for a change of venue.

Opinion was general that the change of venue would be granted. While defense asked that Jefferson County (Birmingham) be designated as the site of the new trials Knight said it was within the discretion of the judge to designate the trial court.

The only untoward incident oc[illegible] when officers took into custody [illegible] identifying himself as Lake [illegible] was held for investigation. [illegible] caused some excitement.

Officers said his activity in di[illegible]ing "communist literature" crea[illegible] excitement. A large quantity of [illegible]lets were confiscated, [illegible] escorted to the county line [illegible]

The seven negroes inv[illegible] case are Olin Montgomer[illegible] Powell, Charlie Weems, Heyw[illegible] [illegible]erson, Andy Wright, Willie Rob[illegible] and Clarence Norris.

The negroes were not brought here for the hearing today and were held in Kilby Prison at Montgomery, where they have been since sentence of death was passed on them here on April 9, 1931, less than three weeks after the alleged attacks.

The negroes are accused of attacking two young Huntsville white girls as they "hoboed" their way home aboard a freight train March 25, 1931, after an unsuccessful search for work in Chattanooga.

PRESIDENT BARS NEGRO GROUP

[illegible]

Won't See Delegates for Negro Rights

3-7-33

BULLETIN

SCOTTSBORO, Ala., March 6.—Judge Hawkins postponed rendering a decision on the 5 motions filed in behalf of the 9 Scottsboro Boys by the attorneys for the International Labor Defense until tomorrow.

New York, N.Y.

WASHINGTON, March 6.—President Roosevelt today refused to see a delegation of Negro and white persons, headed by William L. Patterson, of New York, which came here to appear before the Governors' Conference to protest against the flagrant [illegible]ation of the constitutional rights [illegible] the Negro People by the federal and various State governments and the courts. The decision refusing to see the delegates was given to Patterson by the president's secretary, Howe.

Will Return.

Patterson replied in the name of the delegation that the delegation would return within a few days reinforced. The delegation is composed of representatives of 97 organizations of Negro and white workers with an approximate membership of 500,000.

Raise Scottsboro Issue.

The delegation will visit Miss Perkins, Roosevelt's Secretary of Labor to protest against the growing attack on foreign born Negro and white workers and demand a halt to deportations. It will also visit several Senators to raise the question of the lynch terror against the Negro masses, the frame-up and attempt to legally lynch the nine innocent Scottsboro boys, the chain gang sentence against Angelo Herndon and the lynch verdict against Euel Lee and other Negro victims of capitalist justice.

Temper and Venue

Telegraph

3-13-33

Macon Ga.

In the Scottsboro case a change of venue has shifted the new trial ordered by the United States Supreme court [illegible] miles from Jackson county, Ala., to Morgan county, in the same state. It is not to be supposed that fundamentally there is much difference in public sentiment between the two places in a case involving charges of criminal assault on white women by Negro men. But the difference of fifty miles hardly measures the change for the better that has come over public feeling everywhere in Alabama since the [illegible] of the supreme court.

It was all very well to protest against interference by outsiders and in particular by "radicals" from New York. Chief Justice Hughes and his associates are neither outsiders nor radicals. Their caveat against imposing wholesale death sentences in a doubtful case could not but bring even the people of Scottsboro to a soberer state of mind. The change of venue was probably welcomed in Scottsboro. It averted a formal recantation.—New York Times.

SECOND TRIAL OF JESS HOLLINS ENDS ABRUPTLY WHEN RULING JUDGE SUSTAINS DEMURRER

Black Dispatch

3-3-33 Oklahoma City

JUDGE E. P. HILL, EMPLOYED BY STATE BRANCHES OF N. A. A. C. P., SPRINGS SURPRISE BASED ON THREE POINTS

Action of Court Practically Throws Case Back to Creek County For New Charges

OKMULGEE, Okla., Feb. 27.—"Demurrer sustained." With this laconic remark Mark L. Bozarth, district judge this morning abruptly brought to an end the trial of Jess Hollins, Negro, charged with the crime of rape. Hollins is alleged to have criminally assaulted Alta McCullom, a white girl in Creek county, near Slick about fourteen months ago.

Judge E. P. Hill, McAlester attorney, employed by the state branches of the N. A. A. C. P., immediately upon the calling of the case, filed a demurrer to the information upon which Hollins had recently been tried and sentenced to electrocution. The demurrer which was sustained by Judge Bozarth, raised three points in which Hill charged the information was defective.

First, that said information does not substantially conform to the requirements of the statutes in charging the defendant with the crime of rape.

Second, that more than one offense is charged in the information.

Third, that the facts stated in the said information do not constitute a public offense.

"Your honor, here's nothing to this demurrer," said Sam Cunningham, assistant county attorney of Creek county, when he had read the instrument.

"Well, we'll see whether there is anything to it," said Judge Hill, as he began to read to the court an opinion, viz.: "Rector vs Territory of Oklahoma; 60 Pacific, 275.

"Let me see that," said Cunningham, when Hill had read a few paragraphs.

"And while you read it I'll just read to the court another opinion," said Judge Hill, as he reached for another volume and began to read "Davis vs State; 17 Oklahoma Criminal, Page 608."

"Well, Judge, I believe he's right," said Cunningham. "I believe he's got me."

"Well, make the record show that this demurrer is sustained," insisted Hill.

Judge Bozarth made the order, and then Cunningham asked to be permitted to amend his information.

"Your honor, there is nothing to amend, as I see it," said Judge Hill. "When you sustained this demurrer, there certainly ceased to be anything before this court over which it has any jurisdiction. Jess Hollins is not charged by anyone with having committed a crime in Okmulgee county, and if any legal proceedings are now taken against this defendant, they must eminate from Creek county," continued the defense counsel.

Bozarth expressed the opinion that he might have jurisdiction over the request to amend, and gave Cunningham until April 3 to submit a brief covering this question. The prisoner, Jess Hollins, was ordered held until that date, awaiting the action of Creek county.

The action of Judge Bozarth has the effect of throwing the entire case back into Creek county, where Hollins will have to be again charged in an original information, arraigned and given a preliminary hearing. In such an event defense counsel will again demand a change of venue.

Judge Hill, in the absence of Judge Redwine, who was absent on account of an attack of pneumonia, expressed the belief that Creek county authorities would hardly be able to prepare an information against the defendant that would hold water. "It looks as though we will demur them out of court," he said.

Cunningham appeared much crestfallen and was visibly irritated at the action of Judge Bozarth, and the court acted with such swiftness in the matter that the huge crowd which thronged the court room hardly knew what had happened.

A score of witnesses, both black and white, were subpoenaed and were present for the trial. Mrs. Irene Hollins was also present, as was also the complaining witness.

The action of Judge Bozarth today is the second jolt given to the state in its efforts to electrocute Jess Hollins. The crimina court of appeals last September reversed the former trial, stating in unvarnished language the night session held at Sapulpa, which lasted only a few minutes, and at which time Hollins was sentenced to be electrocuted, deprived Hollins of due process of law. Hollins has been held since that time in the penitentiary at McAlester. The judge who sentenced Hollins to death, told the high court that he acted hastily because of fear of mob violence.

Hollins' attorneys express belief that the man is innocent of the charge and have located witnesses who will doubtless clear the man when their testimony is heard in court.

SCOTTSBORO TRIO TELL OF TRAIN RIDE

Times

Saw No White Girls and Fought No White Boys, Say Wright, Patterson and Williams.

3-13-33

WELL TREATED IN PRISON

New York, N.Y.

But Eight at Kilby Penitentiary Are Kept in Death Cells to Avoid Riot, Warden Asserts.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 12.—George B. Walls, Warden of Kilby prison, where eight of the nine Negroes accused of attacking two white girls on a freight train near Scottsboro two years ago are confind, explained today that they were held in the death house to protect them from other prisoners.

Lawyers defending the Negroes have complained that they are not permitted to discuss the case with their clients except in the presence of the warden or prison guards, and they hold that confinement of the prisoners in the death cells is no longer justified because the Supreme Court has set aside death sentences imposed at Scottsboro and ordered new trials.

Warden Walls, admitting that prison rules forbade private interviews with prisoners in the death house, declared that to transfer the Negroes to the prison proper would be unsafe. When the inmates of Kilby prison are not working in the cotton mill or in the fields, they have full liberty within the prison walls until 9 P. M., when they are locked in their cells.

While the white prisoners and the Negroes occupy separate cell blocks, since Alabama laws prevent mingling of races even under prison roofs, the warden asserted that a riot would certainly follow transfer of the "Scottsboro boys" from the death house to the prison itself. The mess hall, in which all the prisoners except the inmates of the death house eat, is divided only by a partition eight feet high.

Allowed to See Prisoners.

The warden readily consented to escort a reporter through the prison, of which he is extremely proud, and into the death house itself to talk with the Negroes in the Scottsboro case. The death house cells are as roomy as the other cells, and each has a window and modern plumbing.

The only difference in the treatment of death-house inmates and others is that the former are kept locked in their cells all the time, except twice a week when they are taken singly to the shower room for baths. Since the Scottsboro Negroes are being held for safe-keeping for Jackson County, they cannot be put to work in the prison shops.

The death house is really one end of a wing of the main prison building, separated from the rest by steel doors. It contains a dozen cells, each of which is occupied by a Negro. A metal door and a short passageway lead to the execution chamber with its yellow-varnished electric chair in the centre.

In the presence of the warden each of the prisoners was asked if he had been mistreated since his arrival at Kilby prison in April, 1931. Most of them solemnly assured the visitor that they were "treated all right." A few, who have been cautioned not to discuss the case with strangers, simply said:

"See my lawyer."

Andy Wright, Claude Patterson and Charles Williams declared they knew nothing about the crime of which they were accused and that they had seen no white girls on the train, nor had they engaged in a fight with white boys. They had been on an oil-tank car, they said. What had happened as the freight train traveled from Chattanooga to Paint Rock they had learned only when they were taken off by an armed posse there and accused of attacking the girls.

Leibowitz to Arrive Today.

Their story conformed with that told by Roy Wright, the 15-year-old Negro boy held in jail at Birmingham, who has denied any part in the crime and has described the mistreatment he says was administered to him and his companions by militiamen and deputy sheriffs while he was awaiting trial at Scottsboro.

Samuel Leibowitz of New York, who will head the battery of legal talent engaged by the International Labor Defense to try to save the accused youths from the electric chair, is due in Chattanooga tomorrow to confer with George W. Chamlee, the Tennessee lawyer, who last Tuesday won a change of venue.

Judge A. E. Hawkins, who granted the motion of the defense, transferred the trial to Decatur instead of Birmingham, thus going counter to the wishes of the defense. Upon Mr. Leibowitz's arrival, there will probably be a decision on whether to ask Judge Hawkins to reconsider the motion for a change of venue to permit defense counsel to introduce evidence of prejudice against the Negroes in Decatur.

A motion to quash the indictments on the ground that jury commissioners of Jackson County systematically excluded Negroes from the grand jury which indicted the Negroes will be argued before the judge who will preside at the trial.

It is this phase of the case which is causing the greatest concern to the people of Alabama who regard it as a challenge to the whole jury system of the State. Attorney General Thomas E. Knight Jr. has said that he will fight the attack on his State's jury system in the United States Supreme Court if necessary.

Lynchings-1933

Legal Punishment for Rape.

Alabama.

4198

Try to Lynch White Reporter for Negro Press at Scottsboro Hearing

Daily Worker

Charged With "Helping Niggers"; Decatur Gangsters Claim Credit for Murdering Negroes: Prepare Lynchings at Trial

NEW YORK.—The story of how a white reporter for a number of Southern Negro newspapers narrowly escaped lynching in Scottsboro two weeks ago when the change of venue for the nine framed-up Negro youths was being argued there, was told yesterday to the International Labor Defense here.

3-20-33

The newspaperman, who has just come up to New York from the South, in relating his experiences, gave further confirmation of the lynch atmosphere which is now carefully being prepared for the Scottsboro boys.

Sounding the alarm, William L. Patterson, national secretary of the I. L. D., in a wire sent Saturday to workingclass organizations all over the country and to every district of the I. L. D., declared in substance:

"Immediate mass action must rouse millions to save the Scottsboro boys. Let up in mass action is responsible for the present situation in which the nine innocent Negro boys are faced with an infinitely greater danger of lynching. Neglect is murder."

The wire also called on all organizations and individuals to wire Gov. B. M. Miller of Alabama, demanding a change of venue for the Scottsboro case from the lynch-town of Decatur, in Northern rural Alabama, to Birmingham, where a wide working class population of Negro and white would make it more difficult for the authorities to make lynch-preparations.

Describing how he narrowly avoided death at the hands of a lynch mob in Scottsboro, the reporter for the Negro press said:

"I asked the way to the jail, when I came in," he told an I. L. D. representative." "I was immediately surrounded by a mob of armed men who took me to the sheriff's office demanding that I be lynched. There was no indication that the sheriff opposed this idea. Certainly the mob didn't expect real opposition. The sheriff, however, wanted to be careful. The Scottsboro trial was still to come with its greater lynch possibilities. They kept me in the sheriff's office until eight o'clock in the morning, with the gang baiting and heckling me.

"The charge against me, though I was not arrested, was, as nearly as I could figure out from the talk, that I 'had come to help them "niggers" some way.' They couldn't quite figure me out, so they kept me in the office until eight in the morning, and then put me out of town, the gang accompanying me on the road. I had walked down the road a long way leaving the Scottsboro people behind before I felt sure I wasn't going to be strung up or shot that day."

The lynch-plans, the I. L. D. has charged, are directly connected with the condition of the jail in Decatur, which is such that, as a deputy described it to the New York Times reporter: "You could get out of there with a spoon." The same applies to getting in, the I. L. D. pointed out, and this was one of the factors which influenced Knight and Hawkins to select Decatur for the scene of the trial.

Threaten Militia

In further preparation for the lynching, Sheriff A. W. Davis of Morgan county, in which Decatur is located, has announced he will ask for militia to be sent there, and Mayor James A. Nelson said he will mobilize the American Legion.

Decatur, I. L. D. investigators have revealed, is the headquarters for criminal gangs which opearte thruout the state. The leader of one of these gangs is quoted as having said of the Scottsboro case that "if he had been on that train, there wouldn't have been any trial, there wouldn't have been any arrests, and there wouldn't have been any of the 'niggers' alive."

Gang Murders Suppressed

Immediately following the lynch-trial of the nine boys in 1931, an unknown number of Negroes were murdered on freight trains in northern Alabama. The number has been conservatively estimated at twenty.

The Decatur gangsters are revealed by the investigation as claiming credit for these murders.

In a further statement today, the I. L. D. repeated its warning and its charges, growing out of investigation of lynch preparations for the Scottsboro boys and their defenders in Northern Alabama, that "vigilance committees" have been set up, centering in Huntsville, which is half-way between Scottsboro and Decatur, for the organization of a lynching party in case the boys are acquitted. These "vigilance committees," called originally in an open letter in the Huntsville Times soon after the announcement of the U. S. Supreme Court decision, have spread their murderous tentacles all over northern Alabama, and are now tightening their organizations in final preparations for the trial which is to open on March 27.

GOVERNOR PLEDGES NEGROES FAIR TRIAL

Times

But Miller Bars Outside Interference With Administration of Alabama Law.

HIMSELF AS LAST RESORT

3-12-33

He Says He Won't Let Any Be Put to Death in Scottsboro Case Unless Sure of Guilt.

New York Times

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 11.—Benjamin Meek Miller, Governor of Alabama, in an interview today in which he defended the laws of his State and their administration, promised ample protection and a square deal to the nine Negroes awaiting a second trial for an attack on two white girls near Scottsboro.

The interview took place in his office at the Capitol, from the dome of which first waved the Stars and Bars of the Confederacy. It was there, too, that Jefferson Davis was inaugurated President of the Confederate States of America in 1861.

Governor Miller, holding that the guilt or innocence of the accused men rested entirely with the court, confined himself to a discussion of the underlying principles involved and declined to discuss the issues of the case itself.

Effects of Radical Protests.

Since the Negroes were convicted and sentenced to death in April, 1931, Governor Miller said he had received more than 150,000 communications from radical and labor organizations throughout the world protesting against the executions which were prevented when the the United States Supreme Court ordered new trials. Many of them contained threats that he and other officers of the State would suffer the same fate meted out to the Negroes, he said.

The agitation by Communists, who interested themselves in the Negroes after their conviction, has helped stiffen the attitude of the people of Alabama against the Negroes.

By capitalizing on the legal assistance provided for the Negroes by the International Labor Defense it is said, Communist organizers have been active along the share croppers of the so-called Black Belt and have been successful in perfecting an organization. Many elements in Alabama regard this as a dangerous movement.

Promise of Impartial Trials.

Whatever the attitude of the people toward the Negroes or the organization that has aligned itself with their defense, Governor Miller declared it would not be allowed to interfere with the administration of justice free from prejudice or influence.

"My interest in this case is not different from my interest in other important trials," he said. "It is to see that all the defendants get a fair trial by an impartial jury and I know that they will get one.

"There will be no lynching either in the courtroom or outside it. If it becomes necessary, I shall call out the Militia to protect them, but I am not sure—I don't know that it will be necessary.

Governor Miller is a genial, pleasant-faced man with the judicial mien that comes from years spent on the bench. He served both as a Circuit Court judge and as a Supreme Court justice before he became Governor two years ago last January. The cases of the Negroes probably would come before him on appeals for clemency if they should be convicted.

"Not one of those Negroes will die in the electric chair unless I am satisfied that he is guilty," he said.

Crimes Punishable By Death.

The statutes of Alabama provide capital punishment for seven crimes and, while the Governor conceded that this might seem somewhat severe to Northern minds, he pointed out that the statutes were rooted in common lay and he held them as necessary now as when they were enacted.

The crimes for which juries are empowered to recommend death sentences are murder in the first degree, rape, first-degree arson, criminal mistreatment of a girl under 12 years of age, train-wrecking, robbery, and last for emphasis "carnal knowledge of a married woman by falsely impersonating her husband."

These are not obsolete laws. A man was convicted for crime of impersonating a woman's husband here less than two years ago and sentenced to ten years in prison, although the jury had the power to order the death penalty. In the crime of impersonation, the woman's testimony must be corroborated, but where rape is charged the word of the victim is sufficient to convict.

In two years since Governor Miller took office ten men, all Negroes, have been executed in the electric chair at Kilby prison, six for murder, three for rape and one for robbery. Of twelve death sentences commuted by Governor Miller, ten were imposed on Negroes and two on white men.

Enforcing State's Law Stressed.

The law under which the Negroes were convicted in the Scottsboro case and under which they will be tried again is very brief. It reads as follows:

"Any person guilty of the crime of rape must, on conviction, be punished at the discretion of the jury by death or imprisonment in the penitentiary for not less than ten years."

Governor Miller takes the position that, regardless of what people in other States think about the severity of the statute, it is the law of Alabama and it must be enforced.

He pointed out that scarcely any of the protests against the conviction of the Negroes came from Communists within the State, or for that matter in the South. Most of them, he said, came from Communist organizations in other parts of the country and abroad, and virtually all contained the phrases, "We demand," and "We will hold you responsible."

Attorney General Thomas E. Knight Jr., who will prosecute the Negroes and who was present at the interview, asserted that the law was administered without regard to color and declared that juries in Alabama demanded just as much proof against a Negro as they would against a white man.

A Negro accused of the same crime as the nine now awaiting was acquitted by a jury in Montgomery County, which is on the very edge of the Black Belt, at about the same time the nine men were convicted at Scottsboro, he said.

Scottsboro Folk Defended.

A leading member of the Alabama bar declared today that the mountaineers of Scottsboro, clamoring about the courthouse in a lynching mood and held back by a cordon of militiamen, did less to influence justice than the Communists and their allies attempted to do when the appeal was argued before the Supreme Court in Washington.

"Our Attorney General was threatened with violent treatment and death up there in the nation's Capitol," he said. "Policemen were sent to escort him from his hotel to the court room in the Capitol. Communists demonstrated and marched outside the building. They deluged the court with telegrams designed to influence their judgment. and when the hearing was over there was bloodshed, sir.

"Nothing like that happened at Scottsboro. No protection had to be given the defense attorneys at any time during the proceedings. None sought to influence the court and there was no bloodshed at any time.

"The fact that we don't allow our trials to be dragged out by technicalities does not mean that any rights of the defendants are overlooked. A speedy trial is not synonymous with an unfair trial.

Restoring of "Prestige" Desired.

The lawyer's words summed up the general attitude of the white men of the State. The idea he expressed is heard everywhere. Constantly it is iterated that the Negroes will receive a fair trial, yet nowhere is there the slightest doubt that they will be convicted a second time because nowhere is there an ydoubt of their guilt.

A large number of persons feel that the State Supreme Court, which upheld the convictions of seven of the condemned Negroes, was damaged in "prestige" when the United States Supreme Court reversed it. A new set of verdicts of guilty, it is felt would restore that prestige.

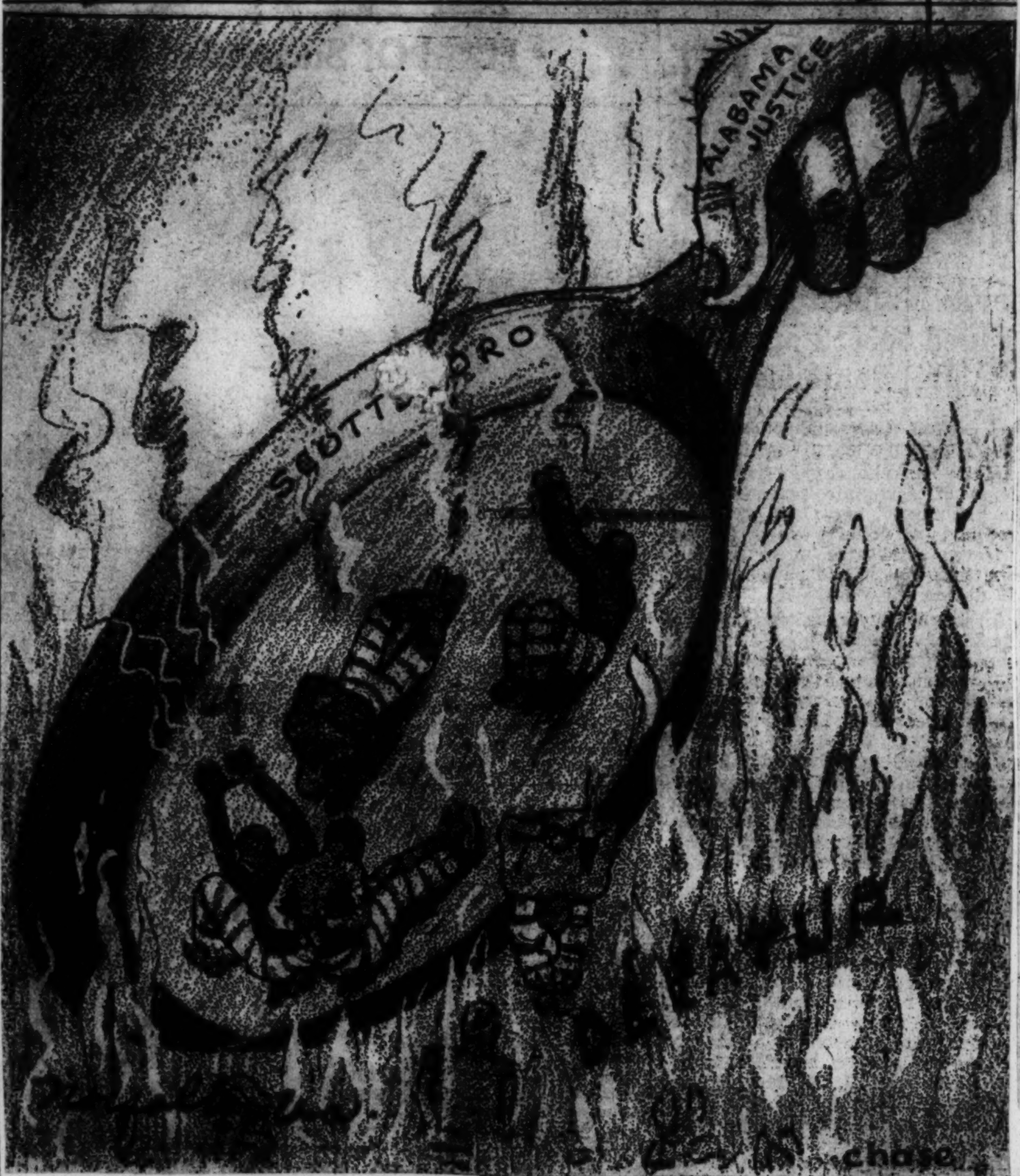
Attorney General Knight, who has been criticized locally for asking a delay in argument on the defense motion to quash all the indictments on the ground that Negroes were excluded from the grand jury, replied to the criticisms today.

The postponement of argument, he said, was asked not because he was unprepared to meet the issue but to protect the rights of the defendants. Had the motion to quash been argued before Judge A. E. Hawkins in Scottsboro las Monday, the other defense motion for a change of venue would have been lost because the trial would actually have been under way, he explained.

Anticipatin~ future appeals, he said that he was building up the record of the case with unusual care.

"OUT OF THE FRYING PAN..." —Chase

Journal & Guide 5-27-33



Drawn by William C. Chase for Cooperative Publishers.

Birmingham, Ala., News
April 29, 1933

The Jail Riot Staged By The Scottsboro Negroes.

The riot staged in the Jefferson County jail by the nine Negro defendants in the Scottsboro case must be put down as just another unfortunate consequence of the senseless and vicious agitation of the case by the International Labor Defense and other radical groups or individuals.

There can be no doubt that the prisoners were aroused to their mutinous attitude by the Communist propaganda that has been bearing in upon them, and not by any grievance over the treatment they have received in jail. It is not surprising that the propaganda which has reached them should have had this effect. The fact that the Negroes, after their violent outburst and some hours of sulking, have abandoned that attitude and promised to behave themselves, indicates that their own better judgment has now prevailed over the incitements to which they have been subjected. Let us hope this better judgment will continue to rule their conduct. It is obviously better for them to behave themselves, and it is better for everyone and everything else concerned. It ought not to be difficult to persuade them of this. However they may feel about the case itself, they surely have no cause for complaint at the treatment they have received in jail.

If we realize that their spell of misbehavior was a more or less natural result of the propaganda which has surrounded the case, we may dismiss it as a matter of no serious concern. It is unpleasant for Alabama to have this sort of thing happen. But there has been much in connection with the case that has been unpleasant to Alabamians. Our people on the whole have tried to bear it all with patience, which under the circumstances is the sensible attitude for us to take, and certainly we can be patient with respect to this latest consequence of the reckless and unscrupulous agitation on the part of radicals who have sought to make of the case a cause celebre in the interest mainly of themselves, and not of the defendants.

Alabama.

4199

Lynchings-1933
Legal Punishment for Rape

MAP DEFENSE PLAN IN SCOTTSBORO CASE

Leibowitz of New York Confers With Aides in Alabama on a 3-Point Program.

Times

TO PRESS VENUE CHANGE

3-14-33

Counsel Will Argue Today for Shift to Birmingham and Then Meet With Attorney General.

New York
N.Y.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

CHATTANOOGA, March 13.—Samuel S. Leibowitz, New York criminal lawyer, arrived here today and took charge of the defense of the nine Negroes held in prison for two years on charges of attacking two while girls in the now famous Scottsboro case.

Mr. Leibowitz and Joseph Brodsky, who is associated with him as counsel, conferred at length with George W. Chamlee, former prosecutor of Chattanooga, who is helping them prepare their case. The lawyers mapped a three-point plan of action to be pressed before the opening of the new trial, ordered by the United States Supreme Court in setting aside death sentences originally imposed.

They will try tomorrow to induce Judge A. E. Hawkins to reconsider his decision at Scottsboro last Monday, when on a motion for a change of venue he named Decatur instead of Birmingham as the place for the second trial.

Regardless of the outcome of their efforts, Mr. Leibowitz and his associates will proceed to Montgomery to seek an understanding with Attorney General Thomas E. Knight Jr. on a date for argument on a motion to quash indictments. This plea is based on the ground that Negroes were barred from the grand jury which returned the bills.

While they are in Montgomery the lawyers intend to demand the right of private audience with the eight prisoners who are confined in Kilby prison there. It is expected that this privilege will be denied, and in that case Mr. Leibowitz said he would appeal to the courts to transfer the prisoners to the place where they will be tried or sue out a writ of habeas corpus on the ground that the eight defendants are illegally incarcerated in the death-house.

Seeks to Avoid Militia Call.

The defense lawyers are hopeful that they will be able to convince Judge Hawkins that Birmingham is a more suitable place for the trial of a case which has begun to assume the proportions of a Sacco-Vanzetti trial of the South than is Decatur, a rural community in a county contiguous to Madison County, home of Ruby Bates and Mrs. Victoria Price, victims of the alleged attack.

The jail and prison are under the same roof in Birmingham, and Mr. Leibowitz pointed out that it would not be necessary to call out the militia to provide the adequate protection which Governor Miller of Alabama has promised the defendants, if the trial were held there. He believes that the very presence of the militia about the court room would be prejudicial to the defendants.

The first legal tilt in the coming battle will probably come over the issue of the right of counsel to confer privately with the eight defendants in the death-house at Kilby prison. Warden George B. Walls has said that he will not permit unsupervised consultation without a court order, and Attorney General Knight has declared there is no need for it, because the laws of privilege governing the relations of lawyer and client are broad enough to prevent the introduction of testimony by an eavesdropper, even though his capacity be an official one.

Mr. Leibowitz made it clear that these conditions were unsatisfactory to him and that he would resort to legal action if State officials persisted in their refusal to permit lawyers for the defense to have private audience with their defendants. Their incarceration in the death-house after new trials were ordered was without warrant in law, he said.

Divorced From Red Activities.

One of the first things the New York attorney, who has won eighty-four of the eighty-five capital cases in which he has represented defendants, sought to do was to divorce himself from the Communist activities which have helped crystalize sentiment in the South against the accused Negroes since the International Labor Defense interested itself in their case.

Governor Miller has been bombarded, under Communist direction, with telegraphed and written protests and threats in what has been interpreted here as an organized movement to coerce the courts of Alabama.

Communist organizers are also said to have capitalized on the help they have extended to the accused Negroes to further the organization work they are carrying on among the share-croppers of the black belt.

Not only did Mr. Leibowitz deny any Communist connections, but he made public letters which passed between him and William L. Patterson, the Negro secretary of the International Labor Defense, before he consented to accept the assignment to defend the accused Negroes.

"Lest there be any misapprehension among the people of the great State of Alabama regarding my entry into this case, I wish to make my own position clear at the very outset," said Mr. Leibowitz in a statement issued after his arrival.

"I have consented to defend these Negroes because the highest court of our country has decreed that they shall have new trials on the ground that they were not adequately defended at their first trial in Scottsboro.

"Nine human lives are at stake, but almost equally important is the preservation of our tradition and ideal of equal justice for all regardless of race, color or creed.

"It is true of every local community that when an outsider comes into it he runs the risk of antagonizing its people. I want the people of this country, and especially the South, to know that I am not presuming to come here to try to tell them how to administer their laws or run their affairs.

"The International Labor Defense has interested me in the case. I have become identified with it regardless of the fact that I have no connection with the Communist party or any other radical organization.

"I am not a 'Red' by the widest stretch of the imagination. As a matter of fact, it is only recently that I was a candidate for Democratic leader of an assembly district in my home town of Brooklyn. I am a stanch supporter of Franklin D. Roosevelt and served my country to the best of my ability in the World War.

No Pay From Labor Defense.

"I am not in sympathy with the political activities of the Communists or any other radical organization. The fact is that I am receiving neither pay for my work in the case, nor have I permitted the International Labor Defense to pay 1 cent of the necessary expenses I have incurred in the defense of these boys.

"I am coming here simply as a lawyer to try a law case, fully mindful of the sincere desire of the good people of the great South to give every living thing on God's green earth a square deal.

"If these men really committed this atrocious crime charged against them, they should suffer the penalty provided by law, which is death. On the other hand, if these girls are making false accusations then I know that there is not a red-blooded, upstanding American citizen below the Mason-Dixon Line who will not pray with heart and soul for their acquittal. I cannot subscribe to what in some quarters is the prevailing notion, that the Southerner will not give these Negro youths an absolutely fair chance for their lives."

In the letter from the International Labor Defense in which Mr. Liebowitz's assistance was sought, there was the following statement:

"We do not ask you as a condition of your acceptance as trial counsel to give up any of your social, economic or political views."

In reply Mr. Leibowitz wrote under date of Jan. 9, 1933:

"While, as you are quite aware, your organization and I are not in agreement in our political and economic views, your letter arouses my sympathetic interest, because it touches no controversial theory of economy or government, but the basic rights of man.

"Let me say at the outset that if I serve this cause, as you suggest I should, I will not serve it for money; nor will I permit you to repay the expense I may incur.

"The limits of the Scottsboro case, if I measure them correctly, rest somewhere outside the fate of the seven defendants. Within its compass reside our national conscience, our Caucasian sense of even-handed justice, and our dignity and reputation before the world.

"Not Doomed by Color of Skins."

"To help keep sacred these ancient shrines of our civilization and our national life is a duty which any man should render freely, and ask no payment except that which his fealty to his country and his pride in its ideals will provide.

"You have given me to understand that the defense was not properly presented before the first trial court, and in that assertion you have the support of the appellate tribunal's reversal of the conviction.

"At the moment, when I stand on the threshold of the case, I think it improper to discuss any of its ramifications. But it is gratifying to enter it with a warrant from the courts of Alabama to exert whatever talent I may possess in the defendants' behalf.

"I do not believe it has ever been the desire of the people of the South to deal unfairly with the Negro. Customs differ; social usages and points of view are dictated by tradition. But persons of substance in the Southern States have recognized for many generations a moral obligation toward the simple and generous folk whom slavery brought them first as chattels.

"Some of my friends have advised me to take no part in this case. They fear that the defendants have been prejudged. That irrespective of the action of the Appellate Court they are doomed because their skins are black. I cannot partake of that opinion.

"North and south, east and west, we Americans have a common tradition of justice. And if it is justice that these black men be adjudged innocent—if it is justice, I repeat—I cannot believe that the people of Alabama will be false to their great heritage of honor and to those brave and chivalrous generations of the past in whose blood the history of their State is written.

"If the views I have expressed match yours, then I will accept the task of conducting the defense."

NEW YORK TIMES
MAR 11 1933

BACKS JURY POLICY IN NEGROES' TRIAL

Alabama Attorney General Is Ready to Defend System Before Supreme Court.

RACIAL EXCLUSION DENIED

Official Scoffs at the Story o Scottsboro Defendant That He Was Jabbed With Bayonet.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 10.—Holding that Alabama's jury system had been challenged by the motion to quash the indictments against nine Negroes accused of rape, on the ground that members of their race were excluded from the grand jury which indicted them, Thomas E. Knight Jr., Attorney General, said today that he was prepared to defend it before the United States Supreme Court if necessary.

The Negroes accused of attacking Ruby Bates and Mrs. Victoria Price on a freight train on which they were stealing a ride from Chattanooga, Tenn., on March 25, 1931, were saved from death in the electric chair by the United States Su preme Court, which ordered new trials for all, holding that their first trial at Scottsboro was unfair.

Eight of them are in Kilby prison here and the other, a juvenile, is in jail in Birmingham.

State officials here, it became known today, expect the defense attorneys to follow their motion to quash the indictments with another motion to dismiss the venire of talesmen from which a jury will be selected to try the defendants on the ground of systematic exclusion of Negroes from jury service in violation of the Fourteenth Amendment to the Constitution.

"Systematic Exclusion" Denied.

Mr. Knight denied vigorously today that there was any such "systematic exclusion" on purely racial grounds. The Alabama statute describing the qualifications of jurors gives the jury commissioners, appointed by the Governor, wide latitude in the selection of veniremen. Its constitutionality, Mr. Knight declared, has been upheld by the United States Supreme Court.

If Negroes rarely if ever appeared on juries in Alabama, he said, it could only mean that Negroes seldom if ever satisfied the jury commissioners that they were persons of "sound judgment" or otherwise fitted to determine between right and wrong.

"When you challenge the right of jury commissioners to exercise their discretion in the selection of veniremen," he said, "you challenge the jury system, not only of Alabama but the whole United States. That is an issue of great importance in this case.

"It is the contention of the State of Alabama that its jury law provides equal protection to all in theory, and that it does also in practice within the decisions heretofore handed down by the Supreme Court of the United States. Negroes are not systematically excluded from service because of race or color. That is our contention. We are prepared also to defend the administration of the law by our jury commissioners."

Attorney General to Prosecute.

Mr. Knight, who is only a little over 30 years old and is the son of a Supreme Court justice who wrote the opinion upholding the original conviction of the Negroes, did not enter the case until the International Labor Defense, a New York organization with radical connections, came to the defense of the prisoners after they had been saved from a lynching mob, convicted in a court of law and condemned to die. He will prosecute them at the new trial which has been ordered.

In discussing the case today he expressed indignant resentment at the "interference" of outside elements in the administration of Alabama justice and insisted that justice was done in the first trial at Scottsboro.

He declared that critics who thought Jackson County showed too much haste in concluding the trials of the Negroes less than a fortnight after their arrest should consider the case of Zangara in Florida.

The Attorney General denied also the allegations of Roy Wright, the 15-year-old prisoner at Birmingham, who charged in an interview in prison that he had been stuck with the bayonet of a militiaman at Scottsboro and beaten in the court house by deputy sheriffs during the trial of a co-defendant.

All this was untrue, Mr. Knight said, and he declared that he would submit evidence to prove it was false if the defense undertook to show that incriminating statements made by the prisoners against each other were obtained under duress.

Negroes' Counsel Praised.

Discussing the question of the adequacy of the counsel assigned by the court to defend the Negroes at their first trial, Mr. Knight paid high tribute to Milo Moody, their assigned counsel, as one of the best criminal lawyers in Jackson County.

In the ten days prior to their trial, Mr. Knight said, Mr. Moody conferred with the prisoners on several occasions in preparing his case. The inadequacy of defense counsel provided by Judge A. E. Hawkins was the ground on which the Supreme Court ordered new trials.

"They had adequate representation," Mr. Knight declared, "and their statement that they were mistreated by the militia or the deputy sheriffs is ridiculous. Consider a moment. The militia was called out to save these prisoners from lynching. Is it likely that they or the deputy sheriffs would do anything which might incite the mob to action?"

The disappearance of the Bates girl on Feb. 28, Mr. Knight said, would not hamper the prosecution materially, even though she did not reappear by the time set for the trial.

Missing Witness Still Sought.

Mr. Knight declared he had process servers searching the State for her, and said that by the time the trial starts he would produce her or be in a position to prove that she was beyond the jurisdiction of the State. In that case, he said, he believed the testimony she gave at the first trial would be admissible at the second.

From other sources it was learned that the Bates girl before her disappearance told prosecuting officials she had been offered large sums of money to disappear before the second trial.

There is a disposition among officials to suspect radical organizations of having induced her to run away, and it was learned today that police throughout the State had been asked to take into custody a Communist agitator from San Francisco in connection with her disappearance.

Some of the criticism directed at the manner in which the first trial was conducted grew out of the fact that none of seven white hoboes whom the Negroes were said to have pitched off the train before attacking the two white girls was called to testify against them, although the white men were rounded up and lodged in the Jackson County jail until the trials were concluded.

Mr. Knight explained that this was because none of the white men was a resident of Jackson County, where the crime was committed. There was no reason to summon witnesses of that sort to corroborate the testimony of substantial county men who saw them thrown off the train, Mr. Knight declared, and he added that the white men, with one exception, were ousted from the train before the Negroes committed the crime for which they were indicted.

Meanwhile, in Chattanooga, George W. Chamlee, one of the defense attorneys, was preparing the motions which he will file before the trial starts, probably about March 20. He has been criticized by members of the Alabama bar for accepting a retainer from the International Labor Defense to defend Negroes accused of what Southerners regard as the most heinous of crimes.

He explained over the telephone this afternoon that he did not enter the case expressly at the behest of the International Labor Defense, but had been the attorney some years ago for Claude Patterson, father of Haywood Patterson, one of the prisoners, in civil litigation.

"I regard this not only as an important case from a legal viewpoint but as an opportunity to render a real public service," said Mr. Chamlee.

Chamlee Defends Course.

"Here are nine negroes accused of attacking two white girls. They once were condemned to death. They came very near being lynched. Everybody assumed that they were guilty as charged.

"Now if we can show that they were innocent of the charge, or even if we can show conclusively that only some of them were not guilty of this awful crime, it might make mobs think twice in the future before resorting to the rope. It is my hope that this case will provide the object lesson that will end lynching in the South."

Thomas Lawson, an Assistant Attorney General who was assigned to the task of collating the record of the case at Scottsboro, returned to the Capitol today and reported to Mr. Knight that the work would be completed in a day or so.

It is Mr. Knight's intention to ask Judge Horton of Athens to convene court at Decatur, Morgan County, at his earliest convenience when the record has been assembled. The trial, originally scheduled to take place at Scottsboro, was transferred to Decatur on a defense motion for a change of venue.

Motion to Quash Pending.

When the defense attorneys filed their motion to quash the indictments at Scottsboro last Monday, Mr. Knight was taken by surprise and asked for a twenty-four hour delay in argument on the issue. On Tuesday the court granted the change of venue, and the argument on the motion to quash went over to the judge of the new jurisdiction.

Tonight The Alabama Journal, published here in the capital city, commented editorially as follows:

"Laymen in Alabama have not been especially concerned about where these trials are held, for they have felt that Alabama courts anywhere would give the Negroes a fair trial. But even laymen have been greatly concerned in recent months over some of the race angles in the case and its handling, which must pass muster before the Supreme Court of the United States.

"It may have been a surprise to the Attorney General's Office that this point (the exclusion of Negroes from jury duty) was raised immediately, but it was no surprise to the average citizen. That is the angle of this case which is going to require legal talent and generalship of the highest order."

Postmaster Tries to Bar Scottsboro Defense Stamps

Daily Worker

3-18-33

New York

N.Y.

NEW YORK.—Action by the United States Post Office to attack the Scottsboro Defense Campaign of the International Labor Defense by preventing the use of the Scottsboro penny stamps now being sold to raise funds for the fight to save the nine innocent Negro boys has been sharply challenged by the I.L.D.

The I.L.D. has issued an attractive penny stamp, to enable all workers, employed or unemployed, to contribute to the defense to whatever amount they may be able. These stamps are to be affixed to the back of letters written by the buyers, to spread the mass defense, and to advertise their sale.

In a letter to the I.L.D., Postmaster J. J. Kiely, of New York, threatened to refuse to accept any letters on which these stamps are affixed.

The I.L.D. immediately took legal steps to have this threat withdrawn, pointing out in a letter sent to the postmaster by Joseph R. Brodsky, attorney in the Scottsboro case, that this is an illegal threat, as a decision of the Circuit Court of Appeals has established, in the case of printed matter on the outside of envelopes exposing the Mooney frame-up, that such use of stamps is legal.

At the same time, the I.L.D. pointed out that such a threat is plain discrimination in a class case, as the post office permits affixing of Red Cross and other racket stamps on letters.

Workers are called upon by the I.L.D. to answer this challenge by buying larger quantities of these stamps, pasting them on the back of every letter they write.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4200

Fight for Negro Rights in the Black Belt

Daily Worker

THE mass fight for the Scottsboro boys achieved another important partial victory on Monday. Judge A. E. Hawkins was forced, under pressure of the world-wide thunder of protest against the lynch verdicts, to grant the motion of the International Labor Defense attorneys for a change of venue from the town of Scottsboro, Alabama, scene of the original mock trials over which Judge Hawkins himself presided. Judge Hawkins at that time denied a change of venue.

Thus, step by step in the grim world-wide fight against the lynch verdicts, against the brutal system of national oppression, economic robbery and persecution of the Negro people, mass pressure on the lynch courts has forced the white ruling class of this country to retreat from one position to another.

3-9-33

The fight, however, is not yet won. With typical hypocrisy the ruling class and its courts attempt to utilize even the partial victories wrested from them by the mass fight to bolster up the lying pretext that the capitalist courts are "fair" and " impartial". In this way, they attempt a monstrous deception of the toiling masses, aimed at disarming the vigilance of the workers, while preparing to carry through the legal lynchings under the camouflage of careful "deliberation", of "conceding" to the demands of the defense. But the fundamental demands of the defense and of the Negro people and white and Negro workers they reject. It is no accident that the U. S. Supreme Court in its decision, wrested from it by the mass fight, ordering new trials for the boys brushed aside as of no significance the fundamental issue raised by the defense, of the deliberate and habitual exclusion of Negroes from the grand and petit juries in Jackson County, in which Scottsboro is situated. So, too, Judge Hawkins, acting on this broad hint given the lower lynch courts by the U. S. Supreme Court on Monday refused to rule on the defense motion to quash the indictments against the Scottsboro boys based on the exclusion of Negroes from the grand jury which indicted them and from the petit juries which rushed through the death sentences against eight of the nine boys. His refusal to rule on the motion was in itself a decision against the motion, against the most elementary rights of the Negro people.

New York N.Y.

This exclusion of Negroes from juries is one of the fundamental issues in the fight for the Scottsboro boys. It involves an open violation of the constitutional rights of the defendants and of the Negro people. That it is a fundamental issue is recognized by the organ of the Scottsboro lynchers, the Jackson County Sentinel, which on April 23, 1931 openly called for the lynching of any Negro who would dare to serve on a jury, declaring:

"A Negro juror in Jackson County would be a curiosity—and some curiosities are embalmed, you know."

It is also no accident that Judge Hawkins in granting a change of venue, selected the little town of Decatur for the new trials, rejecting the proposal of the defense that the trials be held in Birmingham, an industrial center with a large Negro and white proletariat.

Thus, the ruling class continues its attempts to legally murder these nine innocent working-class children, despite the overwhelming proof of their innocence, despite the letter written to her sweetheart by Ruby Bates, one of the state's two star witnesses, repudiating her lying testimony that the nine boys had raped her and her companion, Victoria Price. The Negro and white workers and all sincere intellectuals must answer this brazen attempt to carry out the legal lynchings with a new thunder of protest, with the strengthening of the mass fight which alone can free the boys.

On with the mass fight for the unconditional freedom of the Scottsboro boys! Organize protest meetings and demonstrations! Rush telegrams and resolutions to Governor B. M. Miller, Montgomery, Ala., to Judge A. E. Hawkins, Scottsboro, Ala., demanding the release of these innocent victims of capitalist justice.

The New Scottsboro Trial

The Nation

TO THE EDITORS OF THE NATION:

This is a cry for help from the death cells of Kilby Prison, Montgomery, Alabama, where eight of the Scottsboro boys are awaiting a new trial. The ninth, who was fourteen at the time of his arrest, is in a nearby jail. The new trial, which is set for this month, offers a ray of hope, but it must be prepared for with vigilant care. All witnesses must be investigated; every vestige of evidence must be tracked down; documentary material must be gathered; all of these must be welded into a powerful defense weapon.

Vol. 136 no. 3532

The defense has gained signal victories in having snatched the boys from the electric chair four times and awakened world-wide protest against their execution. But now it is endangered by lack of funds. Already many thousands of dollars have been spent in defense of these boys—dollars made up of the pennies and dimes sacrificed by poor and unemployed workers. Now we call on those socially-minded persons who can do more. Please send your contributions to the International Labor Defense, Room 430, 80 East Eleventh Street, New York City, and send them today. Later may be too late.

New York N.Y.

3-15-33

New York, March 1

BELLE TAUB, Secretary,
Scottsboro New Trial Fund

The Scottsboro Case

Telegraph

3-11-33

Eight Negroes were convicted of rape and sentenced to die at Scottsboro, Ala., in March, 1931. They were tried shortly after the commission of the alleged crime at a time when public sentiment was inflamed. Counsel were appointed to defend them on the morning of the trial. No time was allowed to prepare for their defense. And violence was prevented only by the presence of armed militia.

Macon Ga.

The conviction was reversed by the Supreme Court of the United States on the ground that trial under such circumstances was not a fair trial. Last Tuesday the court at Scottsboro changed the venue of the next trial, providing that it be held at Decatur, 50 miles west of Scottsboro. Counsel for the defense wanted the trial to be held at Birmingham, objecting that the same need for military protection will exist at Decatur as existed at Scottsboro. Whereupon Attorney General Knight, of Alabama, heatedly said: "There'll be protection for them. If it's necessary to call out every company of militia in Alabama to give them a fair trial, we'll do it."

The Telegraph protests against the point of view implied in this utterance of the attorney general of Alabama that any trial can be a fair trial where the lynching of the accused is prevented only by the presence of armed troops. A judicial trial at which it is necessary to call out the army to protect the prisoner from the passion of a mob is not a judicial trial. It is nothing but a lynching under the form of judicial process. It affords the shadow of law but denies the substance of justice. A mob in a courthouse, presided over by a judge and held in check only by threatened bayonets and bullets is no better than a mob in the woods uncompelled by military force to observe the outward forms of decency. The courthouse mob in fact is worse. It gets the same results almost as quickly. But it pats itself on the back for its restraint and thus adds the vice of hypocrisy to that of bloodthirstiness.

The South plumes itself upon the decrease in lynchings. It has yet to realize that court convictions under the guns of the military are judicial lynchings more reprehensible than the old kind. A recent magazine writer doubts that the days of lynchings are over and fears that the South has just "gone legal". Utterances like those of the attorney general of Alabama lend color to such a view. Spasms of righteousness over statistical decreases in lynchings can always be discounted when it is necessary, as so frequently it is, to call out the militia to protect persons on trial for their lives. No such trial can ever be anything but a mockery. Justice is more than guns and courts and forms and ceremonies. It is a thing of substance. And it cannot ever exist by the mere force of military compulsion. No man can be dealt with justly where it takes the militia to give him a so-called "fair trial".

SCOTTSBORO TRIAL DELAY TO BE ASKED

Advertiser

Defense Attorney Says Change Of Venue Will Be Sought Tomorrow

3-5-33

SCOTTSBORO, ALA., March 4.—(AP) —Removal of the trials of seven of nine negroes indicted in the "Scottsboro, Ala. case" from Jackson Circuit Court to Jefferson County Circuit Court, will be sought here Monday, when the cases are called for retrial.

Montgomery Ala.

George Chamlee, of Chattanooga, chief counsel for the negroes, has announced that removal of the trials to Birmingham will be asked of Judge A. E. Hawkins.

There was every indication that Judge Hawkins was expected to act favorably, as from Birmingham came word that preparations were going forward for holding the trials there and that Judge J. P. McCoy had been designated to preside.

The seven negroes were sentenced to death here April 9, 1931, after being convicted by juries of attacking two young Huntsville white girls, but the U. S. Supreme Court reversed the judgment of the Jackson Circuit Court and remanded them for new trials.

The defense contended in the first trials that, due to feeling in the County, fair hearings could not be held here and sought a change of venue, which was denied.

The negroes are accused of attacking the two girls aboard a freight train on which the girls were "hoboing" their way home from Chattanooga, where they had sought unsuccessfully for work on March 25, 1931.

When called to trial the negroes were represented by voluntary counsel, but later the International Labor Defense retained Chamlee and four New York attorneys to represent them. This staff has since been augmented.

Unlike the first trials, when national guardsmen were called here to maintain order, as hundreds were attracted by sensational charges, Monday not even the negroes will be present.

Arguments probably will be heard during the forenoon by Judge Hawkins and the State is expected to consent to the removal, as Atty. Gen. Knight, who has assumed charge of prosecution, has said he would interpose no objection to the motion.

Knight entered the case when it was appealed to the Alabama Supreme Court, where the death sentence for Ozie Powell, Olin Montgomery, Heywood Patterson, Willie Roberson, Andy Wright, Charles Weems, and Clarence Norris, were confirmed.

The other two negroes, Eugene Williams and Roy Wright were both held to be juveniles and will be tried in Juvenile Court before the Circuit Court will have jurisdiction in their cases.

Since the negroes were convicted Gov. Miller has received more than 2,000 protests, ranging from postcards to lengthy petitions, and cables from foreign countries.

Threats also were received by the Alabama Supreme Court before decisions were rendered in the cases.

Knight Going To Scottsboro Today

Atty. Gen. Thomas E. Knight, Jr., will leave today for Scottsboro to be present in circuit court there tomorrow morning when the cases of seven negroes convicted last March a year ago of criminally assaulting two young white girls in Jackson County, will be called for retrial.

Each of the defendants was sentenced to death, the judgments being affirmed by the Supreme Court of Alabama. On appeal to the U. S. Supreme Court, however, reversals resulted and new trials were ordered.

Mr. Knight who represented the State at the submission of appeals to the two high courts will personally direct the prosecution of each case on second trial. He will take with him to Scottsboro to aid him in the prosecutions, Assistant Atty. Gen. T. S. Lawson.

Counsel for the negroes has announced that when the cases are called, he will file application for a change of venue. Should it be granted by Circuit Judge A. E. Hawkins, it is thought that the trials will probably take place in Birmingham, according to press dispatches from there Friday.

In the event a venue change is requested and granted, the Attorney General has stated he will not oppose trial of the defendants anywhere in Alabama that the court may designate.

The cases to be called for retrial are those of Haywood Patterson, Charles Weems, Clarence Norris, Ozie Powell, Willie Roberson, Andy Wright and Olin Montgomery.

NEW YORK WORLD — Telegram

MAR 8 1933

SEE LITTLE GAIN IN VENUE CHANGE FOR NEGRO TRIAL

Defense Counsel Would "About as Soon" Conduct Case at Scottsboro.

MOVED TO DECATUR, ALA.

"Same Class of People There," Says Attorney—Birmingham Sought as Scene.

By the Associated Press.

SCOTTSBORO, Ala., March 8.—Scene of the fight for freedom of seven Negroes facing charges of attack in the "Scottsboro case" today was shifted to Decatur, seventy-five miles west of here, by Judge A. E. Hawkins, who granted to defense motion for a change of venue.

Hopes of the defense for an early trial were checkmated, unless a special term of court is called, as the Mogan County Circuit Court which now has jurisdiction, does not meet again until June.

"I had just about as soon try the cases here," said Irvin Schwab, of New York, member of the counsel employed by the International Labor Defense to defend the Negroes. "They are the same class of people there."

Wanted Trial at Birmingham.

Mr. Schwab, who made the motion for a change of venue yesterday, asked Judge Hawkins to designate the Jefferson County Circuit Court, at Birmingham, as the scene for the trial of the Negroes, whom the United States Supreme Court saved once from the electric chair.

The defense motion to quash the indictment against the Negroes, because no Negroes ~~were included in~~ the Grand Jury returning the true bills were held in abeyance until the trials are called in the new court of jurisdiction.

Jackson County was commended by Thomas E. Knight, Jr., State Attorney General who is directing the prosecution, for being "even tempered."

Hits Outside Organizations.

"The people of Jackson County have done less to swerve the course of justice in the courts of Alabama," said Knight, "than have outside organizations."

Knight interposed no objection to the motion for a change of venue, saying:—

"I want these cases tried anywhere in Alabama that the defense believes it can obtain a fair trial."

The Negroes, Ozie Powell, Olin Montgomery, Charlie Weems, Heywood Patterson, Andy Wright, Clarence Norris and Willie Roberson, were not brought here from Kilby Prison at Montgomery, where they have been held since April 9, 1931, when they were sentenced to the electric chair.

HARTFORD, CONN.
COURANT

MAR 7 1933

The New Trial at Scottsboro

The new trial opened yesterday in Scottsboro, Alabama, under conditions which should be a great improvement over those which existed in April, 1931, when sentence of death was passed on the seven Negro youths. The defendants now have competent counsel, and ample time has been allowed for the preparation of the case for court. There can be little danger of a repetition of the injustice found in the first trial by the United States Supreme Court on the ground that life was to be taken without respect for the "due process of law" provision of the Constitution.

Yet with the passage of time, the difficulties in the way of a fair trial have not been wiped out. The counsel for the boys is employed by the International Labor Defense of New York, and with this outside interest injected into the case the complications are increased. In the beginning the "atmosphere of tense, hostile and excited public sentiment," which the Supreme Court decision describes, was based only on racial prejudice. Today to that emotion is added hostility to those who came to the aid of the Negroes. The prejudice against them may be intensified by prejudice against Yankees, against city people, against "foreigners," and by violent opposition to radicals, especially to anti-Christian communists.

This is an immense handicap for the defendants. It will be indeed an achievement if the trial is carried on without reflection of these emotions of the local people. But nothing less than this is expected by the rest of the United States. Americans, who are not "foreigners" or city people or radicals look for conformity to the Constitution. By failing to preserve reasonable standards two years ago, the court is now called upon to demonstrate its capacity for dealing justly under far more difficult circumstances.

NEW YORK TIMES

MAR 9 - 1933

Temper and Venue. In the Scottsboro case a change of venue has shifted the new trial ordered by the United States Supreme Court fifty miles from Jackson County, Ala., to Morgan County, in the same State. It is not to be supposed that fundamentally there is much difference in public sentiment between the two places in a case involving charges of criminal assault on white women by Negro men. But the difference ~~of fifty~~ miles hardly measures the change for the better that has come over public feeling everywhere in Alabama since the intervention of the Supreme Court.

It was all very well to protest against interference by outsiders and in particular by "radicals" from New York. Chief Justice HUGHES and his associates are neither outsiders nor radicals. Their caveat against imposing wholesale death sentences in a doubtful case could not but bring even the people of Scottsboro to a soberer state of mind. The change of venue was probably welcomed in Scottsboro. It averted a formal recantation.

Alabama

Lynchings-1933

Legal Punishment for Rape

4201

Age 3-4-33 New York, N.Y.

SCOTTSBORO "JUSTICE".

The New York Times is rendering a great public service by sending a staff representative to Alabama to write impersonal and impartial observations on the Scottsboro case which has aroused the interest of the civilized world. While the saying goes that there are always two sides to every question, such an aphorism has no application in fact to backwoods sections of the South where ignorance and intolerance are rife and it is worth one's life to speak the truth if sentiments expressed are not in keeping with public clamor.

Four months have passed since the highest court in the land set aside the death sentence imposed on the eight boys accused of attacking two white girls on a freight train in 1931, yet they are guarded in death cells in Kilby Prison, Montgomery, and no one can converse with them unless a prison official is standing by—not even their parents or lawyers.

The New York Times correspondent was privileged to interview Roy Wright, 15 years old, who, because of his youth, was tried in the Juvenile Court for the alleged crime. The jury disagreed, but the lad, who was barely 14 when arrested, is a prisoner in Birmingham. Irving Schwab, New York lawyer, representing the International Labor Defense, who is to be commended for his rare courage in going to Scottsboro and aggressively officiating as one of the defendants' counsel, was present when Roy told his story.

The youthful prisoner charges that when he and his companions were taken from the freight train by an armed posse and carried to the Jackson County Jail he was assaulted by a member of the militia who jabbed a bayonet through his cheek. A scar substantiates the boy's statement that he was mistreated by those supposed to be his protectors. At the first trial at Scottsboro, Roy said he was whipped in court by a deputy sheriff.

The first day of the Scottsboro legal farce as told by Roy Wright is as follows:

> **"I was sitting in a chair in front of the judge and one of those girls was testifying. One of the deputy sheriffs leaned over to me and asked me if I was going to turn State's evidence, and I said no, because I didn't know anything about the case.**
>
> **"Then the trial stopped a while and the deputy sheriff beckoned to me to come out into another room—the room back of the place where the judge was sitting—and I went. They whipped me and it seemed liked they were going to kill me. All the time they kept saying, 'Now will you tell?' and finally it seemed like I couldn't stand no more and I said yes.**
>
> **"Then I went back into the courtroom and they put me up on the chair in front of the judge and began asking a lot of questions and I said I had seen Charlie Weems and Clarence Norris in the gondola car with the white girls."**

Roy Wright is emphatic in the assertion that he gave false testimony at the trial to keep officers of the law from giving him another severe whipping.

Neither the lawyers for the defense nor the public-at-large have voiced approval of Circuit Judge A. E. Hawkins' actions in naming Morgan County, Alabama, as the place for a new trial. There is only a difference of fifty miles between the two county seats, and the rural folk of the county are just as benighted and eaten up with race hatred as the other. The temper of the people in these communities where lynchings are popular, is evidenced by the experience of Stephen Roddy, a white lawyer of Chattanooga.

At the first trial in Scottsboro Mr. Roddy appeared before the court, explained that he was there not as a paid attorney, but because people interested in the defendants had spoken to him about them, and asked if he might appear as voluntary counsel. Judge Hawkins replied:

"You don't appear if I appoint counsel."

"I would not like your Honor to rule me out of it," Mr. Roddy said.

"If you appear for these defendants then I will not appoint counsel, and if local counsel are willing to appear and assist you under the circumstances all right, but I will not appoint them," commented Judge Hawkins.

Mr. Roddy inquired: "Your Honor has appointed counsel—is that correct?"

Judge Hawkins replied: "I appointed all the members of the bar for the purpose of arraigning the defendants, and then, of course. I anticipated them to continue and help them if no counsel appears."

Mr. Roddy answered: "Then I don't appear as counsel but I do want to stay in and not be ruled out of this case," an arrangement to which the court made no objection.

Then a lawyer by the name of Parks, one who had been assigned to represent the Negro boys, protested against acting as their counsel unless no other lawyer had been obtained. He declared he could be induced to take the case only by the "high sense of duty I owe the State and not to these defendants."

Milo Moody, a 70 year old lawyer, finally consented "to go ahead and help do anything I can," which he did. The only defense witnesses he called to the stand were the defendants themselves.

This was the "fair and impartial trial" these colored Americans were given for their lives in a community where the residents say with pride: "You know, nigger we don't let no darkies 'hang' around here, and if we catch you anywhere near here after dark we'll shoot you."

Doubtless The New York Times has received letters of protest for giving the other side of the Scottsboro case, for there are those who do not look upon it as primarily involving the question of justice in the courts but of race. In opening the eyes of the world to conditions which should not be permitted to exist where people call themselves God-fearing and civilized, a timely service is being performed which is most helpful to the entire South—not merely the Negro.

During these days when radicalism is spreading throughout the nation and an organized effort is being made to arouse the Negro to more than passive resentment against the many injustices to which he is subjected in some of the Southern States, something must be done to crystalize a strong public sentiment for law and order. Lawlessness and disregard for the rights of others will only play into the hands of those who would incite violence and revolt. Scottsboro "justice" only adds fuel to the flames.

NEW YORK TIMES

MAR 15 1933

ASSAIL PRISON RULE IN SCOTTSBORO CASE

Defense Lawyers Will Seek Private Interview With Negroes, Thus Far Denied.

INDICTMENT ACTION ASKED

State's Attorney Urged to Agree on Date for Argument—Venue Change Again Sought.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

BIRMINGHAM, Ala., March 14.—A legal tilt in the battle to free nine Negroes, once condemned to death ~~for an alleged~~ attack on two white girls, is expected tomorrow when Samuel Leibowitz of New York, chief of defense counsel, demands the right to interview privately the eight defendants confined in the death house of Kilby prison.

Thus far the privilege of consultation with their clients beyond the earshot of officials or prison guards has been denied to other lawyers associated with him in the defense of the Negroes, who have been in prison for the past two years.

Up until the present, prison officials have given no indication of relaxing that rule and it was expected that Mr. Leibowitz would meet with the same rebuff as George W. Chamlee, Irving Schwab and Joseph Brodsky, the other lawyers in the case.

Mr. Leibowitz declared today, however, that he would not take "no" for an answer without appealing to the courts for a writ of habaes corpus, demanding the immediate presence of the eight men who, he holds, are illegally incarcerated in death cells, since the United States Supreme Court set aside their death sentences and ordered the courts of Alabama to grant them a new trial.

Warden Walls of Kilby prison, in refusing earlier requests of defense attorneys to see their clients, privately asserted that he is merely holding them for safekeeping for county officials, whose prisoners they are.

Interview Unconvicted Youth.

Not without an order from the court in which they will be tried, he has said, will he relax the rules of his prison, which prohibit private conferences with death house inmates.

Thomas E. Knight Jr., Attorney General, considers that the whole thing is an academic question anyway, on the ground that conversations between lawyer and client are privileged and could not be used in court, even though an effort were made to present the testimony of an eavesdropper.

Accompanied by Mr. Chamlee and Mr. Brodsky, Mr. Leibowitz came here from Chattanooga today and spent the afternoon in consultation with Roy Wright, the 15-year-old Negro, who alone among the nine accused by Ruby Bates and Victoria Price was not convicted of the crime, which in this State carries a penalty of death in the electric chair.

Wright was tried as a juvenile and the jury which heard the evidence against him was unable to agree upon his guilt, dividing eleven to one for conviction. Since he never was placed under sentence, he was not transferred to Kilby prison.

The defense lawyers say they never have experienced any difficulty in seeing him alone.

Wright Reiterates Charges.

Although they had about decided to abandon their fight to have the trial moved to Birmingham, their interview with the Wright boy caused them to continue the effort.

Young Wright charged in an interview last week that militiamen called out to protect him and his fellow-defendants from a lynching mob at Scottsboro jabbed him in the cheek with a bayonet and repeated the charge to Mr. Leibowitz today.

He said also that a deputy sheriff knocked out one of his teeth and he asserted that the testimony he gave against two of his fellow prisoners was false and obtained under duress while the trial was in progress.

The young Negro was wearing a frayed waistcoat which he said was the same as the one he was wearing when he was taken off the freight train on which the alleged attack on the two girls took place nearly two years ago. It was stained on one side with what Mr. Leibowitz said undoubtedly was blood.

Mr. Leibowitz said he was convinced that Wright told the truth in his charges of mistreatment.

"It convinces me also that we must make every effort to have the trial moved to some city such as Birmingham, where it will not be necessary to depend upon the State militia for their protection," the lawyer said.

The argument over the place where the re-trial shall be held could be opened up again only by the consent of Judge H. E. Hawkins, who allowed a change of venue to Decatur.

To Visit Prison Today.

The defense attorneys planned to go to the State capital at Montgomery tonight and make their attempt to see the eight men in Kilby prison the first thing in the morning.

While they are there they intend also to try to reach an agreement with the Attorney General on an early date for hearing on their motion to quash the indictments.

This motion is based on the contention that Negroes are systematically excluded from jury service in Alabama in defiance of the Fourteenth Amendment to the United States Constitution.

It will be heard before Judge Horton in Circuit Court in Decatur where the trial is to be held.

SCOTTSBORO BOYS FACE LYNCH DANGER

DECATUR ADMITS THE NEW YORK "

, IN "TIMES"

NEW YORK. — The New York Times in a dispatch from its special staff correspondent in Alabama admits that "the success of the defense in obtaining a change of venue from Jackson County seems a little like a pyrrhic victory (a victory bringing with it new dangers) in view of the comments made here today by officials and average citizens."

New York

The I.L.D. has charged that the moving of the trial to Decatur was the result of a careful plot between Attorney-General Thomas E. Knight Jr., of Alabama, and Judge A. E. Hawkins of Scottsboro, who conducted the original lynch-trial and to whom the case was sent back by the U. S. Supreme Court. The purpose of this plot was to create an illusion of fairness by moving the trial from Scottsboro, while actually increasing the authorities' chances of lynching the boys, legally or extra-legally.

"Residents of Decatur, which is fifty miles south of Pulaski, the birthplace of the original Ku Klux Klan of reconstruction days, assert that the defendants will get a fair trial, but they warn that they will stand no nonsense, either from the defense or its sympathizers, white or black," the Times dispatch said.

"The townsfolk don't care to listen to legal arguments about race equality or the rights of Negroes to serve on juries, the man in the street will tell the visiting stranger.

". . . Another county official, who refused to permit the use of his name, insisted that the Negroes received fair treatment at their first trial, and asserted they 'would get the same kind of treatment here.'

"He remarked a little regretfully that 'if this thing had happened twenty-five years ago there would not have been any trial.' When he was asked if he thought the trial might be interrupted by violence, he said: 'I don't know. If any Niggers come around the court-house and start acting up, something might happen. But if the Niggers and the outsiders mind their business, there won't be any trouble.'

"Then he added:

"'Most of our officers and a lot of people in Morgan County were raised in Jackson County.'

". . . Court officials and old inhabitants affirm that they cannot remember a time when anyone hereabouts even suggested that a Negro might be qualified to serve as a juror."

Purpose of Times' Articles

"Only mass action can defeat the lynchers," Patterson said. "The U. S. Supreme Court decision, aimed at lulling the workers into a sense of security, and smashing the mass defense movement, has in part succeeded. Mass action has subsided.

"The purpose of the New York Times articles now being published daily, on the Scottsboro case, is to further this demoralization. Their purpose is to create the illusion that the bourgeoisie will help save the Scottsboro boys."

For Conscious Fight

"Governor Miller of Alabama has received more than 150,000 protests against the legal-lynch plans of the Alabama bosses. He must receive a million. And every protest must be the expression of militant, fighting, conscious demand for the immediate unconditional release of the Scottsboro boys.

"Demand a change of venue to Birmingham for the trial.

"Demand safeguards for the lives of the Scottsboro boys.

"Fight, consciously and militantly, against the lynch-preparations of the Alabama bosses."

TROOPS AWAIT CALL TO ALABAMA TRIAL

Times

Sheriff and Attorney General Have Not Asked for Guard in Scottsboro Case.

3-24-

WITNESS STILL MISSING

New York

Girl Who Accused Negroes Cannot Be Found—Change of Venue to Birmingham Urged.

N. Y.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 23.—The question of whether to ask National Guard protection for the trial of the Negroes accused of attacking two white girls when it opens here Monday remained undecided today.

The advisability of calling upon Governor Miller to supply the troops was being considered by Sheriff Bud Davis of Morgan County and Attorney General Thomas E. Knight Jr., who arrived here this evening to make final preparations for the trial.

The sheriff, however, was out of town and a final decision will not be reached until tomorrow. Representatives of the militia units at Hartselle and Athens, neighboring towns, called at the sheriff's office in the morning in quest of information, but were unable to obtain it.

They explained that if their troops were to be called out they would like to know it far enough in advance to be able to make the necessary arrangements to be on hand with full complements of men on the day the trial opens.

The absence of Sheriff Davis from the county was in connection with the approaching trial of the Negroes, who once were condemned to death for their alleged attack upon Ruby Bates and Mrs. Victoria Price. The sentences were not carried out because the International Labor Defense carried an appeal to the United States Supreme Court which ordered new trials.

Among the subpoenaes which the Sheriff and his deputies were serving was one for the Bates girl who disapepared from her home in Huntsville, thirty miles from here, on Feb. 28. Sheriff Ben Giles of Madison County, which includes Huntsville within its borders, said that all efforts to find the girl had failed.

The coming trial was the chief topic of conversation in Decatur tonight. The facilities of the local hotel, it was said, will be taxed to the utmost after Sunday night. The Western Union and Postal Telegraph Companies have rented space in buildings near the courthouse and extra operators are being sent here to handle the press reports of the proceedings.

Although it is regarded as unlikely that Judge A. E. Hawkins of Scottsboro, Jackson County, where the original convictions were omtained, would reconsider his decision to transfer the trials to Decatur in granting a defense motion for another change of venue, agitation for removal of the proceedings to Birmingham was gaining momentum.

A mass meeting was to be held in court to reconsider. Attorney General Knight said he had received a communication from the American Civil Liberties Union asking him to use his influence to take the trial to Birminghan and several residents of this Tennessee River city let it be known that they would have small objection.

No action can be taken, however, unless Samuel Leibowitz, chief of defense counsel who now is in New York, decides to ask for reconsideration of the motion to change the venue and it was regarded as unlikely that he would do so for fear of losing the plea and then having to try the case in a community aroused by the allegations of prejudice that would be necessary to support the request.

Lynchings-1933
Legal Punishment for Rape

Alabama

4262

NEW YORK TIMES
MAR 23 1933

TO CONSIDER TROOPS FOR NEGROES' TRIAL

Attorney General of Alabama and Sheriff Will Confer at Decatur Today.

CALL FOR MILITIA LIKELY

Opinion in Town Where Case Will Be Reopened Monday Is That "Precaution" Is Needed.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 22.—Attorney General Thomas E. Knight Jr. announced today that he will leave tomorrow for Decatur to discuss with Sheriff Davis of Morgan County the advisability of providing military protection for the Scottsboro Negroes who will go on trial for their lives there Monday.

The Negroes—there are nine of them—are accused of attacking two white girls who were hoboing on a freight train bound from Chattanooga to Memphis, Tenn., nearly two years ago. Eight of them were found guilty and sentenced to die in the electric chair under the Alabama laws, which decree that rape shall be punishable by death. The United State Supreme Court reversed the verdict and ordered new trials for all.

Mr. Knight, it was understood, was still open-minded on the question of whether it would be necessary to ask Governor Benjamin Meek Miller to order units of the State militia to Decatur for the trials. He was said to feel that such action was unnecessary to protect the accused Negroes from mob violence, but before making a definite decision he wished to consult the Sheriff regarding the security of the jail.

Sheriff Davis's deputies said last week that he was in favor of calling upon the Governor to provide military protection, not so much against violent outbreaks among the townsmen, but to prevent any jail break which might be attempted by the prisoners.

At the same time there was an undercurrent of opinion in Decatur that it would be as well to take all possible precautions and it was believed that the outcome of the Attorney General's conference with the Sheriff would be a request from one or the other for a military guard.

All the defendants are now in the Jefferson County Jail in Birmingham for "safekeeping," pending their second trial. Eight of them, who have spent the last two years in the death house of Kilby Prison here, were moved last night, and the ninth, a juvenile who never was convicted, has been there all along.

Seven, who have been adjudged adults, will be placed on trial next week, although only Roy Wright, 15 years old, who was not convicted, was tried as a juvenile the first time.

Attorney General [redacted] prosecute the Negroes [redacted]st trial, having entered the case only when lawyers for the International Labor Defense raised the question of the right of Negroes to serve on Alabama juries, in connection with an appeal which ultimately reached the Supreme Court.

Mr. Knight, who has been occupied for the past few days in defending an injunction suit designed to tie up $20,000,000 in outstanding State warrants, has had but little chance to familiarize himself with the issues in the Scottsboro case.

Although the injunction suit still is pending before the Alabama Supreme Court, Mr. Knight said he would be free tomorrow to leave and begin final preparations for the approaching trial. In addition to consulting with Sheriff Davis on measures of protection for the trial, he expects to interview Mrs. Victoria Price, one of the accusers of the Negroes. The other alleged victim of the attack, Ruby Bates, has disappeared.

In the prosecution of the case Mr. Knight will be assisted by Solicitor Bailey of Jackson County, who was the prosecutor in the first trial. Samuel S. Leibowitz of New York will be chief of defense counsel.

NEW YORK TIMES
MAR 21 1933

ASKS 26 SUBPOENAS IN SCOTTSBORO CASE

Defense Lawyer Seeks to Prove Exclusion of Negroes From Alabama Juries.

STATE MAY AVOID ISSUE

Rumor in Capital Is That Some Negroes Will Be Called for the Trial Jury Next Week.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY Ala., March 20.—G. W. Chamlee, one of the attorneys retained by the International Labor Defense to defend at their second trial the nine Negroes once sentenced to death for an attack upon two white girls, announced today that he had requested twenty-six subpoenas for witnesses through whom the defense hopes to establish that racial discrimination keeps Negroes off juries in Jackson and Morgan Counties.

Included among the subpoenas which Mr. Chamlee asked Sheriff Davis of Morgan County to issue for next Monday morning is one for Peter Jarman, Secretary of State, calling for the production of records of the Federal census of 1930, which shows the proportion of Negro and white citizens in the two counties. The other subpoenas were for jury commissioners and Negroes who, the defense will attempt to show, are qualified to serve as jurors except for the color of their skins.

Not one of these witnesses is wanted in connection with the charge on which the accused Negroes are to be tried for their lives. The trial itself probably will not start until Wednesday of next week, because both sides expect that the argument and submission of proof of systematic exclusion of Negroes from juries in Alabama, in support of a motion to quash the indictments, will consume the first two days.

First Actual Test of Issue.

While the Supreme Court of the United States has held that Negroes cannot be excluded from jury service because of their race, the issue never has been the basis for a reversal of the lower courts, chiefly, according to the defense lawyers, because no actual proof of exclusion has ever been offered before, the litigants relying in the past on contentions and affidavits. This time it is regarded as certain that direct evidence on the question will be offered.

Attorney General Thomas E. Knight, upon whose young shoulders has fallen the task of prosecuting the nine defendants and at the same time defending Alabama's jury system, intends to enter a denial of the allegations of exclusion, leaving it to the defense attorneys, headed by Samuel S. Liebowitz of New York, to assume the burden of proof.

It has been rumored here for days that the State might avoid the issue by arranging to have the names of a few Negroes placed upon the venire which will be called up for the trial, while at the same time preventing their serving as jurors by the exercise of peremptory challenges. Persons close to Mr. Knight, however, said he intended to meet the issue squarely and attempt to prove the defense charges unfounded.

The placing of Negro names upon the jury roll in Morgan County where the trial will be held, it was said, would have no bearing on the validity of the indictments which were returned two years ago in Jackson County. The motion now before the court is to quash the indictments, but it will be followed, if it is lost, by a motion to dismiss the venire from which the petit jury will be selected, unless it contains Negroes a. well as whites.

Negroes Still in Death House.

Eight of the nine defendants are still prisoners in the death house of Kilby prison, but it was expected that they would be transferred to the Jefferson County jail at Birmingham for safekeeping until their trial next week. Prison rules of Kilby prohibit private interviews with inmates of the death house, and it is for that reason that the defense attorneys want to effect the transfer.

Mr. Chamlee said that Sheriff McBryde of Jackson County had signed the order requesting that if the prisoners must be moved they be held at Birmingham because of the "present insecurity" of the jail in his county. Judge A. E. Hawkins, who granted a motion for a change of venue in the case, also has signed the order and it has been forwarded to Judge James Horton, who will preside over the new trial at Decatur.

As soon as the order is returned to him, Mr. Chamlee said, it would be forwarded to Montgomery for service upon Warden Walls at Kilby prison. As soon as possible and consistent with the secrecy which officials hold necessary for the safety of the prisoners, they will be moved to Birmingham, it was said.

NEGROES SHIFTED FOR ALABAMA TRIAL

Times

Scottsboro Prisoners Taken From State Penitentiary to Birmingham Jail.

3-22-33

PROTECTED ON ROAD TRIP

New York, N.Y.

Heavily Armed Guards in Autos Accompany Prison Van on 104-Mile Journey.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 21.—Eight of the nine Scottsboro Negroes were taken from the death house cells which they have occupied for nearly two years, loaded into a prison van after dark tonight and transferred to the Jefferson County jail in Birmingham to await a second trial for their lives next week at Decatur.

The transfer was carried out in accordance with an order signed by Circuit Judges A. E. Hawkins and James A. Horton of Jackson and Morgan Counties, respectively, in accordance with a request from defense attorneys concurred in by the Attorney General, Thomas E. Knight Jr.

The purpose of the transfer was to permit the defense attorneys to hold unsupervised interviews with their clients, an impossibility at Kilby prison.

The transfer places all of the prisoners under the same roof, for Roy Wright, the 15-year-old juvenile who alone was not convicted at his first trial in Scottsboro, has bene there for as long as his codefendants have been in Kilby prison.

The nine prisoners who are accused of attacking two white girls, Ruby Bates and Mrs. Victoria Price, on a freight train from Chattanooga to Huntsville on the afternoon of March 25, 1931, will remain in the Birmingham jail until just before the new trial, ordered by the United States Supreme Court, opens before Judge Horton in Decatur next week.

The order for the transfer of the prisoners was served upon Warden Walls at Kilby prison late this afternoon. Scarcely a soul in Montgomery knew that it had been received or that the prisoners, who had to be saved from a lynching mob at Scottsboro by the militia, were about to be taken outside prison walls for the first time in

TO CONSIDER TROOPS FOR NEGROES' TRIAL

Times

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3-23-33

CALL FOR MILITIA LIKELY

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nI the prosecution of the case Mr. Knight will be assisted by Solicitor Bailey of Jacpson County, who was the prosecutor i nthe first trial. Samuel S. Leibowitz of New York will be chief of defense counsel.

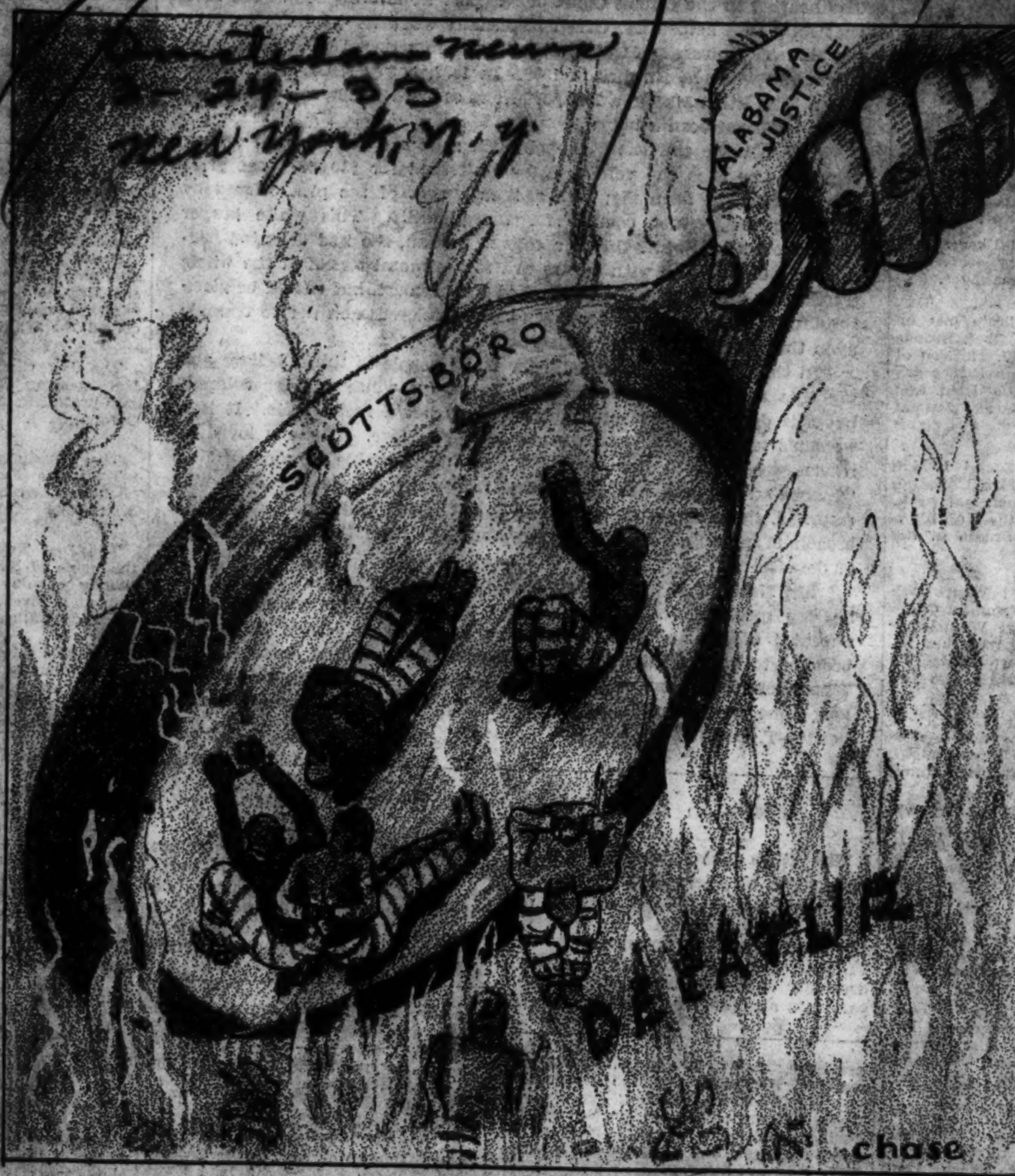
two years.

As soon as darkness fell, prison guards went to the death house and unlocked the eight separate cells one after the other. The eight Negroes had been told by G. W. Chamlee when he visited them last week that they were to be moved to another jail and they were not surprised at the unaccustomed action. The only time they have been permitted outside their cells has been on the twice-weekly occasions when they were taken to the shower rooms for baths.

A black prison van rolled up to the prison which is situated some distance outside this city. It was dark and the van could scarcely be seen from the highway running past the prison, but if it had been it would have occasioned no undue interest because the van often is there unloading prisoners and hardly a person in Montgomery outside of officials knew that the Scottsboro Negroes were being moved.

Under cover of armed prison guards riding in automobiles before and behind the van, the Negroes started on their 104-mile drive across the country to Birmingham shortly before 7 o'clock. It was estimated that the trip would take about three hours and a half and it was hoped that the prisoners would be delivered to the Jefferson County jail before 11 o'clock.

"Out of the Frying Pan--" : By CHASE



Amsterdam News
3-24-33
New York, N.Y.

(Drawn by William C. Chase for Cooperative Publishers.)

Alabama

Lynchings-1933
Legal Punishment for Rape

4203

FIGHT FOR NEGROES OPENS IN ALABAMA

Times

Leibowitz Moves to Quash Indictments on Grounds of Jury 'Color Line.'

3-28-33

DECATUR CROWD ORDERLY

New York, N.Y.

Defendants Brought to Court From Birmingham for Preliminaries to New Trial.

WITNESSES PUT ON STAND

Four White Men Testify They Do Not Recall a Negro Juror but Deny Systematic Exclusion.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, March 27.—An orderly courtroom crowd saw nine Negroes, accused of a crime which the South regards as more heinous than murder, brought into court here today to stand trial for their lives, and listened apathetically as their lawyers tried to prove that Negroes are excluded from jury duty as effectively as though the law drew a color line.

Fourt white witnesses, fidgeting uncomfortably in their chairs facing Judge James E. Horton, who presided, admitted that for as long as they could remember they had not seen or heard of a Negro sitting upon a jury in Jackson County, where the defendants were indicted and convicted two years ago by juries composed entirely of white men.

One after another, however, they denied that the absence of members of the colored race was the result of a systematic scheme of exclusion, but one, J. S. Benson, editor of the Progressive Age, a Scottsboro weekly, said that it would be well night impossible to convince him that any but a white man possessed that "sound judgment" and "training in law and justice," which he regarded as essential for a "fair and impartial verdict."

"They'll all steal," he said once when Mr. Leibowitz sought to find why he rejected the idea of a Negro serving upon a jury in his county.

Unable to Name a Negro Juror.

Jeff Moody, chairman of the Jackson County Jury Commission, conceded that he could not name a single Negro whose name appeared on the jury roll of his county, which, according to census figures presented by Mr. Leibowitz, contains 666 Negroes of voting age out of an adult male population of 8,801.

Pressed for an explanation why the name of a certain Negro, who Mr. Leibowitz sought to show was qualified for service, had been passed over, Mr. Moody rubbed his nose, scratched his head and said "It was common talk in Scottsboro that he had had relations with his wife before he married her."

It was late in the afternoon just before the court, at 5:30 P. M. Central Time, declared a recess until tomorrow morning at 8:30 that Mr. Leibowitz called the first of some twenty Negro citizens of Jackson County, who, he contends, are qualified in every respect save the color of their skins to serve as triers of the facts in civil and criminal cases.

The witness was John Sanford, a 50-year-old father of a colored family of Scottsboro. He took his place in the witness chair diffidently with downcast eyes and answered questions regarding himself and colored men of his acquaintance in a voice that was barely audible. His cross-examination by Thomas E. Knight Jr., the Attorney General fighting to defend his State's jury system, was deferred until tomorrow, after Sanford had testified that he regarded himself and certain others of his race as fitted to act as jurors.

Law on Juror Qualifications.

The text of the Alabama statute describing the qualifications of jurymen is as follows:

"The jury board shall place on the jury roll and in the jury box the names of all male citizens of its county who are generally reputed to be hnoest and intelligent men andn are esteemed in its community for their integrity, good character and sound judgment; but no person must be selected who is under 21 or over 65 years of age or who is an habitual drunkard, or who, being aflicted with a permanent disease or physical weakness is unfit to discharge the duties of a juror; or cannot read English or who has ever been convicted of any offense involving moral turpitude. If a person cannot read English and has all the other qualifications prescribed herein and is a freeholder or householder his name may be placed on the jury roll and in the jury box."

The proceedings were late in getting under way. Court convened at 9 A. M. and adjourned after an hour's session that was as silent as a Quaker meeting when it was discovered that the defendants were not present and had not even left the jail in Birmingham, where they were being held for safekeeping.

Thirty National Guardsmen patrolled the lawns around the court house and its rickety adjoining jail which has been condemned as unfit for white prisoners. A fair crowd of about 500 lined the sidewalks near the jail, sprawled on the green lawns under budding trees. The crowd consisted of about an equal number of blacks and white and the blue denim overalls and cowhide boots of the countrymen was the most common costume. The younger men amused themselves by doing gymnastic stunts in a cow pasture across from the court house.

Nothing Threatening Develops.

There was nothing threatening in the demeanor of the crowd and when it was learned that the prisoners would not arrive until about 2 o'clock it dispersed to gather again in somewhat greater force after lunch. When the nine prisoners arrived just in time for the opening of the afternoon session there was not a sign of a hostile demonstratio. The patrol wagon in which they were transported from Birmingham to Decatur was followed and preceded by two carloads of Deputy Sheriffs armed with automatic shotguns.

The crowd which filled the 325 seats in the second-floor courtroom was silent as the nine Negroes, handcuffed together were marched into the courtroom to be unshackled and seated behind the table at which sat Mr. Leibowitz, G. W. Chamlee, Chattanooga attorney associated with their defense, and Joseph Brodsky, chief counsel to the International Labor defense, a Communist adjunct which led the fight resulting in the reversal by the United States Supreme Court of their original sentences of death.

All but one wore the blue denim overalls and jumpers which are the prison uniforms of Negro convicts. Roy Wright, the 15-year-old prisoner, who alone of the nine was not found guilty at the first trial in Scottsboro, wore civilian clothes. He swaggered with boyish pride as he sat down, carefully arranging the crease in his bell-bottomed trousers and adjusting the necktie knotted under his spotless white collar. He wore no jacket.

Negroes Joke Among Selves.

The Negroes were chatting and joking among themselves as Judge Horton called the court to order. One section of seats was reserved for Negroes and every seat was taken. The white spectators in the ohter three sections slaked their thirst with soda water and most of the minority wearing coats shed them as the proceedings opened.

Judge Horton, a Lincolnesque figure, settled back in his chair behind his high bench as Mr. Leibowitz delivered a diplomatic little speech thanking the officials of the State for their "unfailing courtesy" and expressing faith in the fairness of the "God-fearing people of Decatur and Morgan County."

Hands were cupped behind weather beaten ears as Mr. Leibowitz opened his fight to quash the indictments aganist the accused Negroes by citing ninteen allegations of discrimination on racial lines. Asking the court to permit him to produce proof of his statements, the New York criminal lawyer said:

"For twenty-five years past the officials of Jackson County have systematically refused and neglected to place the names of Negroes on the jury rolls although some 600 of them residing in that county are qualified to serve and are barred solely because they are members of the African race."

He annexed the affidavits of F. A. Mathews, the Rev. W. C. Crutcher and Robert James, all alleging systematic exclusion and listing qualified Negro citizens, to his motion to quash.

Attorney General Denies Charges.

Attorney General Knight answered with a denial that the Alabama statute prescribing the qualifications of jurors made any specific discrimination against Negroes as such and declared he would defend its administration. As he finished his Brief denial Mr. Leibowitz was on his feet. In a courtroom hush, he said:

"The State can't hide behind that law because it is not honestly administered. These Negroes as well as 40,000,000 others in the United States can only look to your honor to uphold the constitution of the United States and give it force even as that great President of ours, Franklin D. Roosevelt has sworn to do."

Mr. Knight continued:

"The statutes do not work an effective discrimination against Negroes and the courts have so held. The State will show further that there has been no such administration of the law as would justify the conclusion that Negroes are systematically excluded from jury service because of color."

Mr. Leibowitz asked whether Mr Knight denied that no Negroes had served as jurors in Jackson County in more than two decades.

"Prove it," challenged the Attorney General.

This Mr. Leibowitz sought to do. The rotund sheriff, Bud Davis, called off the names of about thirty witnesses who had been subpoenaed by the opposing lawyers. They gathered inside the rail that separates the spectators from attorney's and defendants and with upraised hands all swore together to tell the truth, the whole truth and nothing but the truth."

Mr. Benson was the first witness called by the defense. As editor of The Progressive Age, Mr. Benson said he had been in almost daily attendance at the court in Scottsboro during the greater part of the thirty years he has lived there. His examination began in this fashion:

"Have you ever known the name of a Negro to be placed upon the jury roll of Jackson County or have you ever heard of one being called upon to serve as a juror?", asked Mr. Leibowitz.

"Never heard of one—Never noticed one," replied Mr. Benson, smiling apologetically toward the table at which sat Mr. Knight, his chief assistant, Thomas E. Lawson, and the solicitors respectively of Jackson and Morgan Counties, J. G. Bailey and Wade Wright.

Witness Bridles at Objection.

Mr. Benson said that he could not tell of his own knowledge whether the present jury roll contained the names of any Negroes. He bristled angrily when Mr. Knight demanded when he had talked matters over with Mr. Chamlee and explained, in answer to an objecetion from Mr. Leibowitz, that he was trying to show that "the witness was biased."

"All right," said Mr. Benson, if you are trying to show bias, I'll just make a statement that so far as I know there are no Negroes on the jury roll."

The courtroom joined Mr. Leibowitz in the laughter which followed and the defense attorney resumed his examination. He asked if out of the 666 Negroes between the ages of 21 and 65 there were not some suited to serve on juries.

"I know some good Negroes as far as Negroes go," said Mr. Benson. But I think that sound judgment part of the statute—I think they can't get around that. But we have some good Negroes—As many as anywhere else.

Mr. Benson said that he knew of no Negro doctors in Jackson County except "one quack that we put in jail," and he declared that in his belief the Negro preacher whom he knew best was lacking in "sound judgment."

"What do you mean?" demanded Mr. Leibowitz.

"In the first place," replied the weekly editor, "I don't think Negroes have been trained for jury duty. I might say the same thing about women but I know Negroes haven't been trained. You could not depend on their judgment. They haven't made a study of justice and law and such."

Says Negroes Lack Training.

"Would you make a general statement," demanded Mr. Leibowitz, "that no Negro is qualified to sit on a jury, that they have not the sound judgment required by law?"

"I don't believe there are any Negroes in our county that I'd care to risk in any case whic hinvolved justice and law. Some have the education and they might have character, but they would not have all the qualifications."

It developed from further examination that jurymen in Jackson County derive the "training" which results in sound judgment from "attending court, listening to cases and discussing public questions at the country store and at cross roads all the time."

"Do you know any Negro merchant?" Mr. Liebowitz continued.

"Well, there's Bud Moore, he has a little store."

"Is he honest?"

"I don't know. I never heard that he wasn't. But he would not do."

"Why, because he is a Negro? Isn't that it?" demanded Mr. Liebowitz.

"Because he never studied jury duty a day in his life," replied the witness.

None Wants to Serve, He Says.

Mr. Benson said something to the effect that no Negroes in Jackson County "want to be jurors," and at the defense lawyer's request, Judge Horton ordered the remark stricken from the record. Mr. Benson, it developed, knew another Negro, Abe Joseph, who was honest, intelligent, the head of a family and not suffering from any permanent diseases. But the editor said, shaking his head:

"I don't think he'd know anything about jury duty."

"So you'd exclude him, too," asked Mr. Liebowitz. "On what grounds?"

"That he is lacking in sound judgment."

Later Mr. Benson conceded that the Negro in question was "pretty intelligent for a Negro," that he was a "decent, law-abiding citizen, well-though of in his community." He just had not had the necessary training, Mr. Benson asserted, and an objection from the defense saved him the necessity of answering whether an otherwise qualified Negro was not as suitable material for jury duty as "a white man called for the first time," or "an illiterate teamster from the backwoods."

Moody, the next witness, declared that he could not recall any Negro jurors, but he denied that he inquired into the color of a citizen in preparing the jury rolls. Under examination by Mr. Liebowitz on his knowledge of the law he is called upon to administer, Mr. Moody ventured the opinion that the kind of disease mentioned in the statute as disqualifying a juror, was "contagious disease," but that "consumption" would not exclude him.

Discrimination Is Denied.

John Hunt Stuart, a member of the commission which prepared the roll from which the grand jury which indicted the nine Negroes was chosen, was the next witness.

He could not recall whether the list contained the names of any Negroes he said, but he confessed that he never had seen a Negro in the jury box at Scottsboro at any time.

"I don't know of any time when there were Negroes on juries there," he said, "but I am 48 years old and I never served myself. I don't know whether I could make the qualifications."

"Did you exclude any Negro because of his color?" demanded Mr. Knight in cross-examination.

"Not that I know of," said the witness.

"It was a matter of selection rather than exclusion!" suggested the Attorney General.

"Yes, sir, selection," replied Stuart.

"Isn't it a fact that there are more white men disqualified to serve on juries in Jackson County than the total Negro population," pursued Mr. Knight.

Mr. Leibowitz objected, but Judge Horton let the witness answer that such was the case.

Resuming his cross-examination, Mr. Leibowitz asked Mr. Stuart whether he had ever excluded a Negro from service because of any of the disqualifying clauses in the statute.

"No," said Mr. Stuart. "The matter never was discussed."

"Did you ever personally examine a Negro for jury service?"

"No, the matter was never discussed."

Kelly Morgan, clerk of the Jackson County Jury Commission, testified that he knew of no instance of a Negro serving on a Jackson County jury, and then Mr. Leibowitz called the first of his long string of Negro witnesses.

COURT DENIES DEMAND CASE BE QUASHED

New York

Negro Witnesses Prove I.L.D. Charge on Exclusion

N.Y.

COUNSEL IN CLASH

Defense Stops Sale of Slanderous Pamphlet

BULLETIN

DECATUR, Ala., Mar 28.—Just before court adjourned today, the prosecution arraigned Haywood Patterson on the indictment charging "rape" of Ruby Bates, and announced that it would arraign the remaining six together under the indictment charging attack on Victoria Price. Eugene Williams and Roy Wright were excluded from the arraignment on the ground that the State wants time to investigate their ages. No sooner had the indictment against Patterson been read than defense lawyers filed notice that they will move to quash indictment on the ground that no Negroes were in the jury box from which Judge Horton has picked 100 prospective jurors.

Arguments on the defense motion will begin Thursday, when the selection of the jury of 12 will begin. There will be no session of court tomorrow. The question of separate or mass trials is still to be settled.

• • •

DECATUR, Ala., March 28. Without granting an opportunity for argument, Judge Horton, presiding at the second trial of the Scottsboro boys, at the opening of the afternoon session today, summarily denied the defense motion to quash the indictment against the defendants.

The motion was based on the defense contention—supported by a number of Negro witnesses—that Negroes are systematically excluded from jury service in Alabama and that not a single Negro was allowed on the grand jury which indicted the innocent Scottsboro boys.

The prosecution contended Negroes are not barred from jury duty in Alabama, but that none ever qualified. In the midst of arguments Judge Horton announced he had reached a decision. "The motion is denied," he said.

Leibowitz, defense counsel head declared he believed the court "has committed a reversible error." An appeal to the State Supreme Court probably will be taken, he said.

In the meantime, while the prosecution sought to prove that no discrimination exists against Negroes in relation to jury service, the courtroom itself presented living evidence of the whole system of white ruling class oppression.

Like yesterday, scores of Negroes filled the courtroom, but they were jim-crowed in benches set separately for them. Two Negro newspapermen were not permitted to sit at the regular tables reserved for the press, but were also jim-crowed.

To Continue Fight

Early in this afternoon's session the defense had won an important legal point when Judge Horton granted the motion of Attorney Liebowitz to subpoena the guardian of the Jackson County rolls of the Scottsboro from which the Scottsboro grand jury was picked, as well as the guardian of the jury boxes from which the jury men in the first frame-up trial were picked.

The ILD lawyer said that he would call—if necessary—all those listed on the rolls to prove that not a single Negro was called for jury service.

Negroes Testify On Jury System

The defense questioning of witnesses aimed to prove the systematic exclusion of Negroes from Alabama juries was followed by the cross-examination of John Sanford, a Negro, whom ILD lawyers had placed on the stand. Prosecutor Knight addressed him paternally as "John," at the same time seeking to bulldoze him. Attorney Liebowitz for the defense sprung to his feet and demanded: "Call him Mr. Sanford, Attorney-General." Knight replied, "I am not doing that."

The Negro witness retained his composure throughout, despite the continual bullying by the prosecutor. At one time Liebowitz leaped up to demand that Knight "remain at a distance" and keep his finger "out of people's eyes."

"Even If It Takes 15 Years"

By questioning Sanford and three other Negro members of the Jackson County school board, the defense showed indisputably that Negroes were not permitted to serve on juries. The defense declared that if the prosecution does not want to admit this point "we will bring every living man in the county into court if it takes 15 years to prove it."

A vicious pamphlet entitled, "The Unpublished Inside Story of the Infamous Scottsboro case," written by J. Glean Jordan, city editor of the Huntsville Times was being sold in front of the courtroom today.

Denounces Slanders

Demanding that Judge Horton order the arrest of the writer and hold him in contempt of court, Liebowitz declared: "This is a damnable, contemptible attempt to inflame the minds of the jurors. If it were not for the International Labor Defense these boys would now be dead."

At the same time the ILD attorney demanded the court order the arrest of the printer of the pamphlet, Edward White of Huntsville. The judge granted his request, in view of the obviously vicious character of the pamphlet.

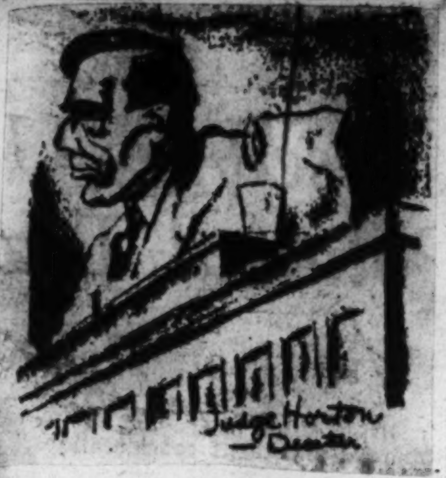
Reads from Pamphlet

The ILD lawyer in denouncing the pamphlet as a slander on the ILD read the last paragraph which referred to the European tour of Mrs. Wright, mother of two of the defendants, and concluded with the lying declaration that the "Communists will make the last grand-stand play in behalf of the Negroes in order to win new members and enrich their coffers, and then Alabama and the world will finally see justice claim its own—will see the Negroes receive their just desert—death in the electric chair!"

The court confiscated the pamphlet which two boys were selling outside the courthouse. Attorney General Knight was enraged, declaring that he and the judge were receiving "hundreds of protests and nobody has tried to deprive these defendants of a fair trial. In retaliation, he threatened to submit what he described as "ILD red protest leaflets, etc."

As the hard-fought trial continued some of the white merchants of the

ews were heard by your correspondent to comment: "Them niggers ain't worth the trial."



Lynchings - 1933

Legal Punishment for Rape.

Alabama.

Rally to Defense of Scottsboro Boys by Aid to Daily Worker

Daily Worker 3-28-33

THE new Scottsboro trial has started. In every part of the country the working masses are rallying their forces to smash this frameup against nine innocent Negro children. Above the chorus of distortions and evasions of the capitalist press, one voice rises, challenging the whole hideous lynch system, inspiring and organizing the fight to save the Scottsboro boys. That voice is the Daily Worker.

New York, N.Y.

The opening of the new trial means that ever greater masses must be mobilized to win complete freedom for the Scottsboro boys. This struggle cannot be carried through effectively without the Daily Worker. But today there is no assurance that the "Daily" will continue to appear throughout the trial. The campaign for $35,000 needed to put the "Daily" on its feet is still about $10,000 short of its goal.

EMERGENCY quotas have been set for the ten leading districts in order to secure within a few days $3,500. This money must be raised, the full amount of $35,000 must be raised to keep our "Daily" fighting for the Scottsboro boys, for the interests of the toilers everywhere.

Contribute, collect, arrange affairs until the goal is reached. Rally to the defense of the Scottsboro boys by assuring the existence of the paper that leads the fight to save them.

RECEIVED SUNDAY AND YESTERDAY $245.44.

TOTAL TO DATE $24,749.61

Speed contributions to the Daily Worker. 50 E. 13th St., New York City.

Two Important Cases

World Tomorrow

April 5, 1933

New York, N.Y.

Vol. 16, No. 14

After the two years which have elapsed since their alleged crime the nine Scottsboro Negroes accused of rape are being brought to trial by the State of Alabama. During the first trial, which took place amid passionate emotion and racial bigotry, eight of the Negroes were convicted and sentenced to die in the electric chair; the United States Supreme Court, however, intervened and ordered a new trial. The elements involved in the second trial, which will be held at Decatur, are complicated, and no less so are the currents of popular opinion. Alabama, which in one or two recent cases involving Negroes has officially shown a disposition to rise above race prejudice, still seethes with dislike of the "outsiders" who come down from the North to defend these boys; injected into the situation is the prevailing animosity toward communism. Yet the International Labor Defense, whatever its earlier errors, has rallied vigorously and today constitutes perhaps the chief legal hope of the accused. The case is celebrated in much the same way as the Sacco-Vanzetti case, because a host of unbiased investigators have concluded that the whole affair was a rank frame-up on the conventional Jim Crow lines. Not a little appears to hinge upon the recent disappearance of Ruby Bates, one of the alleged victims; a hard-fought question will be centered in her previous testimony, which the defense will insist must be ruled out and which the prosecution will of course undertake to preserve.

While the Scottsboro Negroes are facing a grave crisis along with Alabama justice itself, Tom Mooney's friends have injected a surprise into this second *cause célèbre*. Mooney was convicted on one indictment, but a second one was dropped. A new trial has now been granted on the old untried indictment, and this will afford a golden opportunity for Mooney's defenders to bring out the striking falsehoods, inconsistencies and prejudice which ruled over his first farcical trial, as well as to arouse public opinion anew to the incredible miscarriage of justice that has made Mooney's name known around the world, to the shame of the American legal system. Foes of freedom for Mooney are now complaining that the new trial will be nothing but a stage setting, with the outcome foreknown. But if this is true, what could be a sterner indictment of the hypocrisy and political chicanery that have, from the first, characterized this unsavory episode?

A CRIMINAL TRIAL

Advertiser 3-27-33 Montgomery, Ala.

The Scottsboro case will be called for retrial today in Decatur.

"This," says The Birmingham News, "is going to be an unpleasant ordeal for Alabama. Under the best possible circumstances a thing of this kind is bad enough. In this instance an unpleasant situation has been aggravated by elements which should not have entered into it. Alabama has been viciously maligned in connection with the affair by unscrupulous agitators who have been more interested in creating propaganda for radical causes than in seeing justice done. This had been unfair and it has been hard to bear with patience."

But, reminds The News, "For its part, Alabama's sole interest is in seeing justice done."

This should be borne in mind by Alabamians.

They need not be reminded that this is a criminal trial which sole purpose is to decide the innocence or guilt of the prisoners.

There is no racial question involved.

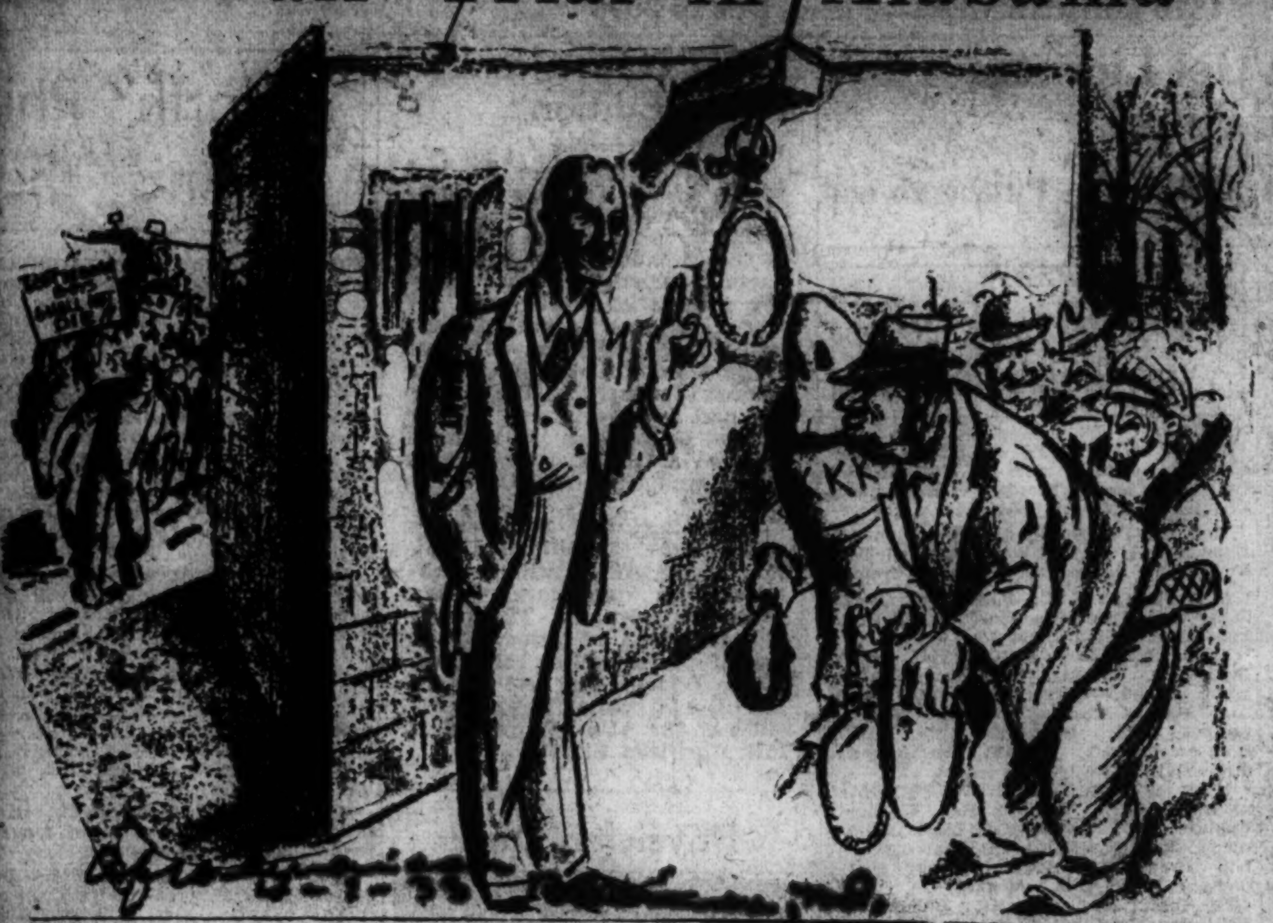
The question of capital punishment does not enter the case.

The wisdom of such heavy punishment for the charged crimes is not on trial.

The State of Alabama and its people are not on trial.

The Scottsboro case is strictly a criminal case and as such is held in open court with the world looking on to see that justice is done.

A Fair Trial in Alabama



—Courtesy "Labor Defender."

"The boys had a fair trial. They will have a fair trial. I will call out the entire militia of the state if necessary to protect them."—Attorney-General Thomas E. Knight, Jr., of Alabama.

Army Guard Demanded at Attack Trial

By TOM CASSIDY.
(Staff Correspondent of The News)

DECATUR, Ala., March 26—On the eve of the re-trial of the world-famous Scottsboro case, now making a new chapter in the history of colored Americans, the defense of the seven colored youths accused of attacks ~~on two~~ white girls sprang a surprise tonight by threatening to call on President Roosevelt for protection of witnesses.

Invoking the famous Fifteenth Amendment, which grants equal rights to white and colored citizens, Samuel S. Leibowitz of New York, chief counsel for the defense, declared colored witnesses have been intimidated. He added he would formally request the White House to protect them tomorrow, unless conditions here change.

Samuel S. Leibowitz

Ultimatum Causes Sensation.

The defense ultimatum caused a sensation here because the Fifteenth Amendment never has been enforced in Alabama. Leibowitz said he would demand Federal enforcement by force of arms, if such a step proves necessary.

Leibowitz has scheduled witnesses who will testify that, although they are eligible for jury duty, they have been excluded from service in this case because they are colored.

These witnesses, the attorney charges, have been told it will be "unhealthy" for them to give this testimony on the stand in the ancient yellow brick courthouse here tomorrow.

Leibowitz made his announcement when he learned local authorities intend to have thirty Alabama National Guardsmen on duty at the courthouse when the session opens.

"Unofficial Jury" Feared.

The local officials took this action because they declared the International Labor Defense and other radical organizations intended to have a formidable "unofficial jury" of white and colored men and women assemble in the neighborhood of the courthouse.

The Morgan County courthouse where the seven defendants are to go on a second trial for their lives—those guilty of attacks on women are executed in this State—fronts on a spacious green lawn. And here groups with bitterly hostile convictions about this case will assemble when court opens.

The defense's most spectacular weapon is a replica of the slow and easy freight train on which Ruby Bates and Victoria Price, two girls in overalls, say they were attacked by twelve colored men in the dusk of March 25, 1931.

Story Told by Girls.

The girls' story, told at the first trial of the colored youths at Scottsboro, near where the supposed crime occurred, was to the effect that the dozen youngsters attacked them after chasing a group of white boys from the gondola car in which they were riding.

Of the twelve accused by the two young women, one of whom, the Bates girl, is reported missing on the eve of the second trial, three left the train before the other nine and the two girls were taken into custody at Paint Rock, near Scottsboro, after the disgruntled white youths had given the alarm.

Two of the remaining nine claim to be under 16 and therefore are subject to trial in the juvenile court, and the seven who face a second battle for their lives tomorrow do so by virtue of a United States Supreme Court decision.

Miniature Train Donates.

The miniature train, which Leibowitz induced the Lionel Corporation of New York to donate to the defense of the penniless defendants, will be used to contradict prosecution testimony in the first case. The defense will seek to show that it was impossible for the twelve accused colored youths to have been in the gondola, or open car, during the period and in the manner testified to.

The prosecution is being handled by Attorney General Thomas E. Knight Jr., whose father wrote the opinion in the original case, which was reversed by the Federal Supreme Court.

Absence Of Ruby Bates May Delay Scottsboro Negroes' Trial At Decatur

Advertiser

3-27-33

Montgomery Adv.

DECATUR, ALA., March 26.—(AP)—Whereabouts of a missing witness tonight caused speculation [illegible] the probability of beginning tomorrow new trials for seven negroes indicted in the "Scottsboro attack case," who once were under sentence of death.

Speculation of the [illegible] of [illegible], one of the two alleged victims of the attack aboard a Southern Railway [illegible] train as it rumbled through [illegible] Mountains in Jackson County on March 25, 1931, overshadowed the pending motion to quash the indictments.

The girl who also is the alleged author of a letter repudiating her testimony in the first trials two years ago has been missing from her home in Huntsville since Feb. 27, and officers thus far have been unable to find a trace of her.

Mrs. Mary Bates, who confirmed street rumors that the girl was missing 10 days after she disappeared, told officers she believed her daughter kidnaped and did not report to police because she feared harm would befall

Meanwhile, Victoria Price, other victim of the alleged attacks has repeatedly asserted that her testimony in the first trial was true and that through fear that harm would befall her, she had remained in her home at Huntsville at night, and went on the streets during the day time only when she was accompanied.

The motion to quash the indictments that must be disposed of tomorrow before any other proceedings can be undertaken was filed at Scottsboro on March 6 when the cases were called in Jackson Circuit Court for retrial.

The action of Judge A. E. Hawkins, original trial judge who passed sentence of death on the negroes nearly two years ago, in granting a change of venue automatically transferred the motion to the Morgan County Circuit Court for disposition.

Judge James H. Horton who will preside over the new trials will rule on the motion before any other steps are taken. The motion alleges that absence of negroes from the Grand Jury returning the indictments deprived the defendants of their constitutional rights.

3-27-33

Montgomery Adv.

A resolution urging a [illegible] change of venue in the trial of seven negroes on charges of attack in the "Scottsboro cases" bringing the trial from Decatur to Birmingham, was adopted at a mass meeting at Birmingham today, attended largely by negroes.

Adoption of the resolution followed several talks by speakers of both races in which justice and a fair hearing were urged upon officials connected with trial of the charges against the negroes.

Speakers included Dr. Henry M. Edmonds, pastor of the Independent Presbyterian Church of Birmingham and Chairman of the Alabama Interracial Commission; Dr. Kenneth E. Barnhart, professor of sociology at Birmingham-Southern College; Dr. Ernest W. Taggart, president of the Birmingham branch, National Association for Advancement of Colored People; Rabbi Benjamin Goldstein, of Montgomery; and Allen Taub, of New York, a member of the defense counsel for the seven negroes.

Lynchings-1933

Legal Punishment for Rape.

Alabama.

4205

NEW YORK TIMES
MAR 9 - 1933

TO ASK NEW SCENE FOR NEGROES' TRIAL

Defense Attorneys Will Move That the Scottsboro Case Be Taken to Birmingham.

DECATUR FEELING FEARED

Lawyers, Meeting in Chattanooga Map a Fresh Campaign to Quash the Indictments.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

CHATTANOOGA, Tenn., March 8.—Attorneys defending the nine Negroes for whom the United States Supreme Court ordered new trials after they had been condemned to death for an attack on two white girls on a freight train passing through Jackson County, Ala., two years ago, met here today and planned their campaign of action.

Although Circuit Judge A. E. Hawkins granted their motion for a change of venue and selected Decatur, in Morgan County, as the place for the new trial, the defense attorneys were not satisfied at the outcome of the hearing in Scottsboro, where the first trial was held under conditions which the highest court in the United States held to have been unfair.

Irving Schwab, the young New York attorney whom the International Labor Defense sent here to cooperate with George W. Chamlee, former Chattanooga prosecutor, in preparing the defense, indicated tonight that an attempt would be made by him and his colleagues to reopen the hearing on the motion for a change of venue to permit the introduction of evidence of prejudice against the defendants, even in Morgan County.

The chief objection of the defense to Decatur as the place of trial is that, like Scottsboro, it is a rural centre, and that it will be necessary to surround the court house with militiamen as was done in the first trial, held two weeks after the alleged attack on Ruby Bates and the thrice-married Victoria Price.

This could be avoided, Mr. Schwab contended, by transferring the trial to Birmingham, the seat of Jefferson County, where there is adequate police protection and where the detention cells are in the same building as the court room.

Racial Feeling to Be Cited.

Should Judge Hawkins consent to a rehearing of the argument, the defense attorneys will present evidence to show that feeling against the Negroes is almost as strong in the county selected for their trial as it was and is in Jackson County. Morgan County is contiguous to Madison County, where Huntsville, the home of Miss Bates and Mrs. Price, is located.

A date has yet to be set for the new trial, although Circuit Judge Horton, who probably will preside, has indicated a willingness to convene a special session of court at the earliest date satisfactory to counsel.

Attorney General Thomas E. Knight said over the telephone from Montgomery today that he believed the State could be ready by March 20. The defense group, which is planning several preliminary skirmishes, showed less desire for speed.

The prisoners, with the exception of Roy Wright, now a prisoner in Birmingham, are in the State Penitentiary at Montgomery, and they probably will remain there until the day before they go on trial for the second time. Their arraignment for pleading will be delayed until the last minute before the trial opens for the sake of safety and order.

Mr. Knight said today that he didn't want to have the militia called out for the arraignment alone and did not want to risk transporting the prisoners back and forth between Montgomery and Decatur more than once.

Meanwhile, the defense attorneys are planning an active campaign. It is their intention, in support of a motion to quash the indictments, to summon witnesses to testify that qualified Negroes were barred from service on the grand jury which indicted the nine accused men.

Law on Jurors Quoted.

This motion, originally filed with Judge Hawkins, was passed on for decision by the judge who will preside at the trial. Although Negroes never serve on juries here, it is the contention of the defense that the law intends that they should.

Section 1806 of the Alabama Code, defining the qualifications of jurors, says:

"The Jury Commission shall place on the jury roll and in the jury box the names of all male citizens of the county who are generally reputed to be honest and intelligent men and are esteemed in the community for their integrity, good character and sound judgment, but no person must be selected who is under 21, over 65 years of age, or who is an habitual drunkard, or who, being afflicted with a permanent disease or physical weakness, is unfit to discharge the duties of a juror, or who cannot read English, or who has ever been convicted of any offense involving moral turpitude.

"If a person cannot read English and has all the other qualifications described herein and is a freeholder or householder, his name may be placed on the jury roll and in the jury box."

Two other motions will deal with the cases of two of the prisoners who were only 13 years old when they were arrested. These are the Wright boy and Eugene Williams, the latter one of those originally sentenced to die by the verdict of the jury. Under the Alabama law a jury may prescribe the punishment as well as decide the guilt or innocence of persons accused of rape, which is only one of several capital offenses under the statutes of the State.

The defense will demand that Wright and Williams be tried in a juvenile court.

Separate Trials Demanded.

All the Negroes found on the freight train when it was stopped by an armed posse just outside of Scottsboro on the night of March 25, 1931, when the attack is supposed to have taken place, were indicted jointly, but the defense will demand that each be tried separately, as was not done in the first trial.

It was pointed out by one of the defense attorneys that four of the Negroes were in different box cars from that occupied by the girls.

At the first trial none of the prisoners admitted his own guilt, but in several cases pointed an accusing finger at one or more of his companions. Since then those who gave testimony against their fellow defendants have repudiated that testimony with the explanation that they were afraid that if they didn't testify as the "white folks" wished they would be shot down in the court room.

In this connection a passage from an affidavit by Clarence Norris, one of th[illegible]ners, is regarded as significant. After denying that he saw any "white girls in overalls" on the train, he said in an affidavit forming part of the record submitted to the Supreme Court:

"I was slapped and kicked and told that if I did not tell that the other Negro boys who were arrested had something to do with those white girls, that they would kill me; that they would shoot me down in the court house."

Although it has been [illegible] since the Supreme Co[illegible] the death sentence im[illegible] eight who were convic[illegible] still held in death cells [illegible] not even their parents [illegible] yers, is allowed to tal[illegible] except in the presence [illegible] or prison official.

Parents Live in Poverty.

Mr. Chamlee said he would insist upon private interviews with the prisoners before trial as a vital necessity in preparing the defense.

In Chattanooga's Negro district, under conditions of the most direst poverty, live the parents of four of the accused youths. They are Mamie Williams, mother of Eugene Williams; Ada Wright, widowed mother of Andy and Roy Wright and Mr. and Mrs. Claude Patterson, mother of Haywood Patterson.

All have become ardent converts to communism since the International Labor Defense came to the aid of their boys. They read a Communist newspaper regularly and are helping to organize their neighbors in support of the cause.

Sitting before a coal grate in her two-room cabin, which she rents for $1 a week, Mrs. Williams said it had been so long since she had seen her son that she could not remember just when it was.

Her husband deserted her after the "Scottsboro trouble," and she is having difficulty providing food and shelter for herself and her six children, the youngest a babe in arms.

"The rent man has been here today," she said, "and he took away my back porch and tried to carry off my kitchen. Things is awful bad, but if my boy gets off, everything's going to be all right."

Landlords, it should be explained, find direct action more economical and effective than lawsuits in ejecting tenants who fall behind in the payment of their rent for the little cabins.

Mrs. Williams said her son Eugene never had been in trouble before "except once he was arrested for staying out late" and once for stealing a bicycle, which, she added quickly, he didn't really steal.

Mother "Sassed" Officers.

According to her, a friend of her son stole the bicycle and was in her backyard when the police caught up with him.

"I sassed the officers and they says to me, 'You wait, we'll fix you,' and I didn't know what they meant until the next thing my boy was doing eleven months in the jail."

Mrs. Wright, who is still bubbling over with reminiscent pleasure over her expedition to Europe on a tour financed by the International Labor Defense to win sympathy from labor groups abroad, had just finished baking two cocoanut cakes to send to her boys.

She, too, insisted that neither of them had been in trouble before, and she declared that she had seen the Bates girl in Chattanooga, her arms full of packages, on Feb. 28, the day after she is said to have disappeared.

"I knowed her right away because I saw her in court at one of the hearings after the trial," Mrs. Wright explained.

Claude Patterson was downtown conferring with Mr. Chamlee about his son's defense this afternoon. His wife had just received a letter from her son in prison and she was happy, because he said he was well and had no complaints to make about his treatment there. She, too, declared that her son had always been a good boy.

None of the parents attended the first trial. They admit that they were afraid even to think about it.

"Land's sakes," said Mrs. Pattersen, "I was afraid even to show my face outside the house in those days."

Something of the atmosphere that ervaded the court room in Scottsoro when the Negroes were placed n trial is shown in the transcript f the proceedings at the opening, when the question of counsel to defend them was being discussed.

Stephen Roddy, a Chattanooga attorney, appeared and explained that he was there not as a paid attorney, but because people "who are interested in them have spoken to me about it."

"I would like to appear voluntarily with local counsel of the bar your honor appoints, on account of friends that are interested in this case," said Mr. Roddy. "I would like to appear with counsel your honor appoints."

Judge Hawkins replied:

"You don't appear if I appoint counsel."

"I would not like your honor to rule me out of it," Mr. Roddy said.

"If you appear for these defendants," returned the judge, "then I will not appoint counsel. If local counsel are willing to appear and assist you under the circumstances, all right, but I will not appoint them."

Mr. Roddy inquired:

"Your Honor has appointed counsel—Is that correct?"

Judge Hawkins replied:

"I appointed all the members of the bar for the purpose of arraigning the defendants, and then, of course, I anticipated them to continue and help them if no counsel appears."

Judge Gave Right to Aid.

Mr. Roddy's answer was:

"Then I don't appear as counsel, but I do want to stay in and not be ruled out of this case."

"Of course I would not do that," Judge Hawkins assured him.

"Just appear through the courtesy of your honor."

"Of course," said Judge Hawkins, "I give you that right. Well, are you willing to assist?"

At this point in the colloquy, which went on before the prospective jurors, a lawyer named Parks, one of those assigned by the court, rose up and protested against the assignment of counsel by the court unless it was clear that no other counsel had been retained.

He declared that he could be induced to take the case only by the "high sense of duty I owe the State and not to these defendants."

The outcome was that Milo Moody, 70-year-old veteran of the [illegible] bar, finally consented to "go ahead and help do anything I can do."

The only defense witnesses called to the stand were the defendants themselves.

Alabama Cries for the Blood of the Scottsboro Boys

Amsterdam

3-25-33

Birmingham

IN AN INTERVIEW last week ~~with a daily news-paper~~ reporter, Gov. Benjamin Meek Miller of Alabama defended the laws of his state and their administration and promised the Scottsboro boys protection from lynch mobs and a square deal when they are again placed on trial. "Constantly," the reporter also wrote in his article, "it is iterated that the Negroes will receive a fair trial, YET NOWHERE IS THERE THE SLIGHTEST DOUBT THAT THEY WILL BE CONVICTED A SECOND TIME BECAUSE NOWHERE IS THERE ANY DOUBT OF THEIR GUILT."

THUS, IT IS MADE QUITE CLEAR that a square deal in Alabama—at Scottsboro, or Decatur, to which city a change of venue has been granted, or at Birmingham, which is about the only city in the state where the International Labor Defense believes it has a ghost of a chance—presupposes a guilty verdict for the defendants.

WHILE GOV. MILLER WAS DEFENDING the administration of the law in his state, sitting in his office in the Capitol at Montgomery (the first capital of the Confederacy and where Jefferson Davis was inaugurated President), he proved conclusively that there is no such thing as justice in Alabama for the Negro. In the two years he has been governor there have been ten persons put to death in the electric chair at Kilby Penitentiary, and all ten were colored. At least one colored person was lynched in the state last year and several persons have been ruthlessly shot down by posses led by white deputy sheriffs, including Negro farmers, whose only offense was to form an organization for the purpose of getting the fruits of their own labor.

NOT ONLY IS THERE NO JUSTICE in the State of Alabama for the black man, all movements from the outside looking towards that end are strenuously resented and fought. In the Scottsboro case the attempt of the Communists and the International Labor Defense to see that justice is done has not received the co-operation of white people of the state. Instead, it has served to arouse in them a determination to put the boys to death at any cost. The conservative element of Negroes in Birmingham recently petitioned the principal authorities of the state and city for protection from the merciless treatment they are receiving from police authorities and suggested that this protection would be a means of curbing the Communistic sentiment, which is growing at an alarming rate. We quote from this petition:

"We wish to call your attention to the inroads being made among people of this city and state, white and colored, by the insidious propaganda for Communism which we are being called upon to curb and looked to for resistance . . ., but we find ourselves handicapped on every hand because the 'red propagandists' use the very things herein pointed out to attract followers and to create and incite mob violence. . . . This radical organization . . . knows no color line, and wherever it finds it possible it breeds upon the grievances of a discontented people."

AND YET, IF THE I. L. D. or some other outside organization had not gone to the defense of the Scottsboro boys they would surely have been put to death. Gov. Miller admitted that he has received over fifteen thousand communications from radical and labor organizations throughout the world protesting against the injustice of the Scottsboro verdicts, but he pointed out with pride that scarcely any of these protests came from persons or organizations in his state or in the South, for that matter. These protests he looks upon as an effort to intimidate the courts of his "fair" state. The reversal of the case by the United States Supreme Court is looked upon, not as an opportunity to correct the injustice which has been done but as a decision which hurts the "prestige" of the Alabama Supreme Court, which upheld the convictions. When the boys are placed on trial a new set of convictions must be anticipated. We have already seen to what length the defense attorneys had to go to get copies of the Ruby Bates letter, in which she wrote that the boys were innocent of the charges; but if she had confirmed their guilt the letter would have been surrendered with keen delight. Alabama cries aloud for blood! Black blood! The blood of the Scottsboro boys.

ALL OF THIS IS WRITTEN in an effort to bring home to the Negro in Harlem and elsewhere the fact that the Scottsboro fight is his fight and that no sacrifice is too great for him to make in saving the lives of these defendants. Their defense must not be deserted until every means of saving them is exhausted. It is the fight of the Negro everywhere for his life against legal lynchings in the courts of the South, and he must win it. Otherwise, the evils of this iniquitous system are bound to project themselves into the North and other places now partially free of them.

Scottsboro Case Opens Today in Decatur; Boys Tell of Torture

Negro Worker 3-27-33

Defense Lawyers in First Private Interview; Change of Trial to Birmingham to Be First Motion: Negro Witnesses terrorized

BULLETIN

BIRMINGHAM, Ala., March 26.—With hundreds turned away, more than 1,000 jammed the First Congregational Church at a mass meeting here today called by the City Committee on the Scottsboro Case.

New York

DECATUR, Ala., March 26.—A demand that the Scottsboro trial scene will be moved from here to Birmingham will be the first move of defense attorneys when the case opens here tomorrow, attorneys for the International Labor Defense announced today.

The defense will then make a motion to quash the indictment on the ground that Negroes—although eligible for jury service—were not called on the grand jury that handed down the indictments against the innocent Negro boys.

This will be in the form of a preliminary hearing before the actual trial begins—with the selection of the jury and the taking of testimony. The boys will not be brought to court from the jail until the actual selection of the jury begins.

Just how long the hearing will last is not certain, depending on how many witnesses the defense succeeds in bringing to Decatur in the face of widespread intimidation and threats of retaliation against many Negroes from Jackson County who are being called by the defense to testify. Some of these witnesses will take the stand and swear that despite the fact that they are freeholders and property owners and possess other qualifications required by the Alabama law, that they have never been called to serve either on the grand or petit jury. Incidentally, Negroes comprise ont-third of the population of Jackson County.

• • •

BIRMINGHAM, Ala., March 26.—Lawyers for the International Labor Defense today held their first private interview with the Scottsboro boys, exactly two years—to a day—after they were arrested on a framed-up "rape" charge.

The boys, peaked and thin from the long months of imprisonment, filed into the bertillon (fingerprinting, etc.) room especially prepared for the interview. For four whole hours, in the presence of the writer, each boy in turn related to their lawyers details of the frame-up and the brutal treatment they have received since they were first jailed.

All bore scars, attesting to vicious and brutal beatings. Some had their teeth knocked out, others showed knife stabs and lacerations of the scalp inflicted with blunt instruments.

Tell of Beatings.

The Negro boys gave their lawyers detailed descriptions of beatings in Scottsboro, Adrsden and Kilby prisons. "We were told several times," they said, "that we would burn in the electric chair in ninety days if we didn't drop the I. L. D. and take up with the N. A. A. C. P. (National Association for the Advancement of Colored People), but we know we are innocent, and the I. L. D. is our friend, and has fought for us, and will not go back on us."

Continuous efforts have been made to get them to turn state's evidence against each other, the defense attorneys were told.

NEGRO WORKERS AID MASS FIGHT

Daily Worker

5-25-33

Buy Save Scottsboro Defense Stamps

New York!

NEW YORK.—Hailing the International Labor Defense in its militant defense of the nine innocent Scottsboro boys, hundreds of workers, responding to an appeal sent out together with 100 "Save the Scottsboro Boys" penny stamps now being circulated throughout the country by the thousands, are sending warm appreciations along with their contributions. Typical of these is a letter received recently by the Scottsboro New Trial Emergency Fund of the I.L.D. from a worker in Raleigh, N. C.:

"Dear sirs: Enclosed please find check for $2, which I should like you to accept as a small contribution to the defense fund of the Scottsboro boys.

"I cannot close this letter without thanking you for the courageous defense of those unfortunate boys. Through your effort the case has been taken out of the category of a mere trial in which a colored man's life is at stake. The issue which you have raised is whether human justice shall prevail not only in Alabama but throughout the United States. The 12 millions of colored people in this country as well as the other minority groups must forever be grateful to you. May your organization continue fearlessly to defend the rights of the oppressed."

This is one of the many Negro workers whose eyes have been opened by the heroic struggle of the millions of workers throughout the world led by the I.L.D. and its sympathetic organizations. In order to carry on the struggle and prepare the appeal from the vicious lynch verdict of Haywood Patterson, funds are needed desperately by the Scottsboro New Trial Emergency Fund of the I.L.D., 80 East 11th St., New York City.

Lynchings-1933
&
Legal Punishment for Rape.

I

Alabama

4206

NEW YORK [redacted] WORLD
Telegram
APR 13 1933

Decatur Jury's Verdict in the Scottsboro Case

By Jacob Grossman.

THE verdict in the trial of the first of the Scottsboro defendants, Haywood Patterson, bids to become another of America's famous miscarriages of justice. From the very start it was evident that the defendants have little to do with the case—in fact, without the testimony of one witness there was no case.

These nine Negroes picturesquely portray their actual position. Unknowingly, seemingly uncaring, they were made symbols in a far greater case—one in which Alabama itself, with its barbarous lynchings, inhuman chain gangs, the K. K. K. and virtual slavery of black and white alike, is compelled to prove its right to existence. Also on trial are the American people, whose apathy is astounding and which permits the carrying out of such high-handed methods.

The editors of the World-Telegram can do very well in awakening the inert sense of justice of the public by leading the fight against the execution of the Scottsboro boys.

New York.

By Norman Neblett.

Justice and law and order have triumphed in Alabama. Twelve "men good and true" have upheld the noble tradition of the South. The chastity of Southland's daughters must be preserved.

But it seems to me that, much as we sneer at Alabama, she stands not alone guilty of this perversion of justice. Congressmen and Presidents and forty-seven other States stand convicted of collusion; they stand in the prisoners' dock guilty of being accessories after the fact. Only a few weeks past we heard the cry of "Lynch him! Lynch him!" raised against a black man in the streets of Brooklyn. Our Congressmen, pleading the lame excuse of States' rights, remain mute before the lynching parties. Our Presidents, like Pontius Pilate, wash their hands while with rope and faggot the murderous hoodlums run amuck throughout the land.

For America is like a hypocrite who seeks to pluck the mote from her neighbor's eye while she heeds not the beam which is in her own eye.

The blood of murdered black men and women and children cries out to high heaven against this latest outrage on their brothers. Yes, America may yet again have to shed her blood for the remission of her sins.

New York.

By, Maurice Le Frak.

In a perusal of the evening papers of Saturday, April 8, 1933, I was more than shocked at the open, flagrant display of racial hatred and unethical conduct as enacted by some grossly ignorant circuit solicitor, of Wade County, Ala., who is known as Mr. Wade Wright.

At this time when a national and world feeling of resentment has risen against Hitler's persecution of Jews throughout Germany this very American, Mr. Wright, has the audacity and gumption to make a remark pertaining to a certain Jewish lawyer who is chief defense counsel in the Scottsboro case, then being heard in Decatur, Ala. The gist of the remark was an appeal in an impassioned manner to the jury to show the above learned counsel "that Alabama justice cannot be bought and sold with Jew money from New York."

I cannot conceive that such remarks could have been emitted by a man who, perhaps in the knowledge of the fact that he was among friends, allowed his sense of discretion and toleration to be overcome by a statement more befitting of a Nazi Hitlerite than a citizen of the United States, who at the same time presumably is vitally interested in the welfare of a great many people in his community. To think that the true administration of justice, which is the firmest pillar of good government, could be so atrociously distorted to convince a jury is appalling and unbelievable to the mind of any righteous thinking human—race and creed aside.

God knows that if Wade County, Ala., cannot do without men who have the perspicacity (?) and the un-Christian-like attitude of a man like Wright, then truly the scales of justice and religious intolerance have deeply been steeped and warped in the rotten mire of race hatred and miscarriage of justice.

Brooklyn.

By M. Renevais (a Southerner).

It seems that the World-Telegram and Heywood Broun can always be depended upon to rise to eloquence in favor of Negroes.

Your attitude and his are ridiculous. If Negroes were treated in the South with the leniency you and Broun seem to suggest—that is, permitted to go scot-free no matter what crime they commit—the South would be immediately catapulted into race warfare on a huge scale as a consequence of widespread rape, roguery, murder, robbery and so on—crimes committed by Negroes. The South knows Negroes, and knows how to deal with them. The North does not!

New York.

[The World-Telegram has never suggested that persons guilty of crime, whether white or black, should "go free." It has advocated a fair trial for all accused. The question whether a trial has been "fair" is a matter of public opinion as well as of judicial decision.—Editor's note.]

By Vox Populi.

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." That is the Fourteenth Amendment.

Now look at the Scottsboro case. One boy out of the accused nine has already been convicted, and they call that justice! If ever one wanted a good example of race prejudice and discrimination, let him take this case and have a perfect model! All the evidence points toward their innocence and yet the jury turns in a verdict of guilty in the case tried. Let us hope that this decision will soon be set aside and that Alabama will not be known as "the" State that sent innocent Negroes to their death.

Brooklyn.

By J. Namsorg.

The verdict at Decatur speaks rather loudly of the mentality of Southern jurors. Heywood Patterson has been convicted in a case in which the State which prosecuted him was guilty—guilty of producing such conditions whereby mere children are compelled to leave their homes to find work in other towns, of breeding slums and poverty which result in the growth of prostitution, of harboring chain gangs and permitting (even encouraging) lynchings.

If anyone deserves to die it is the real rulers of the South, large plantation owners, who seize this opportunity to assert their authority in suppressing the Negro.

They are the guilty ones for whom tarring and feathering is too good.

New York.

SCOTTSBORO CASE WILL BE RESUMED

Telegraph

Attorneys For Nine Negroes Will Ask Change of Venue For Heywood Patterson

11-20-33

Macon Ga

DECATUR, Ala., Nov. 19 (AP).—A new chapter in the now nearly three-year-old "Scottsboro case" legal battle tonight was ready to be turned as attorneys for the nine Negro defendants gathered their evidence on which they will advance a motion for a change of venue.

The motion will be offered tomorrow, as Heywood Patterson, first of the nine to be tried for an alleged attack on two white girls in April, 1931, is arraigned for his third trial.

Samuel S. Liebowitz, chief of defense counsel for the Negroes who entered the case just before Patterson was brought to trial here under a change of venue from Jackson county in April, arrived today.

In Birmingham yesterday, Liebowitz said he had affidavits to support contentions of the defense that a fair trial could not be obtained here and when it was pointed out Alabama law provides for only one change of venue said he could only make the effort.

To Oppose Change

Attorney General Thomas E. Knight, Jr., who assumed charge of the case for the state when it was brought to the Alabama supreme court on appeal in January, 1932, said he would oppose further change of venue to avoid delay in the trials.

Final decision, however, will rest in the hands of Judge W. W. Callahan of Decatur, who will preside since Judge James E. Horton of Athens, the other judge of the circuit, has excused himself.

It was Judge Horton who reversed a Morgon county jury that convicted Patterson here last April and fixed his punishment at death, on the grounds that the state had not established sufficient proof to warrant the verdict.

If Judge Callahan overrules the motion for a change of venue, a venire of 100 will be drawn for the jury and Patterson will face trial for his life a third time on Nov. 27.

Lynch Murder Lies in Wait

Daily Worker

ONLY quick and decisive action by the toiling masses, black and white, can defeat the ghastly conspiracy of Alabama officials to turn the Scottsboro boys and their attorneys over to a lynch mob on the eve of the new trials, scheduled to take place in Decatur, Ala., Nov. 27. President Roosevelt, Gov. B. M. Miller, Montgomery, Ala., and Judge W. W. Callahan, Decatur, Ala., must be flooded with vigorous protest wires, demanding the safety of the Scottsboro boys and their defenders. The Public Inquiry and Anti-Lynching Conference in Baltimore this Saturday and Sunday must be made a tremendous success in mobilizing the masses and all sincere intellectuals against this hideous conspiracy.

11-20-33

The "Daily Worker" has presented irrefutable proof of the Scottsboro conspiracy. This proof includes over 300 sworn affidavits of Negro and white residents of Morgan County, Ala. The capitalist press, both South and North, admit that the stage is set for one of the bloodiest massacres in the violent history of capitalist persecution and oppression of the Negro People. The Birmingham "Age-Herald" describes the situation in and around Decatur as "tense and explosive."

New York

In the face of these admissions, what is the attitude of the Alabama officials? From Governor Miller down, they refuse to afford any protection to the Scottsboro boys and the International Labor Defense attorneys, Samuel Leibowitz, Joseph Brodsky and General George W. Chamlee. Even the pretense of calling out the militia to "protect" the boys and their defenders is to be dispensed with. The Alabama officials are following the murderous example of Gov. Ritchie of Maryland, who threw George Armwood to the Eastern Shore lynchers, refusing to order his removal from Princess Anne, or to send troops to protect him in the face of universal knowledge that a lynch mob was gathering to murder him.

The attitude of these officials gives sinister emphasis to the proof already presented by the "Daily Worker" that they are in league with the Ku Klux Klan and other terrorist groups in preparing a bloody pogrom against the boys and their defenders.

* * * *

WHAT is behind this hideous conspiracy against the lives of these innocent boys and their defenders? The Alabama lynch lords, although in full control of the machinery of capitalist justice, are in deadly fear that the world-wide defense, which four times wrested the Scottsboro boys from their bloody hands, will ultimately defeat the plans of the lynch courts. The lynch lords have seen the toiling masses of the whole world rallying to the defense of the Scottsboro Boys and of the oppressed Negro People. They have seen the masses indignantly reject the original Scottsboro lynch verdicts, sentencing eight of the boys to burn in the electric chair. They have seen the innocence of the boys proved in the Decatur trial, at which Ruby Bates fearlessly retracted her original testimony against the boys. They have heard the angry thunder of protest which swept over the world when the grinning all-white jury returned last Palm Sunday a death verdict against Haywood Patterson.

And for what purpose? To teach the Negro masses, who are becoming increasingly more militant, a bloody lesson. To fling the charred bodies of nine innocent boys and their defenders into the face of the Negro People and the white workers rallying to their defense! In the words of those who are organizing a massacre of the boys and their defenders, the Negro masses are "becoming cocky and too damned uppity!"

The Negro masses, assured of the support of broad strata of the white toilers, mobilized against the lynchers by the Communist Party and the International Labor Defense, are more and more resisting the attacks of the white ruling class and the devastating effects of the crisis. They are fighting back against starvation and misery, against the lynch wave now raging throughout the country! This struggle is taking the form, not only of spontaneous resistance, but of an organized fight for Negro liberation. In the heart of the Alabama terror, over 500 Negro share croppers have organized into the Share Croppers Union, and twice, with arms in their hands, defended their union against the armed attacks of the landlords and their sheriffs.

The white and Negro masses must intensify the fight against lynching, whether legal or extra-legal; for the safe and unconditional release of the Scottsboro Boys.

Defend the Scottsboro Boys and the Negro Masses!

Demand full protection for the Scottsboro Boys and their attorneys.

Deluge President Roosevelt, Governor B. M. Miller, Montgomery, Ala., and Judge W. W. Callahan, Decatur, Ala., with protests against the lynch conspiracy!

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9 BOYS ARRIVE IN DECATUR TODAY; LYNCHERS OPENLY CALL FOR BLOODY ORGY

Daily Worker 11-20-33

New York N.Y.

Attorneys Wire Demand to Roosevelt to Intervene to Prevent Massacre; Protests Pouring Into Decatur

By JOHN L. SPIVAK

DECATUR, Ala., Nov. 19.—While this town waited tensely for the arrival of the nine Scottsboro boys and their International Labor Defense Attorneys, Samuel Leibowitz and Joseph Brodsky, against whom open threats of death have been made the Defense Counsel made a final plea to President Roosevelt for his intervention to prevent "a massacre of both defendants and their Attorneys."

Roosevelt Asked to Intervene.

This plea was made after Governor Benjamin M. Miller had refused to order out troops to provide adequate protection. The telegram to the President follows:

"We earnestly ask you to persuade Governor Miller of Alabama to order out sufficient National Guardsmen to provide adequate protection for the nine Scottsboro boys and their attorneys, who are to appear in Decatur tomorrow morning for the arraignment of the defendants and for trial on Nov. 27th.

"In previous trials this Spring, Circuit Court Judge Horton, presiding, took judicial notice of incipient mob action to lynch defendants and attorneys by ordering the soldiers in open court to shoot if necessary, to preserve the peace. Shortly after the trial, Judge Horton, who has since been supplanted, adjourned court on his own motion because of the temper of the citizens. Since the last trial, two Negroes in the custody of the Sheriff were recently lynched in the Tuscaloosa case. A Negro, named Royall, was lynched in the very City of Decatur in August, and a mob visited the Decatur jail to lynch a Negro prisoner named Brown. Only his removal to Huntsville jail before the mob arrived, prevented his assassination. The situation now is infinitely more tense.

"Have affidavits naming many persons in Decatur and neighboring towns who have openly voiced their intention of 'getting the niggers' and the attorneys. Editorials today in the Birmingham Age Herald and Post show their appreciation of an imminence of danger and urging the officials to call the militia. Despite this extremely grave situation, the Governor has rejected the plea for State Troops to guard prisoners and attorneys. The probability of a massacre of both defendants and their attorneys is extremely grave. We urge your intervention."

The telegram was signed by Samuel S. Liebowitz, George W. Stanley and Joseph R. Brodsky.

* * *

Decatur Tense as Hour of Hearing Nears

DECATUR, Ala., Nov. 19.—This town is tense as the hour approaches for the appearance of the nine Scottsboro boys for their arraignment in the Morgan County Court here tomorrow morning and the arrival of the International Labor Defense Attorneys Samuel Leibowitz and Joseph Brodsky, against whom open threats of death have been repeatedly made.

Rumors that the Scottsboro boys will never reach the court house alive are all over town.

State officials are still standing pat in their refusal to call out the National Guard in anticipation of trouble.

Protests From Workers Pouring In

Photographers from the Birmingham newspapers and one from the New York Daily News, are keeping vigil outside the Birmingham County Jail to follow Sheriff J. F. Hawkins and his deputies, when he transports the boys to Decatur late tonight or tomorrow morning.

Telegraph condemnation of the State's refusal to provide the military to protect the nine boys and their attorneys, is flooding this town. They are coming from all over the country and abroad.

Simultaneously, the Birmingham newspapers have written strong editorials condemning the state officials for their refusal to supply adequate protection, and urging a reconsideration of their stand 'before it is too late.'

Daily Worker

In last desperate efforts to prevail upon the state to provide the military, George W. Chamlee, Southern Counsel, associated with the defense, telegraphed a personal message to Gov. Benjamin W. Miller, urging him to order out the National Guard. Gov. Miller refused. 11-20-33

Boys Await Ordeal of Removal

While last minute conferences were being held at the Tutwiler Hotel in Birmingham, by defense counsel, the Scottsboro boys waited fearfully for the ordeal of being transferred to Decatur from the Jefferson County jail.

New York N.Y.

Both Sheriff Hawkins and Sheriff Davis of Morgan County, state that they have made no alterations of their plans to provide a few deputies as the only means of protection.

Leading Papers Score Refusal of Protection

This morning's Birmingham Age Herald's leading editorial, urging that the military be called out to protect the Scottsboro boys and their defendants, gives an accurate picture of the seething tension which the local newspapers realize exists.

The editorial follows:

"So far as this paper has been able to ascertain, the Scottsboro Negroes are to be taken to Decatur for arraignment on Monday without military protection. It is, as we see it, exceedingly unwise to fail to give these prisoners the fullest protection the state can command. The responsibility which is thus being thrust upon Sheriff Hawkins and Sheriff Davis, impose on them a burden they should not have to carry. What is true with respect to the arraignment is true of the trial of the week following.

"If this is not a juncture when the authorities should strain a point to make sure of the safeguarding of defendants, there has never been an occasion in the history of Alabama for protecting prisoners against the possibility of an attack by would-be lynchers. If anything is left undone to protect the Negroes accused in this case, and the official optimism proves unwarranted, then the state will be under an imputation it should not have to wear. It is a risk too great to be taken."

Common Belief that State is Preparing Massacre

The "imputation" that the editorial refers to, is the common belief current throughout the state that Alabama has prepared what seems to be a set-up which is virtually an invitation to mob action.

The Birmingham Post yesterday also spoke strongly on the question of protection.

"Our recollection," it says editorially, "of secret indignation meetings and of reports of incipient mobs at Decatur and Huntsville in the last trial of Haywood Patterson, leads us to believe, however, that Judge Callahan underestimates the seriousness of the situation.

"A judge cannot wait until mob violence is upon him to provide protection for defendants in his court. Mobs show a serpentine ability to rise suddenly from nowhere in particular.

"Adequate protection must be afforded the defendants and their attorneys. Whether this protection be in the form of uniformed guardsmen or special sheriff's deputies of proved courage, is unimportant."

Chamlee Wires Demand to Governor Miller

General Chamlee's personal telegram to Gov. Miller said, "The Birmingham News Age Herald and the Birmingham Post, of Saturday and Sunday morning, say in substance that the Scottsboro Negroes are to be taken to Decatur for arraignment on Monday morning without military protection, and in substance that is is exceedingly unwise to fail to give these prisoners the fullest protection the state can command.

"As the Southern attorney I have been in this case two and one half years and I am a citizen of this part of the country and have affidavits and reports from many sources that there is already a movement on foot to lynch the Scottsboro Negroes and to intimidate and embarrass the trial and attorneys involved in this case, unless the state of Alabama will furnish troops to protect the prisoners, attorneys and officers of the court in Decatur on next Monday and throughout the trial of these cases.

"The trial judge and the Attorney General may think troops are unnecessary, but mobs do not advise the trial judge or the Attorney General of their intentions and in many instances they are utterly unable to detect them and capture them after a lynching, irrespective of the disgrace brought on the good name of the state.

"As a friend of yours and a citizen bordering your state with relatives scattered throughout Alabama who cherish the good name of your commonwealth, I want to appeal to you to provide troops to escort these prisoners to and from the courts from Birmingham to Decatur and return to the end that the trial may be orderly, fair and consistent with real true administration of justice."

Governor Miller replied this morning, declining to send troops.

Feeling against the boys and their defenders, already tense, was further inflamed today by printed attacks on the "intrusion" of the I. L. D. in aiding the boys. A 54-page pamphlet is being openly circulated, calling for the lynching of the boys and their attorneys.

It is written by Woodward Mabry, local attorney, and is entitled:

"A reply to slanders in re the Negro question, lynch law, etc., being an invitation to the International Labor Defense and all other associations advocating political equality to get out and to remain away from the State of Alabama."

Anti-Lynch Leader

RICHARD B. MOORE
General Secretary of the League of Struggle for Negro Rights and leader in the Public Inquiry and Eastern Anti-Lynching Conference held yesterday and Saturday in Baltimore.

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"If it turns out that any of these names are superimposed over the red lines," he continued, "they must have been written in after you took office or after the commission which made up the 1931 roll went out?"

N.Y.

Judge Callahan sustained an objection from Attorney General Knight and Mr. Leibowitz took an exception. Braddus Mosely was the next Negro found upon the jury roll. Before getting the others into the record Mr. Leibowitz asked Judge Callahan to impound the book, which he hopes to prove has been tampered with since Patterson's trial last Spring.

"I'll let the clerk take custody of it," said the judge, directing John Green, the clerk, to "take this book and lock it up down there in the office when we get through with it today."

11-24-33

Denials Precede Disclosure.

The disclosure of the names of Negroes on the jury roll came after C. A. Wann, clerk of the Circuit Court of Jackson County, had testified that he could not recall a single instance of a Negro being included on a jury.

New York

In that he was supported by the testimony of several white citizens of Jackson County who testified at the trial last Spring that they never had seen a Negro on a jury there.

Notations on the jury roll also showed that while the names of the seven Negoes appeared on the list of those available for jury duty, none of them ever had served.

At the morning session Arthur J. Tidwell, a Morgan County jury commissioner, testified that J. J. Sykes, a Negro who the defense contended was excluded from jury service on racial grounds, was left off the rolls because of physical infirmities.

Then Judge Callahan denied the defense motion to quash the venire on the ground that there werer no Negroes on the panel from which it was drawn. He said he was not convinced on the evidence before him that the Fourteenth Amendment had been violated.

Soon after that Mr. Leibowitz returned from a brief sojourn in Louisiana. His appearance had an electrical effect. The empty benches began to fill. He took over the conduct of the case and within five minutes, with Mr. Moody on the stand, came the first intimation that the Jackson County jury rolls might contain the name of some Negroes.

"I'll show you the name of K. B. Snodgrass," said Mr. Leibowitz, "and I ask you whether he is white or colored."

"The only man I know by that name," said Mr. Moody, "is a Negro."

With the hearing on the motion to quash the indictments threatened with unexpected prolongation, Judge Callahan, determined that Patterson's trial shall be under way on Monday, ordered the counsel to return for a night session. It would last, he said, until the one court stenographer cried for mercy.

SCOTTSBORO JUDGE BARS TROOP GUARD

Times 11-19-33 N.Y.

But He May Revise Decision Not to Ask for Guard at New Decatur Trial.

LEIBOWITZ PLANS PLEA

He Will Urge Protective Steps for Negroes Upon Prosecutor —To Ask Change of Venue.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., Nov. 18.—Despite reported threats of mob violence, seven of the nine defendants in the Scottsboro case are to be brought here Monday from the jail in Birmingham without a military guard.

Judge W. W. Callahan, who was assigned to try the cases after Judge James E. Horton reversed the verdict of guilty returned against Heywood Patterson last Spring, is understood to feel that the display of military force at the last trial helped engender bitterness among the townsfolk against the Negroes.

Times 11-19-33 N.Y.

His decision not to request Governor Miller to summon a detail of the National Guard, however, is subject to revision. It was believed that he may ask for the militia after hearing the evidence which Samuel S. Leibowitz, chief counsel for the defense, is prepared to offer Monday in support of a motion for a second change of venue.

Mr. Leibowitz has in his possession seven affidavits from private investigators listing the names and addresses of nearly 500 individuals who, he says, not knowing that they were to be queried, expressed the opinion that the "Jew lawyers from New York" and their Negro clients should be lynched.

Affidavits to Be Presented.

It is his intention to offer the affidavits in court on Monday to support his contention that a fair trial for the Negroes accused of attacking Victoria Price on a freight car near Scottsboro almost three years ago, is impossible anywhere in Morgan County.

The cases were transferred to Morgan from Jackson County, where the alleged crime occurred, after the United States Supreme Court set aside the original verdicts of guilty and the sentences of death imposed by Judge A. E. Hawkins, on the ground that the first trials were unfair.

The Alabama statutes permit only the change of venue, but Mr. Leibowitz is planning to attack the constitutionality of the law on the ground that it deprives the defendants in the Scottsboro case of their right to a fair trial, in violation of the Fourteenth Amendment. He will attempt to show that there is more animosity toward him and his clients here than there ever was in Jackson County.

The New York attorney, who has been retained by the International Labor Defense, a Communist adjunct, to defend the Negroes, left home yesterday but he did not come to Decatur. He went instead to Birmingham, where he hopes to confer tomorrow with Attorney General Thomas E. Knight Jr., the prosecutor, regarding protective measures which he holds necessary to safeguard the lives of the accused Negroes.

Pamphlet Attacks Defense.

Soon after his arrival in Birmingham, Mr. Leibowitz obtained a copy of a fifty-four-page pamphlet which contains a suggestion of mob violence and which has been circulated widely throughout the State, according to reports. The pamphlet, which purports to have been written by Woodford Mabry, attorney at Grove Hill, Ala., is entitled "A reply to Southern slanders in re the Negro question, lynch law, &c., being an invitation to the International Labor Defense and all other associations advocating political equality to get out of and to remain away from the State of Alabama."

Times 11-19-33 N.Y.

"We regard your teachings as dangerous and a menace to our State," the pamphlet states.

Among the more inflammatory passages was the following:

'I have never been, am not now and never will be an advocate of mobs but; when a lot of outside Negroes and white people send lawyers into our State, who set themselves up insolently and lawlessly to defeat the law and cheat justice, I believe then, that within certain limitations, the people who authorize court executions retain the power themselves to put down crime.

"Within those limitations all peoples enforce lynch law. Why does the law give you the right to expel trespassers with just such force as you find necessary? And to kill a man to prevent him from stealing your horse or burglarizing your house? Or to anticipate and slay the assailant who manifestly means to attack your life? It is because the law is too slow to save you.

Community Urged to 'Save Self.'

"You must save yourself. In like manner the law may be too slow and uncertain to save a menaced community because of outside lawyers and the unscrupulous methods employed by them. Then that community must exercise its inherent right to defend itself."

Notwithstanding the widespread talk of lynching embers of this Tennessee River community minimize the danger of actual violence. Taxicab chauffeurs, store keepers and public officials all are positive there will be no trouble. Negroes however, look frightened and give evasive answers when they are askd for an opinion about the case. The third trial of the twice convicted Patterson will not start for a week after his arraignment. A considerable part of the interim probably will be consumed by argument on the motion for a change of venue.

Times 11-19-33 N.Y.

Attorney General Knight has requested subpoenas for all the witnesses who testified for the State at the last trial. In addition he ordered the issuance of a subpoena for Ruby Bates, the girl who testified that she was attacked along with Victoria Price, at the Scottsboro trials and then, appearing as a surprise witness for the defense at the last trial, recanted and charged that the whole case was "a frame-up."

White Hobo to Be Summoned.

The Bates girl, however, has informed Mr. Leibowitz in a letter made public by him in New York a few days ago that she does not dare to return to repeat her testimony in Decatur. According to the defense counsel she is beyond the process of the Alabama court in New York or New Jersey.

Times 11-19-33 N.Y.

Of even more interest than the subpoena which Mr. Knight requested for the Bates girl, was the Attorney General's request for a subpoena for Orville Gilley. Gilley, a white hobo, was on the freight car in which the alleged attack took place, and presumably saw all that happened.

Although held in jail until the trials at Scottsboro were ended, Gilley never, from the witness stand, told the story of the alleged crime. Since the last trial, according to Mr. Knight, he returned voluntarily to Alabama and swore to an affidavit supporting Victoria Price's charge of a mass assault upon her and Ruby Bates. Whether Mr. Knight will be able to produce Gilley in court, has ont been revealed.

JUDGE WILL SPEED SCOTTSBORO TRIAL

Alabama Jurist Asserts That He Will 'Debunk' Case of Extraneous Matters.

Times

GETS COMMUNIST THREATS

11-23-33 N.Y.

Flood of Telegrams Assail the Prosecution and Demand Release of Negroes.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., Nov. 22.—With the hearing on defense motions in the Scottsboro cases in recess today, Circuit Judge W. W. Callahan let it be known that he hopes to try at least four of the seven Negroes before Christmas.

Then, if the Negroes accused of attacking two white girls on a freight train near Scottsboro in March, 1931, are convicted, Judge Callahan intends to recess his special term of court to await the results of appeals by the defense.

According to close friends of the jurist, he hopes in that time to "debunk the Scottsboro cases."

The words are supposed to have been his. He feels, it was said, that the simple question of the guilt or innocence of the defendants has become involved in a tangle of extraneous matters relative to Communist activities among the Negroes, interference of outsiders with Alabama justice and local pride.

This motive was behind his ban upon photographers in the courtroom and his refusel to provide facilities for representatives of the press assigned to cover the third trial of a case that has attracted international attention.

He has relented a little in his attitude to reporters since the hearing opened and has allowed a press table to be built. Reporters, however, remain outside the rail which separates jury, judge and counsel from the spectators.

Will Set Other Cases.

Thus far the case of Haywood Patterson, which was ordered retried by the United States Supreme Court, is the only one set for trial. It is on the docket for Monday.

Judge Callahan has ordered the arraignment of another defendant, probably Charlie Weems, tomorrow, so that his case may be set down for trial a week from Monday. On that date, the judge informed the State, he expected to set the trials of two more of the Negroes.

While defense attorneys have been crying out against dangers they face in trying the case here, where public sentiment is alleged to be bitterly against them, it became known today that the prosecution and the judge himself have been threatened in letters and telegrams from Communist sympathizers.

So many messages have been received by Judge Callahan, according to his friends, that he thought seriously of instructing the Western Union and Postal Telegraph Companies to deliver no messages to him except in case of a death in his family. He decided not to do so, however, adopting the policy of receiving and ignoring the telegraphed "demands" for the "unconditional release" of the prisoners.

The "mass action" represented by the sending of telegrams to Alabama officials has been one of the factors complicating the Scottsboro case. Governor Miller, it was said, has received 25,000 messages, 8,000 of them since Patterson's conviction here last Spring.

Court Officials Summoned.

Tomorrow, when the hearing on a defense motion to quash the venire from which a jury will be chosen to try Patterson is resumed, Arthur J. Tidwell, a jury commissioner, is to be recalled to answer a question as to why a Negro was excluded from the jury roll, which Judge Horton, who presided at Patterson's last trial, refused to let him answer.

As soon as the court has ruled upon this motion, another to quash the indictment against the Negroes will be argued.

Times

11-23-33

Among officials subpoenaed as witnesses for the defense motion are Probate Judge J. M. Money and his clerk, J. M. McBride, Sheriff; C. A. Wann, clerk of the Circuit Court; H. G. Bailey, Circuit Solicitor, and [illegible] C. Thompson, County Solicitor. Each will be asked whether he has ever seen a Negro on a jury in Jackson County. The answer is expected to be "No."

N.Y.

With the court in recess, Decatur spent a quiet and pleasant day. Attorney General Knight, still limping from gunshot wounds he received accidentally while investigating a lynching at Tuscaloosa in the Summer, went quail shooting, while G. W. Chamlee and Joseph R. Brodsky, defense lawyers, conferred at Chattanooga.

Although Samuel S. Leibowitz indicated when he left here Monday night that he might not return until the trial opened Monday, it was reported here tonight that he might be in court tomorrow. With his return, the tension of the trial is expected to increase.

Judge Callahan Confesses

DOWN at the Scottsboro trial at Decatur yesterday, in a few hastily expressed words dropped in private conversation, Judge Callahan confessed the grim lynch purpose that lies behind his careful phrases of judicial "impartiality."

Daily Worker

11-24-33

Judge Callahan confessed in private that he hopes "to debunk the Scottsboro case."

And in the sound of these words one can recall a similar wish expressed over six years ago by the New England Judge Thayer, who told his friends that he hoped **"to get those Anarchist bastards, Sacco and Vanzetti."**

New York

Not only does Judge Callahan hope to "debunk" the Scottsboro case, but he hopes to do it before Christmas, five weeks from now.

Which, in plain words, means that Judge Callahan confesses the hope of having the nine innocent Scottsboro boys ready for execution by the end of next month!

• • • •

WHAT ruling class oppressor's wish lies behind that word—"debunking"?

The presence of Negroes in the Decatur court, in defiance of the gruesome menace of lynch terror; the growing rebellion and militancy of the oppressed Negro people, inspired and encouraged by the world fight of the International Labor Defense and the Communist Party around the Scottsboro case—all this has caused the ruling class masters in the South to determine to crush, once and for all, what they call the "uppityness" of the rising Negro people.

And Judge Callahan's expressed desire to rush the execution of the Scottsboro boys and to "debunk" the case is nothing but the avowed expression of a loyal supporter of the whole lynch Jim Crow system, one who is determined to fling the charred and burned bodies of the Scottsboro boys into the faces fo the rising Negro people as a bloody warning that they must not attempt to break the bonds of their slavery.

It means that Judge Callahan sets himself the task of destroying the fight for the right for Negroes to sit on juries in the South.

It means that Judge Callahan sets himself the task of protecting the whole lynch Jim Crow system of ruling class oppression of the Negro people.

To Judge Callahan, the proved innocence of the Scottsboro boys, the fight for the social equality of the Negro people, the fight against lynching and Jim Crow oppression, is all "bunk." And this is natural, for Judge Callahan is part of the whole official machinery of ruling class landlord oppression in the South.

• • • •

The fight for the safety and freedom of the Scottsboro boys must not, cannot, relax for one single moment!

Judge Callahan's desire to "debunk" the Scottsboro case is a brutal challenge thrown to that whole world opinion which has thus far prevented him and his lynch associates from carrying their official lynch execution.

This bloody challenge must be met! **Renewed vigilance! Ever mightier demonstrations of protest! Mass meetings, resolutions, telegrams, letters, must let the lynchers know that the eyes of the world are upon them! Safety and immediate release of the Scottsboro boys! Save the Scottsboro boys!**

Funds Needed by I. L. D. to Carry on Scottsboro Trial

Ben Davis, Jr. Issues Statement of an Interview that He Had With the Nine Boys at Birmingham, Ala.

(An Interview with the Scottsboro Boys in Jefferson County Jail.)

BIRMINGHAM, Ala. — "We're not going to get lynched in Decatur. We refuse to move a peg without we have the military to protect us at that there trial."

From behind the bars of Jefferson County Jail in Birmingham, the nine young Scottsboro boys spoke to Ben Davis, Jr., International Labor Defense attorney, and through him "to all our people and their friends." With simple bravery and outstanding determination, these boys, who have become symbols of the most determined struggle of the workers throughout the world for Negro rights, await this new threat after two years and seven months behind prison bars.

Daily

11-25-33

Worker

Can't Tell Whole Truth

"We've been through hell," one of the boys said. They told of the "tightening up" by the authorities ever since the new trial date was set. Mail is consistently withheld from them. They are given bad food. At times they are even made to sleep on the concrete floor of their cell. They are constantly threatened by guards and "visitors" in an attempt to break their spirit. It is impossible to learn the full extent of this brutal terrorization, for the boys cannot speak even, to their attorneys without fear of worse torture in the long days and longer nights when they are entirely at the mercy of their enemies within the thick walls of the prison.

"We can't tell the whole truth now," one of the boys explained, and went on, "We don't never want to live in the South no more when we go free. Don't want to even think what would a been of us if it hadn't been for the I.L.D."

"We have faith in the I.L.D.," Haywood Patterson told the attorneys. "Please send our greetings to the Negro people and to all their white sympathizers."

It has been only a relatively short time since Haywood Patterson was released from a month in solitary confinement. And it is this steady faith of all the boys which has kept them from despair even under the hot words of Warden Dan Rogers, who told them: "I wouldn't give 50 cents a pound for you if you ever go to Decatur," and the regular cursings of "Captain" K. C. Dement, who once tried to rouse other prisoners to kill the Scottsboro boys.

Anti-Lynch Conference

News of the wave of lynchings throughout the South promises that they, too, will surely be lynched in Decatur.

The Southern District of the I.L.D. issued a statement following the interview, calling for intensified activity in preparation for the new trial on November 27, for protests to be sent to the warden, Jefferson County Jail, Birmingham, Alabama, against the withholding of mail and reading matter from the Scottsboro boys, and against their persecution and mistreatment. "The widest possible representation at the Alabama Anti-Lynch Conference right in Birmingham on November 26, and similar actions throughout the country, are the only means for withstanding the lynch preparations of the ruling class for the coming Decatur trial," the statement says.

• • • •

NEW YORK.—The Scottsboro boys are in immediate danger. To organize the mass defense which alone can save them, to prepare the necessary legal steps, to save them and their attorneys and defense witnesses from lynching, the International Labor Defense needs immediate funds, today.

That was the appeal made by William L. Patterson, national secretary of the I.L.D., to the toiling masses, Negro and white, of America.

The announcement that Governor Miller and Attorney General Knight of Alabama will send no troops shows that the lynch preparations, which the I.L.D. must thwart, are in full swing, Patterson said.

The Scottsboro defense is endangered momentarily by lack of funds, he said. Thousands of dollars are needed to carry on this fight. Every hour, every day, counts. Funds must be rushed immediately, from every working class and sympathetic organization and individual, to Room 430, 80 East Eleventh Street, New York City.

Lynchings-1933
Legal Punishment for Rape.

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NEGRO LAD TELLS TORTURE STORY

Daily Worker

Renewed Fight on the Scottsboro Case

3-11-33

BIRMINGHAM, Ala., March 10.—In the presence of a reporter for the New York Times, and Irving Schwab, one of the International Labor Defense attorneys in the Scottsboro case, little Roy Wright, one of the youngest of the nine framed-up Negro children, related today how he was brutally beaten up by deputy sheriffs in an attempt to make him testify falsely against the eight other boys. In addition, he showed a nasty scar on his right cheek, the result of a bayonet wound caused when one of the militiamen, ostensibly called out to "protect" the boys, jabbed a bayonet through his cheek just before he was locked up.

New York

Negro Reformist Betrayal

Wright declared that Stephen Roddy, NAACP attorney, had urged him to plead guilty "and get a life sentence instead of the chair." The NAACP leaders have never repudiated Roddy, although it has been proved that he is a member of the Ku Klux Klan.

Roy further stated that while sitting in the court at the opening of the trials he was asked by a deputy sheriff if he intended to turn state's evidence. Upon his refusal, he was taken into a room back of where the judge was sitting. "They whipped me and it seemed like they was going to kill me. All the time they kept saying, 'Now will you tell?' and finally it seemed like I couldn't stand no more and I said yes."

Judge Aids Torturers

During this third degree torture, the trial judge, Judge Hawkins, conveniently delayed the trials. Roy denies that he saw the two white girls on the freight train or any of the seven white boys who were whipped in a fight with another group of Negro youths.

The ILD attorneys are now fighting for a new hearing on the motion for a change of venue in the Scottsboro case which has been shifted to Decatur, Ala.

CANTON, O.
REPOSITORY
JUN 9 1933

Other Editorial Opinions

NEGRO JURORS.

In Alabama a number of Negroes await trial on a charge of assaulting two white girls who were hoboing on a freight train.

In Virginia the law is trying to obtain extradition of a Negro who butchered two elderly white women, confessed the crime and escaped from the state.

The fate of all of them rests with the supreme court. The court has been asked to decide whether a Negro is tried by a jury of his peers, as guaranteed by the Constitution, when members of his race are barred from jury service.

You hear little about it, but on that decision rests the destiny of a race and the peace and dignity of the south.

At first glance the case seems simple. Any person of sound reason sense knows that a private soldier isn't tried by a jury of his peers in a general court martial. He is tried by officers, as he was accused by an officer, and his testimony is worthless if an officer contradicts it.

The trial of a Negro, is similar. However just it may be, it is not a trial by his peers. It is a trial by his superiors. And if you allege that those who try him, while socially superior, are in fact his peers before the law, how will you get around the fact that he and his kind are not "equal" enough to get on a jury?

The logic of it is clear. If Negroes are not permitted to serve on the jury, then an accused Negro is not tried by a jury of his peers. And if he isn't tried by his peers, the method of his trial violates the highest law of the land and his conviction cannot stand.

You know what that means. It means that the south has a hard choice. It must reconcile itself to Negro jurors, or face the fact that every Negro convicted will be turned loose if he can raise money enough to appeal his case to the supreme court.

It isn't a pleasant prospect. For the south will not permit Negroes on its juries; and if a Negro cannot be convicted by law under the present system, he will be convicted in another way and sentenced without the aid of a court. That means barbarism.

Of course there may be a way out. The supreme court may decide the other way. And that decision, also, could be justified by logic. Women are tried by men in districts where no woman's name appears on the jury list. Young criminals must face trial by jury though none of their age is accepted for jury service. It isn't hard to find precedents:

A man or class that isn't acceptable for jury service must nevertheless stand trial, and a man who isn't qualified to serve may still be equal before the law, within the meaning of the Constitution, to those who are.—Robert Quillen in Fountain Inn (S. C.) Tribune.

NEW ORLEANS LA. STATES
APRIL 18, 1933

The Scottsboro Case

A SENSIBLE suggestion in connection with the Scottsboro case comes from Dr. McPherson, secretary of the Birmingham branch of the National Association for the Advancement of Colored People. He thinks justice for the remaining young negroes awaiting a second trial is more likely to be obtained by the use of sane and dignified methods "in the future handling of the defense."

General details of the case are known to newspaper readers. Seven negro boys were travelling in a box car. In it were two white girls. The latter complained they had been assaulted. Arrests of the boys followed, excitement ran high, trial came quickly and all were convicted and sentenced to hang. If the accused are guilty they deserve that fate. But on an appeal to the United States Supreme Court the verdicts were set aside and another trial ordered.

* * *

WITH separation of the defendants, the first of the new trials began a couple of weeks ago at Decatur. In the meantime Northern agitators continued an international movement in behalf of the accused, with the idea of overawing the Alabama authorities. They raised funds and sent a New York lawyer to Alabama to defend the prisoners. The International Labor Defense was interested. During the trial the Governor, the judges and other officers were threatened if the accused was convicted. Military intervention became necessary to protect the court, the prisoners and the Eastern lawyer.

The fact that the jury deliberated for twenty-two hours before reaching a verdict is evidence that it tried to reach a fair verdict. But the conclusion is inescapable that its finding was influenced by the communistic, racial and revolutionary issues raised by the defense.

* * *

IT MUST appear to many people who followed the case that there was a reasonable doubt developed by the evidence, sufficient to warrant less than a capital verdict. The two girls were hardly of good reputation. One of them at the second trial repudiated the testimony she gave at the first. She said their statement that they had been assaulted had been manufactured to conceal an offense against morality and law. A white witness testified he had been on an adventure with them and they were travelling in the box car on their return from it. If there was an assault by the negroes his testimony of course would not have justified it; but the question arises whether there was an assault at all.

Since this second conviction there has been a lot of agitation in Harlem, negro borough of Greater New York, and threats of a march of 50,000 on the national capital, which could not possibly be of any avail, for Alabama is a sovereign State, not subject to interference in the administration of its criminal laws, as the late Gov. Nicholls of Louisiana pointed out to Secretary Blaine when the latter overstepped his authority in cabling Italy in the case of the outbreak in New Orleans following the assassination of Chief Hennessy.

* * *

IT IS AGAINST this Harlem movement that Dr. McPherson protests, and, as we have said, very sensibly. He wants to save the seven negroes if they are innocent. He fears that may be impossible if racial, communistic, and intimidatory issues are again raised. He probably has in mind the stalwart stand of Massachusetts against international anarchistic interference with its right to carry out the judgment of its courts in the Sacco-Vanzetti case.

We hope Dr. McPherson's view will prevail with those to whom he appeals. If the Eastern propagandists keep their hands off, if they do not insist on the march to Washington, if they will desist from sending Northern attorneys into Alabama, if they put a stop to the attempt to bulldoze judges and juries of that commonwealth, if they will let the redoutable leaders of the colored people of Alabama handle the situation, they will stand a better chance of saving the Scottsboro negroes from the gallo

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Advertiser

"History Is One Thing And 1933 Another"

5-13-33

Montgomery Ala.

In one of his recent "This Morning" columns in The Age-Herald, John Temple Graves II discussed the implications of the Scottsboro case in a spirit of fairness and liberalism epitomized in his expression, "history is one thing and 1933 another." What Mr. Graves had to say about the qualifications of Negroes for engaging to a greater extent in the activities of citizenship in the South is echoed by many other thoughtful Southerners whose devotion to the welfare of this, sunny region is not open to question.

Another significant utterance of a similar type is that of Charlton Wright, for 16 years the thoroughbred editor of The Columbia (S. C.) Record, whose remarks currently stand on the pages of The Virginia Quarterly Review. In addition to his notice of Mr. Wright's attitude, Mr. Graves also cited the liberal convictions of the dean of a Virginia law school "whose Southern ancestry runs back to the Revolution."

Such points of view are strongly supported by the investigative efforts of such men as George Fort Milton, Howard W. Odum and Julian Harris. Their arraignments of "Judge Lynch" have been based upon scientific data of considerable weight. What these men, and other far-sighted Southerners, have been attempting is more than a mere gesture of chivalry toward the black man. They have in mind the larger welfare of the South. The question which they set up is whether a continued tolerance of abuses related to the racial problem would not, in the end, be far more dangerous to the South's integrity than would a more liberal attitude toward civil privileges of the Negro.

During the "tragic era", as Mr. Graves pointed out, the situation was entirely different. Then the respectable Ku Klux Klan and the Order of the White Camelia had to defy the fourteenth amendment in self-protection. That they succeeded nobly in doing so is one of the most glorious accomplishments of Southern history. But even during the times of Henry W. Grady and the illustrious father of the present John Temple Graves the conditions were beginning to show a change.

That alterations have been great enough to inspire representative Southerners, of the highest qualifications in both mind and breeding, to say that "history is one thing and 1933 another" is surely enough to make the rest of us sit up and take admiring cognizance of the dawn of a new day in our beloved Southland. The fullest enjoyment of such a realization is bound to increase the reverence which Southerners feel toward that stern and beautiful past, which has made the present an even more promising reality.—Birmingham News.

A SANE VIEW OF THE PROBLEM

Nothing more direct and homeward-going has been written to size up the aftermath of sentiment on the Decatur trial than that which came from the pen of John Temple Graves II in "This Morning" column of last Saturday's Age-Herald. He says:

Reporter

"Anent the protest that the contest in Alabama over repeal of the eighteenth amendment is not necessarily a struggle between "wets" and "drys" but merely one between repealists and anti-repealists, Publisher Harry M. Ayers, of The Anniston Star, says the real question is "whether Alabama shall have the right to tell New York or Wisconsin that it cannot be wet." And this provokes Editor Julian Hall, of The Dothan Eagle, to say that the same question is involved when Massachusetts or New York undertake to tell Alabama and Virginia that Negroes must be called and selected for jury duty. "The truth is every state should decline to interfere with the states, and this applies in respect to the eighteenth amendment as well as the fourteenth and fifteenth."

5-13-33

"Amen, but it seems to us that in the matter of allowing Negroes t serve on juries the time has come for the South, without failing to trus itself while other sections are doubting it, to make allowance for their doubting, too. The Southern objection to having Negroes on juries is an inherite thing rather than one acquired under current circumstances. It is inherite from the "tragic era" of reconstruction when the South was forced to giv all the rights of citizenship to newly emancipated Negroes who were utterl lacking in education or experience for the exercise of those rights. The result was a reign of terror for which the North was responsible and which th South has never been able to forget.

Birmingham, Ala.

"This is something for Northern critics to bear in mind, just as the should bear in mind that the Northern slave-dealers who introduced Negr slaves in the South gave this section its race problem. But something fo Southerners to bear in mind is that history is one thing and 1933 anothe The "tragic era" is dead these 60 years now, and all of us who are hones with ourselves know that there are many Negroes today perfectly qualifie in education and outlook for jury service. The social question is in no wis involved. It is merely a question of competence and of justice. In Virgini the other day we heard a law school dean whose Southern ancestry run back to the Revolution say that the South has come to a point now wher it can and should admit qualified Negroes to juries and that in spite of th hands of holy horror, the thing is likely to work very satisfactorily for a parties concerned. The same position is being taken by another Southerne of ancient lineage—South Carolina's R. Charlton Wright, for 16 years owne and editor of The Columbia Record."

There is a sensible way to see "what is" in spite of any feeling or for boding that "it ought not to be."

To deny the existence of "what is" because one is possessed by a fee ing that "it ought not be" is the genius of the galling chains of traditio The truth about the "tragic era" or reconstruction brings up appalling r membrances to all of us who are able to realize and appreciate its nauseou ly humiliating aspect, we might say the same thing about the cruel regim of human slavery that preceded it. The queer fact is that the Negro wa not the offender in either case, but, worse, the sufferer in both. This oug to make it easier to be forgotten on account of his inoffensiveness.

By whatever means the race problem came, it did not come throug Negro offensive; and the quarrel between Northerners and Southerners o account of it has never generated any more bitterness in the Negro than man's love for the liberty of which he is deprived should warrant—not eve as much.

We inherit traditions in the sense that they are passed from one generation to another in the form of practices or teachings; the genius of our social institution makes that inheritance difficult to overcome.

[illegible] social amenities are one thing and political privileges another, and the differences between them are wide enough to reserve the one and permit the other. The matter of social caste is reasonably well and naturally fixed. We doubt that there ever was any danger to the white race of social amalgamation. It has never happened in history except as among uncivilized peoples, and to the most limited degree at that. But political rights and privileges cannot be bound by unforgettable traditions in a democracy where civilized progress depends on the forward march of justice toward political equality and economic opportunity.

Sixty years is more time than one needs to forget anything that he is willing to forget. It is also less time than one needs to establish ancestor worship.

If there were a disposition in Alabama to give the Negro political rights and privileges on the show of qualification, what effect should a suggestion from New York or Massachusetts have on the temper of those so disposed? Perhaps, it is annoying to be prodded by outsiders with the shameful truth.

It seems that the white Southerner's revenge against the Negro for the part suffered by him and imposed by the white Northerner might find an end in sober thinking if there is nothing deeper than that.

We believe that the Negro has beat the Southern white man all too far in forgetting the wrongs incident to erring humanity and by that token he is happier in the little a great democracy affords him than is this superior man in the much that taxes his energy and burdens his conscience to keep himself satisfactorily adjusted to a reasonable philosophy of life.

"GEORGIA NIGGER" AUTHOR TO SPEAK

5-13-33

Noted Liberals Will Talk on Negro in South at Scottsboro Meet

New York, N.Y.

John L. Spivak, author of "Georgia Nigger," will draw upon his own experience in his talk on "Chain Gang Convict Stories" which he plans to deliver at 8:30 this evening at Radamsky's Studio, 66 Fifth avenue near Thirteenth street. The meeting is under the auspices of the National Scottsboro Committee, of which William N. Jones, managing editor of the Baltimore Afro-American, is chairman.

Other speakers include Malcolm Owley, editor of the New Republic, who will give "A Yankee's Impressions of Negro Tenant Farmers"; William L. Patterson, national secretary of the International Labor Defense, who will offer his viewpoint on "The Human Aspect of Camp Hill and Tallapoosa, Ala."; Joseph R. Brodsky, chief counsel in the famous Scottsboro case, who will speak on "Intimate Glimpses of Scottsboro and Other Southern Cases," and Allan Taub, whose subject will be "Kentucky Colonels and Tennessee Generals."

An additional feature will be the showing of a short Scottsboro newsreel, portraying the conditions of Negro workers in the South.

Marchers Back After Journey To Washington

Planet

Philadelphia, Pa.

5-13-33

Philadelphia's delegates to the big Scottsboro protest parade staged through the streets of the nation's capital last Monday afternoon returned to this city a joyful group having aided in one big accomplishment, letting the leaders of the nation know that they mean to save the Scottsboro boys.

Richmond, Va.

The local delegation, headed by William Powell, district leader and James Watson, member of the executive board, both of the International Labor Defense, left here Sunday night for the capital. They arrived in Washington Monday morning and made preparations to join more than 5,000 other comrades who staged a mammoth parade by the executive building of the federal government in a great protest. More than two-thirds of the marchers were Negroes, five hundred of whom were from Philadelphia, the cradle of liberty, the birthplace of independence.

RUBY BATES SPEAKS

The executive committee whose membership includes James W. Ford, William L. Patterson and Leah Thompson, made futile attempts to visit the offices of the nation's chief and interview him. President Roosevelt sent out the message that he was "in conference".

Ruby Bates, one of the girls who was supposed to have been raped, spoke at an open air meeting in behalf of the Scottsboro boys and told the truth of the affair to more than seven thousand persons who came from every section of the capital to hear her address.

Delegates to the march came from as far west as St. Louis, north to Buffalo, and south to Birmingham, Ala.

Mass Energy Misdirected

Journal and Guide

THE Communists are bellowing to Negroes the necessity for "mass pressure" to free the Scottsboro boys. They very conveniently neglected to point out that mass pre[illegible] released Tom Mooney from San Quentin and did not save Sacco and Vanzetti nor Euel Lee. Money, not demonstrations, will free the innocent youths.—Pittsburgh Courier.

5-13-33

The JOURNAL AND GUIDE very earnestly commends the above comment. It is our firm conviction that "mass pressure" in behalf of the unfortunate Scottsboro boys as exemplified by noisy demonstrations and open threats will indefinitely obstruct their chances to receive a fair trial in Alabama. The South is not ready to yield to the forces and aims behind Communism and all its affiliates, and it is useless to sacrifice the lives of nine boys, who, if given an opportunity to be tried in a court not influenced by passions and prejudice, most likely would be acquitted upon the facts as they now stand.

Norfolk, Va.

This is not meant to express any lack of understanding or appreciation of the splendid legal defense of the boys by the International Labor Defense, which is generally admitted to be an affiliate of the Communist party. It is precisely the same view which made the soft-pedaling of Communistic demonstrations a condition of Mr. Leibowitz's entrance into the case.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4209

THE SCOTTSBORO BOYS

Argus 4-28-33
St. Louis, Mo.

It has been suggested by a Raleigh, South Carolina newspaper that "the lovers of justice" in the South would be willing to employ the best legal talent in the South to defend the Scottsboro boys if the International Labor Defense would withdraw from the case.

The echoes from the press, North, East, South and West, strongly indicate that the boys, yes, the innocent boys, will never be able to receive a fair trial in the South as long as the International Labor Defense plays the leading part in their defense. We think these echoes are significant, and should be given careful consideration by all persons interested in seeing justice done in this matter. Already, the Commission on Inter-Racial Cooperation has expressed its deep interest in this case, and at its last meeting, among other things, issued the following statement: "We reaffirm our deep interest in the Scottsboro case and our continued willingness to render any service that may be found possible toward a fair unprejudiced settlement of this case by the courts."

Further action by this Association was the appointment of a committee to inquire "whether an opportunity for effective service in the case can be found." This looks to us like an offer of a most valued service by a group of people who are earnest and sincere in their desire to work out plans whereby the Negroes of the South will receive an equitable portion in the distribution of law and justice.

The Committee on Inter-Racial Cooperation is, undoubtedly, made up of the most fair minded white and colored people of the South. Any suggestion of assistance coming from that organization surely is worth serious consideration.

BELOW THE MASON-DIXON LINE

By JESSE O. THOMAS

4-29-33
Courier
Pittsburgh, Pa.

ATLANTA, Ga., Apr. 2[illegible].—There is another side to the Scottsboro case that needs to be taken into consideration in order to have a balanced judgment. The jury representative of the legal machinery of the state, has a position that needs to be understood. From our point of view, the Scottsboro case is no different from hundreds and thousands of other cases that are disposed of daily in like manner by ninety-nine and almost ten-tenths [illegible] cent [illegible] the courts in this whole area [illegible] evidence much more flimsy than the evidence in the Scottsboro case; in other words, they wonder why all this ado about the Scottsboro boys when all about us Negroes are, almost daily, being convicted without substantial evidence and Negroes are denied their rights as guaranteed by the Constitution. In addition to that, there are two grades of justice. Justice for a white man is a different thing than justice for a Negro. Practically the whole South is committed to a double economic standard. A Negro is paid one salary for a job or a position and a white person is paid another. One would have to look a long time before he would find anybody who would say that this wasn't true. The Superintendents of Education argue that the Negro is getting more than he pays in taxes, therefore, he is getting more than he is entitled to. Those same superintendents or public officials do not feel, however that the white child with an impoverished background or of poor parents should be limited in its educational opportunities to the tax paid by his father. They vote in some special measures in some few localities. Everybody knows that. On the other hand, no community feels outraged or no people are at all disturbed. The attitude of the average citizen is that the Negro may be trusted to adequately and justifiably look after the welfare of the Negro. If some one should suggest to these same people to disfranchise white people and let Negroes legislate for them, this would be considered unjust and impossible.

There is a Negro named "Down" who has been twice convicted for assaulting a white woman and sentenced to die on the 28th day of this month in the State of Georgia. In some respects the evidence upon which he is convicted is much more questionable to the unprejudiced mind than even that which seems impossible as evidence in the Scottsboro case. This Negro "Down" is alleged to have held a revolver on this woman's escort, which would require the use of one of his hands, while he assaulted the woman. This escort is alleged to have stood there helpless while this crime was being committed. The escort married the woman the following day. One could go from one court to another and from one state to another and get records of similar cases occurring over and over again in the majority of the courts. The only reason the Scottsboro case seems atrocious and horrible is because it has had a lot of publicity. Again, from the point of view of these local citizens, any one who is acquainted with the facts can understand why they would wonder at all of this hullabaloo, excitement, comment and whatnot about the Scottsboro case.

"I was in a city not long ago where a young man came to take the principalship of a school. As he boarded the street car and gave the conductor a one dollar bill, the conductor inadvertently short-changed him. He asked for the right change. The conductor stopped the car, called the policeman and had him arrested. The policeman called the patrol wagon and took him down to jail. This principal would have been locked up except that a friend of his who had gotten the word signed a bond for him. At the trial the following day, the conductor said the Negro cursed and used the most vile language and threatened him. The only thing that kept the Negro from having to pay a fine was that we got hold of the superintendent of education and a number of prominent Negroes to give this man's history and field of education; so, the judge finally dismissed the case after lecturing to this Negro principal as to how to do the next time. If this Negro had not been an outstanding educator, or if we had not had a chance to get his case in the hands of the judge before the court convened, he would have had to pay a fine, or being less prominent and unable to secure the type of white and Colored people to testify for him, he might have gone on the chain gang. This happened in one of the large cities in the South. If the same thing had transpired in a small town in some rural district, it would have had a different ending.

I, am writing this from the Georgia State Industrial College at Savannah, where I am spending a couple of days as guest of President B. F. Hubert and the institution. I spoke this morning to the regular assembly. Among the student body, there are a number of mentally alert, wide-awake promising young men and women.

In spite of having to revise his budget to meet the retrenchment in the state's appropriations for schools, President Hubert and his faculty are still carrying on with high morale. Like most of the educational institutions, the Georgia State Industrial College has been affected by the depression in so far as the student body attendance is concerned. There has been a little falling off in the student body as against the school year of 1931-1932.

On the way down in my "Depression" Ford, I stopped at Macon with my friends, Dr. and Mrs. J. S. Williams. Dr. and Mrs. Williams, without pretense and affectation, represent the heartihood of solid, congenial, hospitality and comradeship that one so rarely finds as he moves about here and yonder. From Macon, I went over to Dublin, a city of which I had heard a good deal but had never visited.

There is a Negro business man there by the name of H. H. Dudley, funeral director, who is remarkably successful and who has an uncanny sense of economic values. He started a little grocery store with a hundred dollar start, and in a few years he had developed the business to where his gross turn-over represented $75,000 per year. In addition to his undertaking business, he is interested in real estate and loans and is now building a casket manufacturing concern. He has recently promoted the establishment of a newspaper called "The New Deal." (President Roosevelt to the contrary notwithstanding.) Associated with him is Mr. Johnson Rooks who is editor of this paper, who for the past 11 years has been manager of the Silas Green show. The race relations in Dublin are very cordial—unusually so for a small town. This interracial, understanding, however, does not make itself manifest in the improved status of the Negro school. The Negro children are entitled to, and undoubtedly could have a much better school in Dublin if the Negro leaders would capitalize the interracial goodwill that seems obvious there. The seating equipment as well as other facilities are hardly equal to what you would find in the remote rural districts. Professor Richardson, the principal, and his corps of teachers are doing excellent work under the uninviting and well-nigh depressing circumstances. After spending a busy day inspecting the business interests and visiting with the family of Jenkins, I am spending a good night with Mr. and Mrs. R. L. Mathews. I headed out this morning for the River of Thunderbolt.

The Jess Hollins Case

4-29-33

Scottsboro! Jess Hollins! Both of these cases have the same background. Around the Scottsboro case there has been built a dramatic aspect and the roar of disapproval and dissent resounds around the world.

Right at our door Oklahoma has its Scottsboro. In the city of Sapulpa in the closing months of 1931 an illiterate colored boy was yanked into a star chamber council (not a court) and charged with the crime of rape. Terrorism, intimidation and coercion were adopted as legal implements during the brutal inquisition and in a few minutes a human being had been condemned to the hot seat.

The criminal court of appeals of Oklahoma has said that Jess Hollins was not given due process of law. The high court has commanded that a more decent gesture at justice be made. Several months ago the same court officials started again a rapid fire legal process with which to convict Jess Hollins. They dashed the poor man through an arraignment and preliminary within the space of two hours. The same court officials sought vainly to try Jess Hollins again in Creek county, but in all of this attempt they were halted by able, courageous and competent attorneys, employed by the N. A. A. C. P.

The case then went to Okmulgee on a change of venue. There the N. A. A. C. P. attorneys proved in open court, and for the first time in the case, that even the information upon which Jess Hollins had been convicted and condemned to die, was faulty and did not conform to the statutes and the laws of Oklahoma regarding informations and indictments.

Today the case comes up in Creek county where another information has been filed. The prisoner will be arraigned in district court. He will of course plead not guilty and his case set for trial. Attorneys will immediately file a motion for a change of venue.

All of this is costing time and money. No one could forecast that we would be thrown into all of the legal bypaths into which this case has already gone. Likewise, no one can forecast the distance still to be traveled before justice has been done.

One thing we do know. Most of the battles Negroes have lost, have been failures not because we could not win, but because we lack the perseverance, faith and courage to climb to the top of the hill.

It would be suicide to divulge in these columns the facts in this case. Apparently the frameup is just as ugly and just as much a reality as in the Scottsboro, Alabama, affair. This writer does not believe that Jess Hollins is any more guilty of rape than is Heywood Patterson. But this must be proved in a court of law, and it will take time, money and courage to attain such ends.

The thing which is important just now is money. There is no need to look outside the confines of the state of Oklahoma for a place to spend your strength. Right here in Oklahoma we have our own "Scottsboro" and it is right here that we should seek to strike a blow for liberty.

This writer is penning these lines at four o'clock in the morning, preparatory to leaving in a few short minutes for Sapulpa. He must go on his own expense because such funds as have been raised to date have been used to pay the lawyers and liquidate other expenses which have developed during the course of the many court proceedings. A few dollars have been given each week to Jess Hollins' poor wife ($2.00 each week) while she waits for the day when she must go on the witness stand for her husband.

What is your responsibility? The funds are exhausted. Why not sit down today and mail the Black Dispatch a check to apply on this case. You can do this. Remember what we said a few moments ago: the black man has lost most of this battles not because he could not win, but because he lacked the perseverance, faith and courage to go on to the top of the hill.

"COURIER" LAUDS ALABAMA 'HONOR'; IGNORES 9 BOYS

Daily Worker

Repeal More Important to Negro Betrayers Than Scottsboro

PITTSBURGH, July [illegible].—An example of the sort of services for which President Roosevelt made Robert L. Vann, editor and publisher of the Pittsburgh Courier, a special assistant attorney-general in the Department of Justice is contained on the editorial page of the Courier this week.

A headline on this page reads in bold type, spread over two columns: "Alabama to Get Another Chance to Redeem Honor."

Called Scottsboro a "Blot"

Previously the Courier, in company with other Negro reformist papers, has called the Scottsboro case "a blot on the honor of Alabama," in order to hide its character as part of the entire system of oppression of Negroes in the country by the white ruling class.

Does this headline refer to the Scottsboro case? If not that, then does it refer to a lynching? To the present attempt to legally lynch Willie Peterson? To the appeal in the Dadeville frame-ups? You'd be surprised.

"Alabama's Honor"

In the eyes of the Pittsburgh Courier the "honor" of Alabama rests on its vote on repeal of the 18th amendment. Once that is settled, Alabama's honor is washed clean, in the eyes of the Pittsburgh Courier, unofficial organ of the NAACP and official organ of the Democratic lynch party among the Negroes.

The article is from the pen of H. Councill Trenholm, president of the State Teachers College of Alabama. It deals also with a coming vote on extending the income tax downward to put more of the burden on the lower middle class, which is put forward on the excuse that it will help pay the salaries of school-teachers which the state has defaulted.

SALEM, ORE.
CAPITAL JOURNAL

JUN 27 1933

~~Negro~~ Gets New Trial

Those who have contended—especially the communists—that it was impossible for a negro to get a square deal in Alabama, received a shock when Judge James E. Horton of the Alabama bench, set aside the verdict of guilty rendered against one of the Scottsboro negroes, which he held the trial was prejudiced and unfair—thus flouting local opinion.

If there has been a miscarriage of justice, in an Alabama court, and Judge Horton's decision conveys the idea, an Alabama judge, construing Alabama law, has done his best to rectify it. As a matter of fact the Alabama officials have acted fairer than some of the attorneys for the defense.

At any rate the courts are seeing to it that the negroes have a fair and impartial trial—which is poor propaganda for the communists.

Workers Will Hear New Scottsboro Song Today

"Scottsboro," a new mass song written to help in the struggle to free the Scottsboro boys will be sung by the Flatbush I.L.D. chorus at the Scottsboro demonstration in Union Square Today.

The chorus of the song, whose words were written by Abron [illegible] are:

"The Scottsboro boys shall not die,
The Scottsboro boys shall not die,
Workers of the ILD will set them free, set them free."

The song was written by L. E. Swift, a young composer, member of the Composers Collective of the Pierre Degeyter Club. Swift has won recognition in the music world for his concerts and his compositions.

He became active in the revolutionary movement last year. One of his recent compositions "United Front May Day, 1933" was inspired by the May First demonstration in which he took part.

The song may be purchased for two cents a copy at the Workers Book Store, 50 E. 13th St., or from the Workers Music League, 55 W. 19th St.

Scotts-bo - ro boys shall not die, the Scotts-bo - ro boys shall not die.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4210

Wheeling. W. Va. Register
April 12, 1933

The Scottsboro Verdict

The conviction of Haywood Patterson, first of the Negro defendants in the second trials of the Scottsboro cases, will be appealed. And it should be.

It is incredible that a new trial, under fairer circumstances will not be granted. The cheap bigotry and unscrupulous demagogy displayed by the state's attorney is almost without a parallel. "Show them that Alabama justice cannot be bought and sold by Jew money from New York," the prosecutor exhorted the jury in the midst of a long and violent harangue appealing to race hatred as well as religious prejudice. This remark, typical of the prosecution's case, was based on the mere presence of the liberal-minded Samuel S. Lejbowitz, of New York, as defense counsel.

In addition to the unfair setting of the trial the facts fairly bristle with doubt. Two of the three principal state witnesses repudiated their former testimony. The remaining witness is a woman of known character.

Not nine Negro boys, but the south is on trial in Alabama. Has a black man any rights there? Does ignorance and the meanest kind of race discrimination hold the courts in their grip? It would seem so.

But fortunately for justice, prejudice overplayed its hand. There remains an opportunity for a higher and fairer court to point out as the Supreme Court did in the earlier trials, that justice is for all men no matter what the color of their skin.

Call 4-22-33
Kansas City Mo

TARRED WITH THE SAME STICK

Whatever pride Americans have in this nation, they dare not say it is better than Germany which persecutes the Jews. What does it matter if the Revolutionary fathers dedicated it to liberty, equality and justice? These latter day Americans know that not the high principles of its founders, but their own cold calculating cruelty, their own refusal to do justice and keep the faith, is charting the course which the United States is pursuing. That Alabama court sitting in judgment upon the Scottsboro boys is not one whit more fair, nor just, nor humane than the Nazis are toward the Jews in Germany.

As recent events prove, generalizations to justify the pogroms for Jews in Germany and ready-made verdicts for Negroes in Alabama are what the dominant majority depends on to support its claim of a divine right to rule. It has its incompetents, criminals and insane. Somehow or other if it is to rule undisputed, it must lift them also above the people it despises. From this necessity come the sweeping denunciations which exempt no Jew in Germany and no Negro in the United States. Because the majority makes its own rules, it can prove its superiority by pointing out others' inferiority.

Illogical, inhuman, conscienceless relations between man and man within the nation, however excused on the grounds of race and religion, nonetheless strike a true total in results. Giving rein to its hatred of the Negro, the United States has lost its own respect for law. Germany desperately in need of the world commerce it used to enjoy, throws away its chance in exchange for Jew-baiting which is only a handy political expedient good for a day. Fools [illegible]s reap the fruit of their folly.

For the moment the thoughtless mob is following scatter-brained leadership. Soon or late, it will be halted in its folly by finding itself far astray from all the sound policies which man has accumulated since civilization began. The Negro boy sentenced to death ~~in Decatur, Alabama~~ is only one life. The ~~jury system~~ that causes his death involves the state, corrupting everything it touches. Today as has ever been true, wrong hurts its doer more than its victim. Individuals charged with a heinous crime appear to be on trial in Alabama. Actually the culprit is the social system that robs Negroes of every man's birthright and then punishes them for not having made good.

Advertiser
4-28-33
Montgomery Ala.

9 Defendants In Scottsboro Case Mutiny In Cells

Negroes Destroy Fixtures In Birmingham Jail And Refuse To Obey Sheriff

Patterson Is Leader

Rioters Say Guard Cursed Them; Are Placed On Bread And Water Diet

BIRMINGHAM, ALA., April 27.—(AP)—The nine negro defendants in the "Scottsboro case" late today were locked in the day cell of the Jefferson County Jail and placed on a bread and water diet when they mutinied and refused to return to the cell blocks.

Armed with pieces of metal ripped from plumbing and light fixtures, they defied jail wardens and refused to return to their cells when Sheriff J. H. Hawkins appeared and told them to drop their weapons and go back to their cells.

Sheriff Hawkins gave them nearly an hour in which to change their minds and return to the cells, equipped with bunks, and, when they were still defiant, ordered the door locked and the bread and water diet. The negroes told the Sheriff they were afraid they would be "beaten up" if they returned to their cells.

The day room in which the negroes staged their rebellion is equipped only with a table on which their meals were served and some chairs. They are taken to it daily to give them room to exercise, but have been returned to their cells at night.

Patterson Leads Riot

Heywood Patterson, 19, of Chattanooga, who, on April 9, was sentenced to death a second time for an alleged attack on Mrs. Victoria Price aboard a freight train in Jackson County March 25, 1931, Warden F. L. Erwin said, was the leader of the rebellion.

Previous to refusing to return to their cells, Warden Erwin said the negroes sent out a piece of card board across which they had printed "freedom for the Scottsboro boys," and made demands for "better treatment."

The mutiny, the warden said, apparently was due to the negroes' resentment over their being locked in a separate room on "visiting day," as hundreds of negroes had called at the jail each Thursday afternoon since they were returned from Decatur. The number of visitors was so great that they congested the passage between the cell blocks, Warden Erwin said, and he was forced to stop it.

It was at the end of "visiting hours" when the warden opened the "day room" that the rebellion flared up.

Two or three of them agreed to lay down their weapons when he talked to them, Warden Erwin said, but Patterson and the others shouted "we'll die first."

To Sheriff Hawkins one of them replied, "we will see the United States Supreme Court and settle everything."

Communist Letters Blamed

The sheriff said the negroes said one of the deputy wardens had "cursed us" but that they had not been mistreated otherwise. The sheriff and chief warden left the jail at 6 p.m. after the day room had been locked. Warden Erwin attributed the rebellion to printed matter and letters "from communists and sympathizers that has streamed into the jail since the trial at Decatur."

Thousands of protests on the sentences have been made to State officials.

Sheriff Hawkins already had asked Gov. B. M. Miller for authority to transfer the negroes to Kilby Prison, where they were confined during the time their first appeals to the Alabama Supreme Court and the U. S. Supreme Court were pending.

The negroes, Patterson, Roy and Andy Wright, Eugene Williams, Ozie Powell, Charlie Weems, Clarence Norris, Olen Montgomery and Willie Roberson, were arrested at Paint Rock, Ala., March 25, 1931, and were charged with attacking Mrs. Price and Ruby Bates, Huntsville textile workers aboard a freight train.

All Sentenced to Die

All except Roy Wright were convicted in Jackson County in April, 1931, and sentenced to death. The Alabama Supreme Court reversed the death sentence for Williams on the ground that he was a juvenile, the U. S. Supreme Court reversed the others on the ground that they were not properly represented by counsel.

A change of venue was granted to Morgan County and the trials set for Decatur. After Patterson was convicted, Judge James E. Horton, presiding, postponed the other trials indefinitely because of a statement attributed to Samuel S. Leibowitz, of New York, chief of defense counsel.

A few days after their arrest and removal to Gadsden the negroes rioted in the Etowah County jail, where they were being held for trial.

Sheriff Hawkins tonight issued a statement in which he termed the "uprising" as "making a mountain out of a mole hill," and but for the publicity attendant on the case, would have gone unnoticed.

The Jefferson county jail, he said, was the best in the South, providing everything essential to safety and comfort.

Resented Delay In Exercising

He said the warden kept the prisoners in the cells today until 2:30 p.m., which they apparently resented and when required to "return their plates and spoons by sliding them under the bars," they refused and became very abusive of the warden.

"When he admonished them, they showed fight and it developed they were armed with pieces of iron, bed springs, and other weapons which they had secured by destroying the springs in their bunks, and otherwise demolishing their cells."

Sheriff Hawkins said he asked their grievances and they "all tried to talk at once," but the only complaint was that a warden had cursed them, which was denied by the official.

"They cursed me and my wardens and howled that they would take the whole matter to the United States Supreme court. Realizing that if I attempted to force them into their cells it would simply excite them, and probably cause trouble. I told them they would be held right where they were, in the day room until they surrendered their weapons and returned voluntarily.

"I expected to carry this out. They have water and I will furnish them such food as I see fit until they agree to abide by jail rules."

TRY TO RAILROAD CYRIL BRIGGS, EDITOR OF HARLEM LIBERATOR

4-24-33 New York, N.Y.

Trial Tomorrow; Charged With Speaking for Scottsboro Boys Without Permit

NEW YORK.—In an attempt to stifle the growing protests against the Decatur lynch verdict, the Tammany police are seeking to railroad Cyril Briggs, editor of the Harlem Liberator, to jail. The charge against Briggs is based on the pretext that the use of a loud speaker in the Harlem Liberator's campaign of exposure of the Scottsboro frame-up is a "violation of city ordinances." The hearing, set for last Thursday, was adjourned to tomorrow morning at 10 o'clock in the Magistrates Court at 170 East 121st Street. Briggs will be defended by the International Labor Defense. Negro and white workers are urged to pack the court in militant protest against this outrageous attempt to jail one of the outstanding leaders in the fight for the Scottsboro boys and the rights of the oppressed Negro people and exploited white workers.

Landlords Withdraw Charge

The charge against Briggs was originally made by Bachrach & Bachrach, landlords of the building at 2149 Seventh Avenue, in which the office of the Harlem Liberator is located. Frightened by the fierce indignation of the Harlem workers, the landlords have sent frantic apologies to the Harlem Liberator, declaring they will not press the charge. The Tammany police, however, are attempting to carry through the frame-up. They have singled out Briggs for their attack on the Scottsboro mass defense in recognition of the tremendous role being played by the Harlem Liberator in rallying the masses of Harlem to the fight for the freedom of the Scottsboro boys and the national liberation of the Negro people.

THE BEST LAWYERS

[illegible] 4-21-33 Montgomery, Ala.

Discussing the question of Negroes on Alabama during the Dadeville trial and the International Labor Defense League and its lawyers, The Demopolis Times says:

Speaking of the I. L. D., there is no special kick over their coming into Alabama and taking up the case of any criminal of whatever race or color or of whatever crime accused. Every defendant is entitled to as good a defense as can be put up for him, and being accused of a crime and being guilty of it are entirely different things. The best lawyers are not generally assigned to the defense of men not able to employ counsel, nor are they in the habit of volunteering to do so. The I. L. D. lawyers can do no more than make the most of the law and the evidence, just what our own best lawyers do when their services are paid for. Let the I. L. D. lawyers come in all they want to. They neither make nor apply the laws; that is a matter for our courts and juries.

No Alabamian who loves justice will disagree with The Times on the point that defendants deserve the best of lawyers when they are on trial—and especially if they are facing death.

Certainly this State would have no reason to protest just because some group outside of Alabama saw fit to hire attorneys for men who could not afford to pay for the best legal talent.

It would be a heartless people indeed who would deprive humble beings of the bost counsel merely because persons other than the defendants were paying the lawyers.

Yet no matter how brilliant a lawyer may be—for instance the Great Leibowitz of New York—his aid to his client cannot rise above his motives.

The best lawyers in the final analysis are the lawyers who have no other motive than to see that their clients receive justice.

In most cases where defendants are unable to employ attorneys, the court appoints young lawyers to defend them.

And these young men always work hard to aid the clients placed in their care by the court. It is to their best interest, of course, to make a good showing.

Of course, young, inexperienced, lawyers can not be of as much value to a client as a Clarence Darrow—or as could be Mr. Leibowitz.

But Leibowitz is more concerned with courting favor in Harlem than he is with saving the necks of the seven Southern Negroes on trial for rape in Alabama.

The Negroes deserve more fairness at the hands of their own attorney than they received.

A young law school graduate, green in the ways of legal battle, would make a better showing for the defendants than has the man who has been primarily interested in making a showing for himself.

SCOTTSBORO DEFENSE FUND.

Age 4-29-33 New York

It is gratifying to learn that something is being done with a view to perfecting a nationwide system of collecting a defense fund for Haywood Patterson and the other eight Negro boys involved in the Scottsboro case. Such a step is absolutely necessary, for unless this is done an opportunity is afforded dishonest and irresponsible persons to take advantage of the public's present state of mind now inflamed against the Decatur, Alabama, verdict.

For two weeks money has been secured in an unorganized fashion. A question has arisen as to whom funds should be directly sent. The New York Age can authoritatively state that Samuel S. Leibowitz, senior counsel for the accused, is desirous that a defense fund be created and deposited in the bank, the money to be available to duly accredited legal representatives whenever needed.

It is perfectly obvious that a central organization must be formed in New York with affiliates throughout the country if those for whom the money is intended are to be the sole beneficiaries. Otherwise any person or body of persons is privileged to make appeals without having to make an accounting or any kind of report to the recognized heads of the movement.

There is no reason why the International Labor Defense and the National Association for the Advancement of Colored People should not both conduct drives in aid of the defense fund. The general public is not interested in the partisan controversies engaged in between the two organizations in the columns of the press, but in the saving of the lives of nine boys who are believed to be innocent of the crime with which they are charged.

The International Labor Defense is entitled to due credit for having interested so able and courageous a lawyer as Mr. Leibowitz to fight for Haywood Patterson's life, and it is doubtful if the verdict would have been otherwise if any other organization had taken an active interest in the case. The bigots of Morgan County, Alabama, resent outside intrusion. Wade Wright, the blatant circuit solicitor, would have disregarded the law and evidence and appealed to baser passions regardless of the racial identity of defendant's counsel. The jury would have been easily swayed had Wright raved and ranted about the "Yankee money from New York" or the "Irish money from New York."

This is time for concerted, united action if a defense fund of at least $10,000 is to be raised. But the collection of money for that purpose is no more important and essential than the proper direction of it. Mr. Leibowitz and his associates should adopt every precaution to prevent racketeering. The public should be acquainted with the name and address of the treasurer of the Defense Fund Committee to prevent misunderstandings and possible unsavory aftermaths.

It is noted that other National Negro weeklies look with disfavor on such ill-advised suggestions as "a march on Washington," and are reminding their readers that funds, not demonstrations and petitions are most needed.

May Day in South to Rally Negro and White Toilers Against Peonage, Lynching

Daily Worker 4-27-33 New York, N.Y.

Over 60 Demonstrations to Be Held, Southern District of Communist Party Announces

BIRMINGHAM, Ala.—The Southern district of the Communist Party reports that over 60 meetings will be held on May First. The international holiday of all toilers was little known only four years ago. But it will find the Southern masses demonstrating against the capitalist rule of lynching and slavery this year.

A meeting is planned for Decatur. This town is well known as the place where Haywood Patterson was tried only a few weeks ago.

A series of meetings will be held in Tallapoosa County. Following it there will be one large mass meeting in this county, where the sharecroppers are leading a heroic struggle against the oppression of the white landlords.

Meetings for May Day are planned in the following places: Bessemer, Cullman, Greensboro, Selman, Walker County, Warrior, Montgomery, Mobile, Citronella, Andalusia. The students in the University of Alabama, in Tuscaloosa, will hold a meeting

Lynchings-1933

Legal Punishment for Rape

Alabama

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BIRMINGHAM, ALA.

Post

APR 13 1933

South Needs No Outside Interference To Give Justice

Editor, The Post:

Negro blood and tarnished white virtue in an awful mixup is being peddled as a great bargain day sale of slush over the world.

Some of our producers of yellowism do not hesitate to stoop to anything to put on the news stands in glowing colors a fast seller. Not in a long time have such writers, together with certain propagandists been furnished more gruesome facts than those of high churchmen of New York and Birmingham and the Chattanooga hobo jungle, freight train gondola car ride and fights between white and black and forced social contacts.

It would seem that justice to a negro is about the least thing thought of by the photographers and stage setters, that the only thing left to make their book a riot would be a cover page.

The people of the South are the best friends the negro has and he knows it. They will befriend him when others fail. The two races get along here better without outside assistance or interference.

Not long since a negro shot and killed an influential judge in Alabama. A white jury did not send the negro to the chair, but sent to the chair the well thought of son-in-law of the judge who suggested it to the negro. How much of that got over to the critics of the South? Mr. Brisbane says the testimony is one girl against another, but that one's aroused conscience speaks. Who would believe that an aroused conscience would carry one to an utter stranger with money and fine clothes rather than to her home pastor?

R. E. TYLER,
Springville, Ala.

Ringgold, Ga., Record
April 20, 1933

Racial Hatreds

"We are a white race and a Negro race here together—we are here to live together. The world at this time and in many lands is showing intolerance and showing hate. It seems sometimes that love has almost deserted the human bosom. It seems that hate has taken its place. It is only for a time, gentlemen, because in the great things in life no matter what they are, it is God's great principles, matters of eternal right, that alone live. Wrong dies and truth forever lasts, and we should have faith in that."

It was an Alabama judge who said that, a white man, a gentleman of the oldest American stock. Judge Horton, in charging the jury, was speaking only of the exhibitions of race prejudice in the course of the trial of the Negroes who were convicted of assaulting two white women at Scottsboro, but he might have been speaking for and to all the world.

Not in many years perhaps not in centuries, have there been such violent outbreaks of racial hatreds as have been manifesting themselves in these troublous times. In Germany the Nazi government has proclaimed its hatred of the Jews to the point of barring them from almost every phase of the national life. Between the Germans and the Poles hatred is so intense that when the shadow of a German flag, on the Polish border, fell upon Polish soil, there was an indignant protest by the Polish government. The Italian people are developing a new national pride which has racial intolerance as its foundation. And we do not need to point to the racial hatreds which have barred the Orientals from Australia and the United States.

We do not by any means advocate opening the doors to all sorts and conditions of men, but we [illegible] racial hatreds are a step back [illegible] forward in the world's progress. We believe that it is possible for all the peoples of the world to get along amicably, since we are all in the world and can't get out of it. If it proves imposible, because of the stirring up of racial hatreds by prejudiced or malicious interests, then we can see nothing ahead but a complete collapse of civilization as we know it and a return to the Dark Ages when every man's hand was turned against his brother.

Key West, Fla., Citizen
April 19, 1933

THE SCOTTSBORO AFFAIR

The verdict of guilty was rendered by a jury of Decatur, Alabama, citizens, with a sentence to death in the electric chair, in the trial of a negro youth charged with rape.

For some years past, there has been a tendency on the part of a large section of our emotional people to question the verdicts of juries in cases of national interest. Without offering any opinion on the merits of the cases themselves, we might quote the Tom Mooney case, the Sacco-Vanzetti case and the present Alabama case.

Probably 99 out of every 100 persons who clamor for "justice" in these cases know nothing of the facts or the evidence. Carried away by writers in the sensational press, by half-baked agitators who have nothing better to do, and by emotional folks who are governed by their sympathies rather than by their intellects, masses of our people who are easily led, join with the agitators in demanding what they call "justice," but what in reality is a demand for acquittal.

The entrance of citizens of New York and other states into what the people of Alabama consider their own domestic affair, was unfortunate, as it aroused keen resentment. The crime of rape in the southern states is one that has always demanded the most extreme penalties because of local conditions, which do not exist in other sections of the country.

There isn't a person in the country who would want to send the negro youth to the electric chair if he is innocent. Nor is there a person in the country who would not demand the electric chair for him if the crime of rape had been committed by him on one of their own women.

Let us be sensible and trust the courts, judges, juries and lawyers to see that justice be done.

Chattanooga, Tenn. News
April 22, 1933

The Greatest Loss

OF ALL of the implications of the Scottsboro case, really the most fundamentally disastrous is the damage which the case has done to the intelligent and devoted work which has been under way in the South for the past twenty years in the interest of harmony between the races.

As the Birmingham *News* points out in a soundly reasoned editorial, which we reprint in another column of this page, "the consecrated life of Dr. Booker T. Washington, and that of his worthy successor at Tuskegee Institute, have been partially nullified by the flaring passions focussed upon Decatur within the last few days."

The attitude of Judge James E. Horton in the Decatur courtroom did honor to his judicial ermine and to the great cause of justice, of which he is a servitor. But the actions of the prosecution and the defense alike inflamed rival passions stirred up deep and bitter hatreds and the danger is that it set back the cause of racial tolerance and good will by many years.

As the Birmingham *News* points out, the International Labor Defense is a wildly radical organization, as unpopular in the North as it is in the South, an organization dedicated primarily to fomenting class strife, and doing so on the pretext of defending oppressed prisoners. It is part and parcel of the conventional tactics of this International Labor Defense to inflame racial prejudices, to arouse religious hatreds, to stir up the basest group feelings that can exist. If the result of this deliberate incitation should be the conviction of the accused defendant, the International Labor Defense then brazenly proclaims that it is but another example of the injustice of the capitalistic system.

But the South's interest in the Scottsboro case should be far greater than a feeling of intense irritation over the outrageous tactics of the International Labor Defense. A great part of the South's citizenship is of Negroes. The forward march of this section can only start when white and black together catch the signal and fall in step. Justice, toleration, good will, common honesty between the races is an indispensable essential to the real progress of our section. Deliberate attempts to embroil race against race, and to arouse the most heinous prejudices only harm the South by pushing back the day when this fine spirit can prevail.

Should the International Labor Defense succeed in its Scottsboro efforts to cause the execution of these Negroes, it will have done more than to bring to death nine boys of whose guilt there is some doubt. It will also have succeeded in increasing race tensions which were being lessened. It will have set back for decades the arrival of that good spirit and good will which must prevail between white and black in the South.

APR 18 1933

Scottsboro Points

To the New York Herald Tribune:

This is in answer to the letter by Welbourn Kelley, in which that "Native of Alabama" attempts to vindicate his much maligned state. The theme of that article was that Alabama would have meted out justice, in her leisurely way, had not the Communists stepped in and created a bitter anti-radical prejudice which swayed the Scottsboro case jury to rendering the "guilty" verdict. This, as any one who has followed developments knows, is becoming a familiar and popular opinion.

To prove his contention, Mr. Kelley lists the following points:

1. Upon their apprehension, the Negroes were taken to jail for trial, although there existed "a complete setting for a lynching." This, says Mr. Kelley, is to the "undying credit" of the people of Alabama.

2. The National Association for the Advancement of Colored People, "a liberal body which has used the services of such brilliant attorneys as Clarence Darrow," was never given a chance to defend the Negroes. "There is little doubt, with their Negro clients already given the benefit of the doubt by the armed posse, they would have brought their case to a successful conclusion."

3. The Communists, "their eyes wide with lust for hate-inspired publicity," having persuaded the illiterate defendants to put the case in their hands, created a world-wide protest campaign which left Alabama dazed and antagonistic. The jury, says Mr. Kelley, handed down the verdict against this campaign, rather than on the question of the guilt or innocence of the Negro boys.

• • •

In reply:

1. Mr. Kelley should be informed that, upon their arrests, the Negroes were charged, not with rape, but with vagrancy, for the girls, curiously, did not remember having been attacked until after they had spent a night in jail. This, then, was "the complete setting for a lynching": the discovery of nine Negroes who had dared to ride on the same freight train with two white girls. And, undoubtedly, there would have been a lynching had not calmer minds foreseen that the same result could be accomplished more respectably and, incidentally, more profitably, if it were done through the medium of the courts. (The day of the trial was a gala business event in Scottsboro, "Horse-Swapping Day." People swarmed into town to see the fun. They had a brass band out playing "Hail, Hail, the Gang's All Here," and "There'll Be a Hot Time in the Old Town Tonight," as each verdict of "guilty" reached the streets.)

If it should be to the "undying credit" of the people of Alabama that nine Negroes, arrested for vagrancy were not lynched on the spot, we are led to wonder what is the usual course of events in similar cases in the Sunny South.

• • •

2. "There is little doubt, with their Negro clients already given the benefit of the doubt by an armed posse, they (the N. A. A. C. P.) would have brought their case to a successful conclusion." Did Mr. Kelley never hear of the first trial? There was a first trial, before the International Labor Defense or the Communists had even entered the case Eight of the Negroes were sentenced to death, and the youngest, thirteen years old, was given life imprisonment Where was Alabama justice and the "benefit of the doubt" then? Where was the National Association for the Advancement of Colored People then? That organization has bitterly attacked the International Labor Defense at every turn, and has refused to join United Front Scottsboro Defense initiated by the former organization.

3. Can there be any doubt, in the face of the facts previously stated, that the nine boys would have been executed long ago had it not been for the intervention of the International Labor Defense and the Communists? They have been conducting the defense on the theory that only by turning the spotlight of world-wide interest and protest on the little court in Alabama can those boys ever have a chance. The fact that the boys are still alive, and the fact that the protest is growing more powerful daily, proves the veracity of their contention.

Can any one now doubt that the boys have today a fighting chance for their lives? And can any one now doubt that it is due solely to the steady activity of the "left" organizations during the last two years that they now have that chance?

JOSEPH STONE.

New York, April 14, 1933.

Raleigh N. C. News and Observer

April 21, 1933

JUSTICE IN ALABAMA

On the day following the verdict in the famous Scotsboro case at Decatur, Alabama, *The News and Observer* expressed the opinion that the cause of justice would best be served by the withdrawal of Northern council from the case.

Since that time the public declarations marked by the most intense prejudice of Samuel Leibowitz have made that course more imperative. Other Southern papers have joined in the suggestion.

The News and Observer believes that the best chance for justice in Alabama lies in the defense of the Negroes by eminent Southern attorneys.

In making this suggestion, *The News and Observer*, however, even in view of the violent statements of Mr. Liebowitz, wishes to repeat that it believes that the cause of justice in the South is deeply in debt to the International Labor Defense and to Mr. Liebowitz. Without the entry into the case of the International Labor Defense, there is every probability that the defendants would have been executed long before this hour. The International Labor Defense came to the defense of the Negroes at a time when Southerners were unaware of the danger of injustice in Alabama. Only through the efforts of the International Labor Defense has the situation in Alabama become known to the nation and the people of the South.

It is charged that the International Labor Defense is not interested in justice in Alabama but in propaganda [illegible] Communistic cause. That may be the fact. But it is also the fact that if its aim was propaganda, its service was to justice.

Now, however, *The News and Observer* believes that the usefulness of the International Labor Defense has come to an end. Its presence only intensifies the prejudice which caused the outrageous verdict not long ago. Judge Horton, whose conduct in the case has been above reproach, very properly postponed the trial of the other Negroes on the grounds that the intemperate statements of Lawyer Leibowitz and Prosecutor Knight precluded the possibility of a fair trial.

The situation today presents an opportunity for the International Labor Defense to prove that what it seeks is justice and not propaganda, and an opportunity to the South to show that the South wants justice. Justice in the Scottsboro case calls for the withdrawal of the International Labor Defense and for the substitution of the most eminent Southern attorneys who will fight for the acquittal of the Negroes with the same vigor that has marked the defense by the attorneys whom the South thinks should retire.

Birmingham, Ala. News

April 25, 1933

THE SCOTTSBORO CASE

To the Editor The News:

No one can discuss the Scottsboro case philosophically or truthfully without the historic background and the scientific dictum. What I am going to say here may not suit some people—nary a damn cent do I care for that; I shall strike at those eternal verities, which [illegible]lone bids for tolerance.

The Negro [illegible] responsible for his presence here. His [illegible] caught out of the African jungles and brought here on English trading ships, or Yankee clippers, after they had rounded the Cape of Goodhope on the homeward stretch, as but little more than "ballast" at first, until it was discovered to be possible of a great trade; then English "My Lords" and Northern capitalists went in for it on a grand scale; when they were brought down South here because the climate made it possible to raise and use them profitably.

The Negro is a great, big man-child—I'm speaking racially, Mr. Editor. His conception of law is a policeman's club, and his idea of liberty is license; basically he is a human negation. His idea of civilization is limited by something he can get into his mouth.

Sex is the dominating quality of his makeup, and he can no more help it than can a monkey or an African gorilla.

Yet, he is susceptible to considerable learning and culture, as is proven in a great many instances by glittering exceptions to the racial standard.

I love the Negro—in his "place." I was "born and raised" with 'em. I have practiced medicine on 'em. I know them from a to izzard. The horrible and unfortunate tragedy on the train near Scottsboro might be said to be almost a natural happening. Ruby Bates and Victoria Price both swore the truth at first; but one of them was spirited off to New York, where she was "wined and dined" till it opened up possibilities of wealth (for her) to the poor Southern farm-factory girl; and she came back and threw a monkey wrench into the trial.

The verdict was just—according to law; but the sad fact remains that had Ruby Bates and Victoria Price been where they ought to have been, the monstrous thing never could have happened. Therefore, there are mitigating circumstances in the case. It is a proper place for executive clemency. Common sense and mercy ought to be above all written statutes.

I have no sympathy with the perverted idea that the Negro is the Caucasian's equal. It isn't so. Forty centuries ago they started out on about the same social plane; he in his jungle, we in our caves—the difference today is the result of cultural education. That's an article the Negro can't take too much of—neither can a great number of "poor white trash." Education ought to be limited to the individual capacity to receive it. Too much "book-'arnin'" has spoiled many a potentially good white man, as well as lots of good Negroes!

Birmingham. E. B. CULLEN.

Highway.

"The Scottsboro case is a blot on the claim of American liberty and justice," he declared. "A man, because his skin is black, was sentenced to death without fair trial before his peers.

"Human nature is a peculiar thing in that it reverts back to a state of barbarism when excited. Perhaps climatic conditions may make the Southerner hot-headed and irrational at times. Perhaps his hatred for the Negro and, in some sections, for the [illegible] and Catholic, may be due to imaginary suspicion.

"It must be admitted that the Southerner is a cultured man as a rule and a gentleman, even though a reconciliation of brute and gentleman, of Klansman and citizen, are things we of the North cannot understand."

Kinston, N. C., Free Press

April 18, 1933

Because of intemperate and vitriolic criticism of the Morgan County jury in Alabama which tried and convicted one of the negroes in the noted Scottsboro cases, attributed to the chief defense counsel, presiding Judge James E. Horton has indefinitely postponed the remaining trials. The injection of sectional and race prejudices by outside meddlers unquestionably has and will continue to have an ill effect. Certainly the interference will not enhance the chances of the defendants getting a fair trial. The good people of Alabama may be counted on to see that justice is done if unmolested and uninterfered with by outside buttinskys.

Brooklyn, N. Y. Eagle

APR 2 2 1933

Hits 'Lynch Law' In Scottsboro Case

"Legalized lynching" was the term applied to the Scottsboro case by Rabbi Samuel Pelper in a sermon last night at the Community Reform Temple, E. 17th St. and Kings

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Athens, Ala., Democrat

April 13, 1933

One of the Scottsboro cases has been settled but the end is not yet. Alabama will have a few more weeks of publicity in the daily press of the country. Were Alabama to attempt to dictate court procedure in New York no doubt we would be accused of meddling, but as long as the East and law-abiding Chicago are looking after us no doubt we will be kept in the straight and narrow path.

Alabama

Lynchings - 1933

Legal Punishment for Rape

Huntsville, Ala., News
April 14, 1933

Dixie's High Taxes Newspaper Reporters Discover

"Decatur, Ala., recently was full of newspaper correspondents from the big dailies of the country, as well as the news associations, and it is interesting to observe that these writers did not confine themselves to the developments in the famous Scottsboro case.

"As a matter of fact, the astonishingly high taxes that the correspondents discovered in Alabama appears to have made about as deep an impression as anything else, and in consequence Alabama is receiving some advertising that is anything but helpful.

"These correspondents found cigarets carrying a three-cent state tax in addition to a license fee for handling them; a tax of $50 per year on the sale of playing cards, which forced the price up to 85 cents per pack, and a tax of 6½ cents on gasoline, 'making the basic price higher than the total price in New York.'

"Had the inquiries been extended beyond the items in which the correspondents became interested because they buy cigarets, playing cards and gasoline, they would have found a similar condition existing in many other lines; would have found, in fact, a taxing system well designed to drive prospective citizens away rather than to encourage their remaining.

"It is this sort of thing that has gone far to nullify the magnificent natural advantages possessed by the great state of Alabama; a state which is among the richest in the nation in point of natural resources and which was on the way to become a formidable rival of Pennsylvania until the tax gouger began to get in his work.

"Nor is Alabama alone among Southern states whose fine material advantages are being sacrificed upon the alter of excessive taxation. The evil has grown to enormous proportions all over the South and must be corrected before another great era of growth and prosperity can be reasonably expected." — The Gadsden Times.

It's a high shame, if not a crime, that Alabama should thus be cursed because of ridiculously high taxes. In the matter of gasoline tax alone here in Madison county the toll is 10 cents per gallon and not 6½ cents as indicated in the above editorial. It's all out of proportion to reason, and especially so when we have had three sessions of an Alabama legislature that should have given relief. The Alabama solons ought to be ashamed of themselves, and it goes without saying that the best and surest cure is at the polls when the next election rolls around.

Danville, Va. Bee
April 10, 1933

The Scottsboro Cases

So many elements have been injected into the so-called Scottsboro cases and so many conflicting passions have been aroused over the trial of the nine negroes that one must seriously doubt if the decision rendered yesterday at Decatur, Ala., in the re-trial of the first of the accused group represents the impartial administration of justice.

Heywood Patterson, aged 19, was convicted and sentenced to death despite the complete change in the testimony of one of two young women who brought the original accusations against the negroes. He will die for the crime, unless the court of appeals points to an error in the trial. This is far from the impossible, if the court is to take to heart the villifications which passed between counsel and the permission of the trial judge to permit a display of racial prejudice and partisanship in the final argument. The color question, difficult enough to deal with in the South, is intensified by attacks on Jews who went from New York to Alabama to defend the negroes representing the International Labor Defense, a communist affiliate. It is easy to see and to understand the complications arising from such a combination of circumstances and it is difficult to believe that the trial went to the jury solely on the issue of that hateful sort of attack which invariably stirs Southern blood.

The great blemish which lies athwart the Scottsboro cases is not the success achieved in raising them to the top of an international pedestal designed to paint the treatment of the American negro in lurid colors but the fact that a felony case should be permitted to run for more than two years without being settled. Such a delay is unthinkable in any other civilized country. Principles of treatment, theories on racial understandings, and social policies have no place in a court of law where the Anglo Saxon tradition teaches us to look to the figure of justice holding up the scale for impartial judgment based on the factual evidence. Two years is along time for witnesses to remember facts but it is a fruitful period in which to raise a great public clamor and to inject the entirely foreign issue of communism which plays grotesquely across this new chapter of justice.

The negroes themselves have become the victims of the cause which others have made for them and in which they are not in the least interested. Had they been entrusted to local counsel they probably would fared a great deal better than at the hands of learned men from strange quarters who are engaged in trying to establish a principle rather than to save the collective necks of nine Southern darkies indicted for the cardinal offense.

HOUSTON, TEX.
CHRONICLE

APR 13 1933

4212

The Scottsboro Case

The Scottsboro case bids fair to be another thorn in the side o lecent America. An ex parte propaganda concerning it will b spread through radical circles throughout the world. Communists, anarchists and society's enemies of all sorts will use its alleged barbarisms as evidence of their own purity, and as a device to secure publicity.

For the sake of suppressing this crew it would have beer better if the negro now convicted had been freed, regardless o the testimony. But the Alabama jurors evidently were not willing to sacrifice what they considered immediate justice in orde to forestall propaganda.

Whether or not their verdict is justified, sensible men wil concede they do not know. No one who has not passed on al the evidence, has not borne the heavy responsibility of forming judgments with the actual life of a man at stake, is in any reasonable position to criticize the verdict as rendered by the jury. But at least this can be said: A fair trial was given in sc far as a judge could give it. The judicial system of Alabama can not be impugned in this case. If fault exists, it must lie with the 12 men who returned the verdict of guilty.

There are many things about the case to disturb the hones citizen. The defense long since proved that it was more interested in making propaganda for Communism than in the fate o the accused men. It has steadily done its best to inflame Alabama public opinion. It has sent defending lawyers selected, apparently, as best calculated to give offense to the Alabama citizenship.

And there must be strong suspicion that one witness in the case was tampered with. Her long disappearance and reappearance just in time to aid the cause of the defense, bearing every evidence of having enjoyed a marked prosperity in the meantime, will convince most people that a crude form of "fixing" had been dealt in.

On the other hand, the testimony against the negro now convicted, as reported in the news dispatches, is not very convincing. As time goes on, the parts favorable to him will be heralded abroad by a committee making money out of that activity; the parts unfavorable to him will be suppressed, and very likely we will have another Mooney or Sacco-Vanzetti case on our hands.

Perhaps the cool-headed and courageous Judge Thayer will save us from that distress.

Move to Oust Judge Who Freed Negro Victim of Frame-Up: More Support Scottsboro March

Daily Worker 4-22 33 New York N.Y.

WASHINGTON, April 25.—A move to oust Federal Judge James A. Lowell of Boston, who yesterday freed George Crawford, young Negro whom Virginia authorities are seeking to frame up on murder charges, was made known today.

Congressman Howard Smith, Democrat of Virginia, announced that he would at once ask for impeachment proceedings against the judge.

By freeing Crawford on the writ Judge Lowell thwarted the attempt of the Massachusetts authorities to extradite the young Negro. In making his ruling, Lowell based himself on the fact that if convicted Crawford would be unable to get a fair trial, inasmuch as Negroes are not allowed to serve on juries in Virginia.

This is a direct repercussion of the fight of the International Labor Defense in the Scottsboro case, and is a direct consequence of the tremendous mass movement that is developing around the issue of fundamental rights for Negroes. Not only in the Scottsboro case, but also in the Herndon, Orphan Jones and other trials, the I. L. D. demanded that Negroes serve on juries, and exposed the system of systematic exclusion which prevails in most states, especially in the South.

Virginia authorities had indicted Crawford, charging him with the murder of Mrs. Agnes Ilsely, a wealthy sportswoman, and her maid, at Middlesburg, Va., last year.

Word comes from Boston that the prosecution will seek to get a Supreme Court decision on the action of Judge Lowell as soon as possible. To this end, it appears, no contest will be made before the U. S. Circuit Court of Appeals—instead, the case will merely be certified to the Supreme Court.

* * *

500 Pledge to Join March.

BALTIMORE, Md., April 25.—Hundreds were turned away here last night when 2,500 Negro and white workers, professionals and students packed the Sharp Street Church at a Scottsboro meeting.

Janie Patetrson, mother of Haywood Patterson, just sentenced to the electric chair in Decatur, Ala., and Frank Spector, assistant national secretary of the International Labor Defense, were wildly cheered when they stressed the necessity for "unity of Negro and white workers in a joint struggle against the ruling class of the South."

Dean Haywood of Morgan College, Rev. Waters, Rev. White and Bernard Ades, Baltimore attorney, were among the other speakers, and all praised the work of the I. L. D. in the Scottsboro fight. Gough McDaniels, a high school teacher, was chairman of the meeting.

In his speech Spector took issue with Attorney Leibowitz and officials of the National Association for the Advancement of Colored People regarding the "fairness" of Judge Horton, and characterised Horton as a "pliant tool of the lynchers."

500 Pledge to Join March.

The meeting, which reached high points of enthusiasm, adopted a resolution to Governor Miller of Alabama demanding the release of the Scottsboro boys, and another praising the activities of the I. L. D. in the case.

Spector brought personal greetings from Tom Mooney, and urged support for the Scottsboro-Washington march. Answering his appeal, 600 at the meeting pledged to march and 1,000 signed a petition demanding the release of the boys. A collection of $112 was taken up.

* * *

PHILADELPHIA SCOTTSBORO MEET

PHILADELPHIA, Apr. 25.—A Scottsboro protest meeting will be held here tomorrow (Wednesday) at 18th and Reed Streets at 6 p. m. Speakers will include David Levinson, ILD attorney in the Orphan Jones, Willie Brown and other cases; Jennie Cooper, ILD district organiser and others.

* * *

BIG CAMDEN MEET

CAMDEN, N. J., April 25.—The Kaighn Avenue Baptist Church, one of the largest churches in Camden was filled to overflowing at a Scottsboro meeting held here Sunday.

A broad United Front Scottsboro Defense Committee was organized at the meeting, with the following organizations represented: YMCA, YWCA, Ministers' Alliance, Elks, KP, Co-operative Church, International Labor Defense, [illegible].

York, Ala., Journal
April 20, 1933

IS ALABAMA ON TRIAL?

The State of Alabama is in the midst of the second trial of the negroes in the famous "Scottsboro cases." The state and its people are again to be held up to the scorn of the world as being unwilling to give justice to those negroes. This time the trial has a new setting, more than a hundred miles from the scene of the alleged offense; the jurors are Morgan county citizens, the presiding judge was in no way connected with the former trial. There has been no move indicative of mob violence and no sinister influence to affect the case in favor of the prosecution. There were some suspicious circumstances concerning the disappearence and re-appearence of Ruby Bates, apparently at the instigation of the defense. A verdict of guilty was given against Heywood Patterson, charged with criminal assault on the person of Mrs. Victoria Price. The state through its prosecuting attorneys, its trial judge and its jury has performed its duty, and reasonable men should be satisfied with the verdict.

But the statement of the attorneys for the negro bristled with salty charges. Leibowitz said: "This is an act of bigots, spitting on the tomb of the immortal Abraham Lincoln, 'We will fight with every drop of blood in our veins to free these men because they are innocent—it is only a pity such race hatred should live." Joseph Brodsky, the other New York lawyer associated with Leibowitz, joined in a statement that "only the presence of the national guard prevented a mob from entering Decatur." These lawyers were apparently convinced before coming to Alabama that justice could not be had for these negroes, and nothing could convince them otherwise. Because Alabama seeks to administer its laws for the protection of its citizens against such outrages as charged to these negroes, its courts, its jurors and its citizens are held up to supreme contempt by these abusive lawyers. We are here given some insight why Germany is ridding herself of her Jewish population, they are too race conscious.

So Alabama and her people are again to be branded as persecuters of negroes from Harlem to Moscow by the International Labor council, and Brodsky and Leibowitz (if you can get the import of this?). In our opinion these lawyers either have their minds inflamed with race hatred themselves, or are cheap publicity seekers wanting to keep race hatreds alive. What a pity there is no legal method of dealing with such characters! ~~But Alabamians must be calm~~ notwithstanding this violent propaganda of communistic organizations and unconscionable lawyers, for Alabama is now on trial.

The cry is abroad in the land, to bring the crooks from the high places to an accounting for their misdeeds. The stock manipulater, the crooked financier is being haled before committees and into courts. People are demanding their punishment and that protection be given against their punishment and that protection be given against their unscrupulous methods of fleecing investors and depositors. And this is as should be. Every agency of this government should give its citizens this protection. Yet we have the strange anomaly of states legalizing race track gambling and entering into a partnership with these nefarious interests, whose main purpose is to beat those who play the game." We would punish one set of crooks and throw a legal protection around the other-because the state would profit by revenue from the latter.

The legislature of Florida has a bill before that body to give the money received from the race track associations to the state school fund. Thus would the state help educate her youth with funds arising for the nefarious race track gambling operators, and we presume would inculcate the idea that the "end justifies the means!" The school teachers of Florida would receive their pay at hands of the race track gamblers, and thus would be linked the great educational to the great gambling interest!

The pari-mutual betting which is legalized makes no pretense of being anything else but gambling, and it is the rankest sort, where the bettor hasn't the slightest chance of winning consistently. We hear it said by thinking men that our present financial condition was brought about largely by over speculation, which was a great mistake, yet states would encourage gambling by giving its share of its proceeds to schools. Great moral idea!

'God give us men. A time like demands
Clear minds, brave hearts and steady hands;
Men whom the lust of office does not kill,
Men whom the spoils of office cannot buy;
Men who have opinions and a will,
Men who have honor, men who will not lie."

Lynchings - 1933

Legal Punishment for Rape.

Alabama

4213

BENCH WARRANT IS ISSUED FOR ARREST OF YOUTHS SELLING "INSIDE STORY"

PUBLICATION HOPES NINE BOYS WILL BE ELECTROCUTED

By JOHN L. SPIVAK
(Staff Correspondent)

Tuesday Morning—

DECATUR, Ala., Mar. 28—Two boys selling a viciously sensational pamphlet in the lobby of the Morgan Circuit Court on the Scottsboro case were arrested for contempt of court upon Judge Horton's orders this morning, and a bench warrant was issued for the arrest of a man named White of Huntsville, Ala., who printed the pamphlet.

Courier 4-1-33

The publication was particularly vicious, concluding with a hope that the boys on trial will be electrocuted.

Pittsburgh Pa.

The protest against the dissemination of the pamphlet was requested by Chief Defense Counsel Samuel Leibowitz on the ground that it was "a contempt aand effort to influence public sentiment in this county and possibly jurors who may pass through the lobby."

The pamphlet is called "The Unpublished Inside Story of the Infamous Scottsboro Case," by J. Glenn Jordan, and is published in Huntsville, Ala., the home of Virginia Price, one of the two girls who claim to have been attacked.

The pamphlet attacks the International Labor Defense for defending the nine boys. Leibowitz read the attack to the tense court and, in a voice trembling with anger, shouted that if it had not been for the International Labor Defense these boys sitting there would be dead by now!"

Judge Horton ordered all pamphlets sold in the county confiscated and announced that any attempt to influence public sentiment which might be reflected in the jury would be dealt with sternly.

Attorney General Thomas E. Knight Jr. at first protested against bring the questions of propaganda up in the court, but finally capitulated and offered to prosecute the boys.

Leibowitz protested against jailing the boys, stating that it was not his intention to have the court proceed against youngsters. The defense wanted the court to proceed against the publisher and distributor of the vicious attack. Judge Horton agreed and ordered the bench warrant issued.

While deputies were looking for the boys, John Sanford, the Scottsboro plasterer, was recalled for cross-examination. It was then that Alabama's official attitude toward a "Nigger" became evident for the first time in open court.

The attorney general shouted at the colored witness until Leibowitz jumped up, protesting "Don't stick your finger in my witness' eyes," and demanded that the court order the attorney general to cease bullying the colored witness.

Knight, during the cross-examination, persisted in calling Sanford "John" with the patronizing air of an upper-class Southern white talking to a Negro. Leibowitz dryly suggested that the State's prosecution call the witness "Mister Sanford" with the same courtesy he uses in addressing a white witness.

Knight, short and angry, looked at Leibowitz. "I'm not in the habit of calling them Mister," he snapped.

Comments are heard on all sides of the bravery of colored witnesses coming from Scottsboro to give evidences of their ability to sit on juries. Both whites and Negroes seem to realize, even though somewhat vaguely as yet, that this juncture of the trial is of far-reaching importance to both races, and upon the decision rendered by the court, or perhaps the U. S. Supreme Court, will affect the lives of millions.

This is the first time in the history of the South that this drama is being fought to decide whether the upper white ruling class is to share the operation of its legal machinery with the colored residents in their States and counties.

CREDIBILITY OF WITNESSES

The end of the trial of the first of the Scottsboro youths, Haywood Patterson, came in due form and without any physical violence. So much say we for the Court.

Reporter 3-15-33

The disappointment expressed over the verdict might have been milder if the evidence had not thrown light on the affair in a manner to give the defendant the advantage of all doubt in the public mind.

Birmingham, Ala.

The question of the veracity of two young women, we imagine was the point, in the mind of the jury, on which the case turned. Two young women each alleged victims of assault by nine Negroes told the story in diametrically opposite ways as regards the defendant's guilt. To believe the one was to convict; to believe the other was to acquit. The fact that the jury convicted the defendant is inference enough that they believed that a human being could endure the tortures of so heinous a crime, and, under any circumstances not recoil at the presence of the wretch or could speak a word anywhere, in court or out, mitigating the hell fire that should be heaped on her scoundrel assailants.

4-15-33

It seems that it would take a whole heap of "Jew Money" to overbid this sacred personal thing of violation as against any priced bid to buy "Alabama justice."

NEW YORK CITY TIMES
APRIL 19, 1933

THE DECATUR TRIAL.

Supreme Court Rulings in Similar Cases Are Cited.

To the Editor of The New York Times:

Your editorial on "The Decatur Verdict" discussed very fairly the various aspects of the trial. However, it contained the following sentence: "But the final verdict was 'guilty,' and it is now difficult to see how an appeal could lie to the Supreme Court again, or to any higher power except the Governor."

The Supreme Court of the United States has held in several cases that the systematic exclusion of Negroes from jury duty deprives a Negro tried, convicted and sentenced to death by such jury of his life without due process of law. This right was first enunciated by the Supreme Court in ex parte Virginia, 100 U. S. 339, a case in which a Virginia judge was convicted of violating a Federal statute which provided that "no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified from service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude." This statute is still in force and is now Section 44 of Title 8 of the U. S. Code Annotated.

In Strauder v. West Virginia, 100 U. S. 303, one Strauder, a Negro, was convicted of murd[redacted] Virginia and duly sentenced to death. He appealed to the Supreme Court of the United States on the ground that by the laws of West Virginia no Negroes were eligible for jury service. The Supreme Court of the United States reversed Strauder's conviction and declared that the Fourteenth Amendment to the Constitution of the United States prohibited racial discrimination in the selection of jurors.

This case was followed by Carter v. Texas, 177 U. S. 442, where the defendant Negro, sentenced to death for murder, alleged that all Negroes were systematically excluded from the grand juries of Texas. Here again the Supreme Court of the United States unanimously reversed his conviction and held that if the defendant Negro showed proof of such systematic exclusion no conviction against him could be had by such unfairly constituted jury. The Supreme Court said (at p. 447): "Whenever by any action of a State, whether through its Legislature, through its courts, or through its executive or administrative officers, all persons of the African race are excluded, solely because of their race or color, from serving as grand jurors in the criminal prosecution of a person of the African race, the equal protection of the laws is denied to him, contrary to the Fourteenth Amendment of the Constitution of the United States."

No squarer holdings or clearer precedents could be desired to show that grounds for reversal by the appellate courts exist in "the second Scottsboro case." Counsel for the defense clearly proved, from the reports issued in THE NEW YORK TIMES, that Negroes were systematically excluded from jury duty in Alabama, and this evidence will be before the Supreme Court of the United States on appeal. In fact, it is difficult to see how that court can avoid reversing the Alabama courts in this case.

WILBER STAMMLER.

New York, April 13, 1933.

Republic

N. Y. C. NEW ~~YORKER~~
APRIL 5, 1933

ON PAGE 217 of this issue, The New Republic prints a digest of a group of letters received from prominent citizens of Alabama regarding the Scottsboro case. When these letters are considered not only for what they say, but for what they omit, they are, in our judgment, the most shocking piece of evidence yet brought forward in regard to this case. They show these men, who by virtue of their position ought to create the public opinion of their state, as almost completely evading that responsibility. Hardly one of them, by his own confession, has taken the trouble to inform himself regarding the facts, although it was easily possible to do so. Only two of them appear to be aware of the decision of the United States Supreme Court holding that the first trial was unfair, and one of these two mentions it only indirectly and ignores its implications. A Representative in Congress seems to assume that the defendants are now being tried for the first time. It may be, of course, that our correspondents are correct: that the United States Supreme Court was in error, that Alabama tribunals are infallible and that a Negro has an equal chance before a white jury ~~with anyone~~ else; but the complacency of their tone is far from encouraging.

Other Papers Say—

4-8-33
Chicago Defender
Chicago Ill.

ARE NEGROES DISQUALIFIED?

[East St. Louis (Ill.) Daily Journal]

What are the qualifications for a juror? Point is given to an old question by the efforts to save nine Negro youths on trial for their lives on a charge of rape in Georgia. The defendants moved to quash the indictments on the ground that Negroes, despite the 14th and 15th amendments to the Constitution, are excluded from jury service.

The contention of the state was that Negroes are not qualified to serve as jurors even though they may be honest and have an elementary education. J. S. Benson, editor of a weekly paper at Scottsboro, where the alleged crime took place, was called to testify as to the prevailing sentiment of the community.

"I don't think," said Mr. Benson, "that Negroes have been trained for jury duty. I might say the same thing about women, but I know Negroes haven't been trained. They haven't made a study of justice, law and such. I don't believe there are any Negroes in our county that I would care to risk in any case which involved justice and the law."

Mr. Benson knew a Negro storekeeper against whose character he had never heard anything said. "But he wouldn't do. He never studied jury duty a day in his life."

Objection prevented Mr. Benson from saying whether an otherwise qualified Negro was not as suitable material for jury duty as "a white man called for the first time" or an illiterate teamster from the backwoods.

It was a rather embarrassing ordeal for the witnesses who were trying to strengthen the state's contention that Negroes were not qualified to serve. Assigned reasons for excluding them were, of course, not the real reasons.

The real qualifications of a juror are disinterestedness and an ability to weigh evidence. Something is to be said in behalf of the claim advanced by some of the witnesses that white men get an education in "law and justice" by sitting in courtrooms and by discussion at crossroads and country stores. It is probable that whites have such discussions more than do Negroes, but the idea that an intelligent and literate Negro is not qualified for jury duty while an illiterate white man has the qualifications is an assumption so broad as to be dangerous.

LIVING IN THE PAST.

In one of his informative dispatches from Decatur, Alabama, giving a word picture of the trial of the Scottsboro case now in progress, F. Raymond Daniell, correspondent for The New York Times, injected the following extraneous paragraph:

> "The court-room crowd, many of whom know at first or second hand hair-raising tales of conditions here during the reconstruction period following the war between the states, received the court's decision without a sound or murmur."

4-8-33

[illegible]

The thought unintentionally conveyed to readers was: Lee surrendered to Grant at Appomattox nearly seventy years ago, yet there are white people in Alabama whose thinking and acting are largely influenced by past events of half a century and more rather than by present-day conditions.

Two opposing forces are at work in the South. One element is composed of forward-thinging people who realize the futility of the forces of reaction seeking to hold back enlihgtened progress and the clinging to ancient, unworkable traditions; the other is made up of that mass of uneducated, intolerant whites, upon whose emotions unscrupulous politicians play, who are taught superiority is based on the color of one's skin, and whose credo is: "Keep the Negro down!"

The Southerner so fortunate not to be handicapped and weighted down by provincialism, traditions, bigotry and an artificial concept of his exalted station, knows full well it is as impossible to keep down an aspiring race as it is for parents to treat their offspring, despite the passing of years, in the same manner as during adolescence. The exponent of reactionism, on the other hand, never wants to see the Negro grown up, disregarding the law, truth, right and justice to keep his archaic ideas in vogue.

The latter school of thought is typified by Fred Morgan, postmaster of the little town of Eva, Alabama, who objecting to the manner in which Mr. Leibowitz examined prospective jurors, yelled out in open court:

> **"Us jurors in Morgan County are not accustomed to taking the charge from the defendant's attorney, and we don't like it."**

A Negro child in elementary grades speaks more correct English.

This exhibition of arrogance and effrontery in a court of law is characteristic of those who believe they are the law, and who lynch, beat, discriminate and intimidate in the name of the law. Educating the Negro is very necessary and most helpful toward the promotion of better race relations; but a very important work to be performed if the South is to advance appreciably, is in the education and mental emancipation of those still living in the past.

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Alabama

4214

JUDGE CALLS CHIEF ATTY MILLSTONE AROUND NECKS OF SEVEN ACCUSED YOUTHS

Norfolk, Va.

Trial of Charlie Weems and Other Boys Continued Indefinitely; Nationwide Sentiment Still Aroused

By P. BERNARD YOUNG, JR.
Journal and Guide Staff Writer

Stunned by the stern rebuke of the press and leaders of the world for the inflammatory speeches of prosecutors in the Scottsboro Case and the weirdly arrived-at Palm Sunday verdict of guilty in the trial of Haywood Patterson, first of the nine boys to be retried on the two-year-old charges of rape brought by two hoboing prostitues, Alabama this week sought an "out" in the remaining trials.

Even the heretofore calm and apparently impartial presiding jurist, Judge James E. Horton, has apparently succumbed to the influence of the aroused passions which endangered the lives of the defendants and their lawyers and made certain the verdict of guilty in Patterson's trial in the Morgan County Circuit Court at Decatur.

Judge Horton went thru the formality Monday of imposing sentence on Patterson and immediately ruled that it was necessary to postpone the trials of the remaining youths indefinitely because of the bitter feeling which he attributed to statements made since the returning of the Patterson verdict by Samuel S. Leibowitz, chief defense attorney.

Leibowitz had characterized Alabama whites as "bewhiskered bigots who guffgaw as they sent an innocent man to his death." Judge Horton in ordering the indefinite continuance of the remaining trials asserted that published statements attributed to Leibowitz were "uncalled for" and that as a result of them the attorney "is a millstone around the necks" of the boys.

The judge also took occasion to join with the prosecutors in asserting that "certain sinister influences" are seeking "to stir up and foment strife between the races in the South" and that as a result of them "it had been difficult to try the Scottsboro cases upon the real facts."

Although refusing to say that Patterson's trial verdict was not based upon the "real facts," Judge Horton held that for the present at least "the statement (by Leibowitz) itself must of necessity make impossible any just and impartial verdict" in the second trials of the other boys.

In contrast to the judge's present attitude was his refusal to grant nearly a dozen defense motions for a mistrial during the last three days of Patterson's trial after prosecutors had made blatant and open appeals to every conceivable type of prejudice, climaxed by an attack on 'New York Jews' whose money was seeking to buy justice in Alabama."

Leibowitz and his associates contended at that time that the injection of these prejudicial remarks had spoiled any chance for a just verdict, but Judge Horton disagreed and merely cautioned the jury to disregard the remarks.

Meanwhile, in New York City, where he left a train Monday after receiving word of the judge's action postponing the trials, Leibowitz says he will stand by his charges that the verdict was a decision of bigots.

"Impaling me on a cross of fancied insult to the citizens of Alabama will avail the partisans of weird Morgan County justice nothing," he asserted shortly after returning to his office. "Nor will it divert me or my associates for one moment from the issue which the sovereign state of Alabama must face in this case—equal justice for the colored race.

"As for the rest, the baying pack, the wolves of bigotry who raised the Hitler cry of 'Jew money from New York' because we dared demand a square deal for men whose skin was black, I stand pat.

"They are bigots. Their very faces betoken it."

It will be recalled also that on Saturday, April 8, while the jury was pondering the fate of Patterson and the other defendants were being arraigned, Leibowitz and Joseph R. Brodsky, also of New York, plead for a change of venue and postponement of the cases because of the mortal danger which they said they and the defendants faced as a direct result of the rabble-rousing summation of Wade Wright, Decatur prosecutor, who assisted Attorney General Thomas E. Knight, Jr.

Both motions were overruled, the judge holding that there should be no further delay.

Just before sentencing Patterson, the judge asked him if he had anything to say. Patterson, staring at the bench, simply replied:

Norfolk, Va.

"I ain't had a fair trial. Ain't seen no girls on that train. I ain't had a fair trial."

The judge then pronounced the sentence, stating that the youth should die in the electric chair at Kilby Prison on June 16.

At once Atty. Joseph Brodsky noted an appeal and offered a partial motion for a new trial. This Judge Horton refused, saying that he would not hear motions "piecemeal."

Following this episode, Judge Horton made the statement from the bench censuring Atty. Leibowitz, telling of his own court experiences, and then declaring that "the case of the State of Alabama versus Charlie Weems is continued, and the court so orders."

Judge Horton explained that his act was prompted by his duty to see that the defendants get a fair trial.

Atty. Leibowitz was on his way to Alabama when the judge made his ruling. He returned at once to New York and gave his views on the court's move.

In Decatur Attorney General Knight also came to the defense of the Alabama jurors and inveighed against the New York attorney.

In the meantime, an aroused opinion over the country continues the campaign to secure funds and sentiment which will bring about a change of venue and the successful appeal of the trials to the highest tribunal in the land.

In Norfolk meetings are being held this week by the International Labor Defense, with Richard B. Moore, of New York, as the speaker. Efforts are also being made to have Norfolkians join with delegates from New York and other cities which are to make a protest march to Washington on Friday, April 28, with a petition signed by one million persons and which is to be presented to President Roosevelt.

Even Alabama citizens of both races have been meeting and passing resolutions on the Patterson verdict. Sunday a mammoth mass meeting was held in Birmingham under the Citizens Scottsboro Aid Committee. Speakers included Bishop B. G. Shaw of the A. M. E. Church; Gaines T. Bradford, editor; P. D. Davis, president of the Birmingham Civic Association and Dr Howard Caster, white, southern di

fication in various states and to provide working capital. So far as they are informed the receivers say, no group engaged in the effort to reorganize this business has the necessary cash funds.

Was Judge Horton Fair?

The Planet 4-22-33 Richmond, Va.

Many encomiums have been heaped upon Judge Horton who presided over the mock trial at Decatur for his "fairness" in the conduct of the trial. Deeds rather than words should be indicative of whether or not these encomiums are merited. These are the facts:

This upright judge overruled a motion to quash the indictment because Negroes are barred from jury service solely on account of their race and color, and this discrimination in the administration of justice is openly admitted by the prosecution.

This upright judge overruled a motion to declare a mistrial when a prosecuting attorney delivered himself of the most inflamatory and prejudice-breeding statement ever made to a jury in a criminal case involving the life of the accused.

This upright judge overruled a motion to set aside the verdict of the jury as contrary to law and evidence and sentenced a human being to die on evidence that would not, in the judgment of any fair individual, condemn a chicken thief.

This upright judge, putting his benediction upon the pound of flesh demanded and fixing June 16 as the day of sacrifice, paid the following tribute to the grinning men responsible for this hideous injustice:

"It (alleged statement of Leibowitz) was addressed to a panel of highly intelligent jurors, and men who wished to do what was right in the case."

Regardless of the studied oratory used in the charge to the jury and the high-sounding phrases employed to put a coat of veneer on this infamous travesty on justice, the fact remains that if Judge Horton is fair, then the definition of the term has been radically altered and changed.

Below the Mason and Dixie Line

Afro-American 4-22-33 Baltimore

By FLORENCE FISHER PARRY,
"I Dare Say" Columnist in
Pittsburgh Press

"Race Hatred Rules Scottsboro Jurors, Noted Author Says." These were headlines in Monday's paper.

The noted author is Mary Heaton Vorse and I take exception to her statement. I am a Northerner, and not one drop of Southern blood runs in my veins. But I have lived among Southerners and have spent much time in the South, and there is NOT Race Hatred there. There is race LINE; but that should never be confused with race hatred.

I am not writing this as a defense of the Scottsboro jurors. I am simply striving to explain a situation which, while it may result in possible miscarriages of justice at times—as do all systems—is not built on hatred.

The Southerners love their "d....," understand them in a way we of the North never can hope to understand them; and whether or not we are in accord with the Scottsboro Jurors who imposed the death penalty upon the Negroes accused as attacking two white girls, it is unfair to our neighbors across the Mason and Dixon line to accuse them of race hatred toward a people who have been their charge and their problem—NOT OURS—since the very earliest days of slavery.

I picked up a Negro boy the other night and took him home. He was cold and hungry and frightened, and wanted to get back to Memphis. "They take keer o' me there," he said, "they doan let me go hungry or without a roof over my haid." And it was true, what he said. Through this terrible depression—and the South suffered cruelly—the white people of the South have shared what they had with their Negro dependents.

For they are USED to caring for them. They know them to be in need of protection and guidance and care. They know, too, that because of their overwhelming numbers and their need of being wisely controlled, the Negro people of the South require a discipline unlike that which is administered in the North. But to say that the inflexible course of the South's unwritten law is evidence of race hatred is going far afield of the truth.

The South's Background

I hope that many readers of "I Dare Say" tonight have read that classic of Southern history, "The Tragic Era," by Claude G. Bowers.

They will better understand how this inexorable law involved in the Scottsboro trial came into being. During the reign of the Carpet-Baggers, when Negro representatives were hoisted into office and power, and duped into betrayal of their best friends, their former masters, SOMETHING HAD TO BE DONE. The plight of the South was not unlike our national plight today; emergency measures were in order. And they were employed. And some semblance of law and order was restored to the prostrate South.

For the laws of our Constitution after the Civil War, and the laws of its Amendments, were curiously NORTHERN in their aspects. The North did not recognize the problems of the South, and there was no legal provision for their solution. So the South was driven to recourse of evasion which slowly fastened upon its social and political fabric and became an integral part of its warp and woof.

One of these unwritten laws governed the attack of white women by Negro men. An inexorable punishment was fixed. And without exception meted out. No redress. No quarter. And it became a part of the very CHEMISTRY of the South. A deep profound CONSCIOUSNESS in the heart of white and black.

Denies Race Hatred

The North can never understand the implacable nature of this Unwritten Law. I have seen this law operate with deadly, quiet, and inevitable certainty. My Northern heart has frozen; but I had the feeling that its inevitability had its source in something deeper than I could understand, and was performed with curious impersonality and detachment. Race hatre, no! Race pity, rather. I cannot explain it, but I KNOW IT TO BE.

The real Southern Negro doesn't live North, if he can help it. The heart of the Northern white man is too cold for him, never mind its formal, cerebral gesture of friendliness. We have bred an altogether different species of Negro in the North: An ambitious, competitive Negro, who has outstripped his Southern brother by generations, so far as acquired characteristics go. But in the South are millions of Negro people curiously naive, childlike, helpless, totally dependent. Like children, they need guardians; like children they need discipline.

This is not a defense of the Scottsboro jurors. This is a defense of the SOUTH itself; for it stands indicted before the world today, and I say that the charges lodged against it are unfair, and have their roots in Northern ignorance of the South and its curiously isolated problems of social safety.

Daily Worker

4-21-33

Conference Maps Fight for Rights of Negro Students

Protest Against Discrimination Adopted by 200 Delegates; Plan Gathering in South

NEW YORK.—About 200 Negro and white students and fraternal delegates, representing schools and colleges from the North and South, convened at the Conference on Negro Student Problems held in Columbia University, April 15-17. The conference was called by the National Students' League.

NEGRO-WHITE UNITY.

The delegates, "brought to the realization of the necessity for immediate joint action by Negro and white students for the solution of their problems," adopted a program of militant action.

National Committee Formed.

Resolutions were passed against discrimination, retrenchment in educational expenditures, suppression of academic freedom, unemployment among students and graduates. A firm pledge was adopted "To support all movements and conferences that struggle against oppression of the Negro people by bringing Negro and white together in the fight for Negro liberation." A permanent National Committee for this Defense of Negro Students' Rights was established for that purpose. The National Students' League pledged its full and untiring co-operation with the committee in carrying out this program of action.

Protest for Scottsboro Boys.

Pledging themselves "to carry on a militant struggle against lynching, Jim-Crowism and similar vicious attacks on Negro workers and students," the delegates "demanded the immediate and unconditional release of the innocent Scottsboro boys."

The Southern delegation from Virginia, Alabama, North Carolina, Tennessee, etc., organized a Southern committee to work for the calling of a conference later this year in the heart of the South.

Elect Delegates to March.

Delegates were elected to participate in the Scottsboro March to Washington, to the Tom Mooney Congress in Chicago and to the International Youth Conference to be held in Chicago June 20-23.

Hit Y.M.C.A. Jim-Crowism.

A vigorous protest was adopted against discrimination against Negroes in the Y. M. C. A's, demanding "that Negro students be admitted on the basis of full equality to all facilities which white students enjoy." A copy of the resolution was sent to the Board of Managers of the Central Y. M. C. A. College, 19 South La Salle, Chicago, Ill. The conference urged that other groups send similar protests.

A Negro delegate from Birmingham denounced his city as the "hell-hole of the South" and pointed out the enormous number of murders and lynchings which occurred there, now exceeded only by Memphis, Tenn.

Reinstatement of Expelled Demanded

Special resolutions were adopted demanding the reinstatement of Donald Henderson, expelled from Columbia University, and Prof. Barnhardt, expelled in Birmingham, and various students dismissed from colleges and high schools.

The pledge in full adopted by the Conference follows:

We Pledge Ourselves:

A. To carry on a vigorous fight to destroy all illusions of racial supremacy as fostered by our schools and other educational agencies.

B. To carry on a militant struggle against lynching, jim-crowism and similar vicious attacks on Negro workers and students.

C. To popularize the achievements, the life and culture of the Negro people and make clear the proper role of the Negro people in the history of the world.

D. To serve untiringly in the promotion of the unity of Negro and white students in meeting their common problems.

Resolutions On Immediate Action

1. To hold meetings in each school in order to popularize and publicize the program of action adopted by this conference.

2. To establish clubs where none exist and to utilize existing ones for the furtherance of this program.

3. To spread and distribute throughout the country and through all available agencies of publicity the bulletins of the resolutions adopted and such other factual material as shall be prepared by the National Student Committee for the Defense of Negro Students' Rights.

4. That we send a delegate to the International Negro Youth Conference, to be held in Chicago, Ill., June 20-23, 1933, as the official delegate from this conference, and to make every effort to elect delegates from our respective schools to this conference.

5. To elect three official delegates to the Scottsboro March on Washington initiated by the Amsterdam News, and to work for the election of a maximum number of delegates upon returning to our respective schools.

6. That all efforts be made to further the work of the conference by taking another step forward by calling another conference in the South.

Resolution On Y. M. C. A.

WHEREAS the Central Young Men's Christian Association College has barred from gym and swimming pool privileges Negro students; and whereas this conference has pledged itself to fight against such practices of discrimination;

THEREFORE BE IT RESOLVED that we offer vigorous protest to such discriminatory acts and furthermore we demand that Negro students be admitted on the basis of full equality to all facilities which white students enjoy. Be it further resolved that this conference send a copy of this resolution to the Board of Managers of the Central Y. M. C. A. College, 19 South La Salle St., Chicago, and urge all other groups to send similar protests.

Not a Time for Vituperation

4-14-33

Washington [illegible]

The International Labor Defense sent out last week a release from the pen of Eugene Gordon, one of our outstanding writers, now on the staff of the Boston daily Post. Under the heading, "The Kept Press and the Trial at Decatur," he takes severely to task the white dailies and especially the Associated Press for its biased, or [illegible], distorted, reports of the Scottsboro trial and similar affairs.

All of that seems to the good and Mr. Gordon makes out a good case. However, in his laudable desire to give merited credit to the I.L.D. for the noble and brave work it has done in this and other cases, he takes what seems to be an uncalled for and rather vicious fling at certain officials of the N.A.A.C.P.

In his opening paragraph, he says:

> The present trial of Heywood Patterson at Decatur Alabama, on charges faked up by county officials in and around Scottsboro two years ago, offers one of the best examples ever shown of how Southern "justice" functions in cases involving Negroes.
>
> Of course, the present trial is somewhat of an exception, because of the part the International Labor Defense is playing in it. It is an exception in that it has, at least to put on a pretense of being "fair" (although the presiding judge and the prosecuting attorney find even this pretense a very bitter dose to swallow).
>
> If the I.L.D. had not taken the defense completely into its hands (and the hands of the masses of the world, who have raised their angry voices in protest against Alabama's threatened lynching), those nine innocent black boys would have been left to the mercies of the law-abiding Walter White and William Pickens, officials of the National Association for the Advancement of Colored People. They would have been burned to ashes two years ago, and today would have been forgotten except by class conscious workers.

Of course, had the verdict of the jury been favorable to young Patterson, Mr. Gordon's outburst would not have seemed so unfortunate as it does now, in view of the fact that a long-drawn-out and expensive legal procedure, including perhaps another appeal before the U. S. Supreme Court, is apparently the only hope for Patterson and the others who are yet to be tried, separately, it seems, in the hope maybe of wearing out the I.L.D. and all other defenders of the boys.

Now more than ever, solidarity (the word so revered by the class-conscious workers) is needed, but it can hardly be achieved by such attacks as Mr. Gordon's latest.

And his provocative remarks cannot be justified or excused because persons connected with the N.A.A.C.P. have on occasion made equally unwarranted attacks on those who do not see eye to eye with them in all matters.

Let us argue, and criticise with frankness but with moderation—while we present a "united front" against our numerous enemies.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4215
4215

Heywood Broun Raps Decatur; Walter Winchell Lauds Leibowitz

Scottsboro Case No Local Issue, Thinks Broun, Dixie Lynches Negroes; Harlem and Chicago Herd Them Together and Breed Tuberculosis.

New York newspaper columnists jumped into the Scottsboro rape of justice case last week with their pens flaying the decision and praising Samuel Leibowitz for his work in the case. 4-22-33

In his usual form, Heywood Broun held no quarter for the South. He writes:

Baltimore Md.

"A clipper ship came down the tide and cast her anchor over. She rode the long swell and waited for boats from the blazing coast to bear her black slaves. When they were below deck she picked up her pin and headed for America.

"That was more than two hundred years ago. Sunday in Decatur, Ala. a jury of 12 white men brought in a verdict of death against Haywood Patterson. The attorney-general of the great sovereign state referred to him as 'that thing.'

"They say it was a quiet courtroom and a gentle day down in Morgan County when the jury filed in after 24 hours of deliberation. But could none of them hear the wind in the rigging of the slave ship, the creaking of her timbers and the cries of the cargo?

Own Damnation

"That ghostly ship has steered her course around our coasts and even up into the back waters time innumerable. She seeks in vain a final haven. We, the grandsons and great-grandsons of the slaves of the slavers, are not appeased. We have not forgiven the Negro. It is less difficult to forgive your enemies, but the persecution of the Negro continues because we have wronged him so vastly and so vitally. We are bound to the wheel of our damnation and try to stave it off with silly postures and cruel antics. Fear grips us, and we sheer off even from an act of simple justice.

Not Even a Man

"Attorney-General Knight could not even bring himself to admit that he was in the presence of a man on trial for his life. He had to take refuge in such a phrase as 'that thing.' He was afraid of the facts. He had reason to fear.

"There was much panicky talk in the speeches of the men who pressed the case. 'Show them that Alabama justice cannot be bought and sold with Jew money from New York!' cried Solicitor Wright at one point in the trial. And the attorney-general, after deploring the injection of prejudice by his associate in the summation, went on to say—'If you acquit this Negro put a garland of roses around his neck, give him a supper and send him to New York City. There let Dr. Harry Fosdick dress him up in a high hat and morning coat, gray striped trousers and spats.'

"And that was because Dr. Fosdick had told Ruby Bates to face the danger of return and go back to confess that she lied when first she accused the Negro boys. And that was because the attorney-general was afraid.

Life at Stake

"If human life were not at stake this Scottsboro case might take rank with the most inspired of all extravaganzas, but the shadow of the chair falls across such ironic ribaldries as the conviction of a Negro field hand on the ground that Alabama does not like the modes and manners of New York City. Instead of a crown of thorns Alabama's rhetoric pressed down a high hat upon this poor laborer.

"But the irony of the situation swings wide beyond the borders of the state where the trial was held. Does the learned counsellor from the Southland actually believe that the song of the slave ship never floats above the roofs of Harlem? Instead of the fantastic festival outlined by the prosecutor, what would New York really have to offer any Haywood Patterson? Morning coats and garlands? Not exactly. The great and free city of New York would afford him an opportunity to share a three-room apartment with nine or ten of his fellows. And only with the best of luck would he be able to pay the rent.

"The South imposes rather more lynchings, legal and otherwise. New York and Chicago take it out in tuberculosis.

"We have no right to sit in the seats of the scornful. Nor is it the part of wisdom to think of the Scottsboro case as a local issue. We will get nowhere if comment merely takes the form of attacks upon the legal machinery of Alabama and charges that Decatur opinion is blinded by bigotry. That would merely be a matter of the mote calling the beam black.

Wise Words

"As a matter of fact, some wise words were spoken during the trial. 'The world at this time and in many lands is showing intolerance and showing hate. It seems sometimes that love has almost deserted the human bosom. It seems that hate has taken its place.. Wrong dies and truth forever lasts and we should have faith in that.'

"That was said by the judge—James E. Horton. Well, Your Honor, when it comes time to pass sentence how are you going to plead? Remember that you and all the rest of us are on trial for our faith, our integrity and our lowest common decency. What say you? Guilty or not guilty?

"Speak up, man! Let us all speak up and prove that we are not guilty of this monstrous thing. Let us scuttle the slave ship in forty fathoms and stop that whine of the wind in its rigging.

Legal Immortal

Walter Winchell writes:

SAMUEL LEIBOWITZ, New York City: My Dear Sir—I orchid you for daring to try one of the toughest assignments a man ever undertook. Regardless of the outcome of the alleged trial, you've already carved your name on the list of Legal Immortals. Despite all the handicaps a lawyer ever encountered—you presented a masterful case and the very fact that they and laughing when they brought in their verdict to send an innocent youngster to his death shows what you were up against. Of course, in that sector of these United States the Negroes might be a problem—but that certainly is no excuse for condemning innocent people.

"When that startling story of the frameup was unfolded by one of the gals, I hoped you'd rate a mistrial, and again when that overzealous district attorney spoke of 'Jew money' in the case, I thought the judge might easily have chucked it out. But perhaps I don't savvy court procedure down there. They say that no matter whereabouts in Alabama the case is tried, the result will be the same.

"Anyway, Mr. Leibowitz, this case you've lost has done more to make a really important attorney out of you than all those countless victories you had in the courts in this Big Burg. When the historians jot down your Life Story, counselor, those brownskins and black will play bigger parts than the Capones et al. that you Darrowed."

Attorney Samuel Leibowitz Tells Throng At Scottsboro Protest Meeting Of His Part In Case

Age 4-22-33
New York N.Y.

Harlem Citizens Form Defense Committee To Aid Fight by Raising Money; $204.84 Given Rev. J. W. Brown, Treasurer

"The Scottsboro boys shall not die!"

This is the ringing challenge to Alabama's verdict to legally murder Haywood Patterson, one of nine boys whom Southern "justice" has made world famous—all found "guilty" of raping two white female tramps on a freight train.

Speaking before a tense audience that jammed every foot of available space at a protest meeting called at the instance of the Int. Preachers at Salem M. E. Church, 129th street and Seventh avenue, last Thursday afternoon, Samuel Leibowitz, brilliant, courageous chief defense counsel for the nine youths, promised "with every drop of blood in my body, with the help of God and with the help of the good citizens of America, the Scottsboro boys shall not die!"

A New Emancipation

Mr. Leibowitz echoed the potent will of an awakened consciousness and embittered feelings of Negroes throughout the nation, who demand a new emancipation. The crowd shouted, cheered and applauded when the man who risked his life in the cause of justice, said, "I am a Jew. I am proud of the fact that I am a Jew . . . But above all I am a human being!"

He declared he was thrilled with the "joy and blessed peace of mind by fighting for justice for fourteen million people of America."

"This case is not on trial before the court of Decatur," he continued. "But before the Court of the World . . . I say before you now from this platform in the House of God, they WILL not die!"

The meeting was arranged by Rev. Richard Manuel Bolden contributing editor to The New York Age and pastor of First Emmanuel Church, 105 West 130th street, one of the first members of the press to interview Attorney Leibowitz when he returned to New York last week from Alabama.

The attorney has been working in cooperation with the International Labor Defense, affiliated with the Communist Party. At the meeting Attorney Leibowitz repeated the fact that he was not receiving any fee, and told of the great handicap the defense had endured for lack of funds.

$100 In Ten Minutes

Mr. Leibowitz had previously given Rev. Bolden permission to call the meeting, not alone to protest, but for the express purpose of permitting organizations not affiliated with the Communist Party to raise a fund which would be turned over to Mr. Leibowitz to help defray the co

of securing records, transportatio

expenses for witnesses, etc.

Presiding at the meeting, Rev. L Ward Nichols, president of the Interdenominational Ministers of New York and vicinity, appealed to th aroused audience for cash, and on hundred raine don the table withi ten minutes. About $170 was donated to the fund, to which about $3 previously collected was added. The total $204.84 was placed in the hands of Rev. J. W. Brown, pastor of Mother A. M. E. Zion Church, one of the speakers, and treasurer of the Leibowitz Defense Fund. These and additional funds will be given to Mr. Leibowitz personally, said Rev. Brown, to help tear out this "black page in "the history of American civilization."

Mrs. Jane Patterson, mother of Haywood Patterson, briefly addressed the meeting, expressing her thanks and appreciation for the help rendered to free her boy, and she expressed confidence that "I will get my son some day."

"I say to this mother," shouted Mr. Leibowitz, turning to Mrs. Wright, and then turning to the audience: "and to all other mothers of America that there is no greater cause, for Jew or Gentile, black or white,—than to give this mother back her boy!"

Toward the end of the meeting a committee was formed to systematize the collection of funds: Rev. Nichols, chairman; Rev. J. W. Brown, treasurer; the Reverends A.

Clayton Powell, A. C. Garner,
liam Lloyd Imes, Lorenzo H.
Richard M. Bolden, W. A. By
Jersey City, J. G. Robinson o
adelphia, F. A. Cullen, and
R. C. Lawson.

Also, Fred R. Moore, Henry W. Fraft, William Schiffman, J. D. Steele, Edward Smalls, Connie Immerman Herman Starks, Charles Buchanan, Junius M. Green, Alexander King, Rufus Atkins, Joshua Williams Joseph Brown, William "Bojangles" Robinson, Dan Healy, Mesdames Alice Campbell, Rosa L. Blocker and C. Cabiness Saunders, and Drs. E. P. Roberts and P. M. H. Savory.

Mr. Leibowitz briefly sketched the story from the time he was asked to take the case to date. "I told that (defense) committee after I had decided to take the case that if those boys are innocent heaven and hell can't pull me off that fight." The attorney said he had been warned against the Ku Klux Klan, to which he gave the reply "You can't scare this boy from the sidewalks of New York." He went on a personal tour of investigation, stopping at Montgomery, the capital of Alabama, where he was shown the beautiful marble and limestone courthouse, and heard the Southerners pridefully boast of the Confederacy.

He said he spoke to those Southern "gentlemen" of the fine courthoues in New York City which bears the inscription he quoted to them: "The true administration of Justice is the Firmest Pillar of Good Government." Referring to the Latin words on the seal of the State of Alabama, "Here we rest," Mr. Leibowitz said it should read "Here we rot."

The Law's "Protection"

Mr. Leibowitz then recounted an incident which he said was related to him by one of the Scottsboro boys, Leroy Wright, in the presence of Raymond Daniel, reporter for the New York Times. Wright told them that after he had been taken off the Scottsboro train and thrown in jail, a state militiaman came into his cell and cut him with the bayonet on his gun, tearing a piece of flesh from his cheek, and as if that were not enough the militiaman struck him over the head with the butt of the gun! The audience groaned when this was mentioned.

"A Southern gentleman—as Southern "gentlemen" go told me," said the speaker, "that he himself had a good 'nigger', and that he believed that the 'niggers' in the Scottsboro case had had a fair trial. I said to myself, 'I'll take care of that proposition.' "

He disclosed the fact that Prosecutor Thomas E. Knight, jr., attorney general of Alabama, is the son of the Alabama Supreme Court and that the father had dissented from the first lynch-verdict. Speaking with Knight, he said he suggested that all tre boys be tried together, but Knight replied, "no, I'm going to pick out one that I like." "I told him then," said Mr. Leibowitz, "If you intend to persecute these boys, I'll make you try every one of them separately, if it takes the last penny I have in the world!"

Mr. Leibowitz said that the defense alwyers felt that an Alabama attorney would be a handicap as chief counsel because of the intense race preudice in the environmnt of the court. He said he did not expect a fair trial in such an atmosphere, but that they desired to presevre the rights of the defendants by carefully laying the basis for an appeal to the higher courts in case of a conviction.

"Also, we had to prove legally that Negro citizens, no matter how decent, educated, upright and honest had been denied jury service in the State of Alabama. This task met with every obstacle known to legal science," he said.

Hunderds Qualified

From 200 to 250 Negroes, one with four college degrees, from the professional and business life of Alabama, were subpoenaed and testified to their qualifications on the witness stand. "They deserve a tribute from you," he said.

"We proved that these men were just as qualified as any white man in the State of Alabama," he said. "What could the judge say? nothing! He was forced to admit that the defense had made out a prima facie case. It was the first time since the Civil War that a Southerner had dared admit that."

"The prosecutor called one witness, Tidwell, jury commissioner. I asked him why he claimed Negroes were not qualified for jury service, and this was his reply.

"This is an American Court. No 'niggers' are qualified. All 'niggers' are thieves."

"Now what is the United States Supreme Court going to say to that? No Southern lawyer would have dared make this jury challenge, because his practice would have been ruined, and he would have been driven out of town on a rail. It took a Northern man to do it, who had no bigotry tied to his tongue."

Mr. Leibowitz repeated the charge that both Victoria Price and Ruby Bates, the accusers were prostitutes but that Bates had not sunk as low as Price. The Price woman had even told the jury the exact calibre of the guns which she said the boys used to compel them to submit to assault, but Price admitted to the defense attorney, he said, that she had never seen or held a gun and did not even know the meaning of the word "calibre."

The attorney also remarked upon the testimony of Dr. Bridges, white, a witness for the State, who declared that after an examination of the two women they could not possibly have been assaulted at the time they said they were. Also, Judge James E. Horton pleaded with the jury "almost on bended knee" to bring in a verdict only on the evidence and uncolored by prejudice,—but the jury came out laughing and sneering a verdict of guilty with death the penalty in the face of conclusive, irrefutable evidence; no, in total disregard of evidence.

New York ny

When Lynch Mobs Marched on Decatur

By JOHN L. SPIVAK.

II.

DECATUR, Ala.—Judge Horton had verified the mob movements upon the defense attorneys and the Scottsboro boys, but the [illegible] effect [illegible] on the part of those whites in the audience. Some smiled—hard, cynical smiles. The soldiers are Southerners. They would shoot Southern white men to save "niggers" and a couple of Jews.

Daily Worker 3/22/33

The judge had to say that for the record. You hear that everywhere. "The judge had to say that for the record."

The town is tense. Even Captain Burleson, usually smiling and cheerful, has a worried, harrassed look. He no longer sits near the jury box with his back to the spectators. He sits on the judge's bench, scanning the spectators closely, his left hand on the bench and his right dropped carelessly at his side. When you walk by casually you notice that hidden behind the judge's bench he has opened the clasp of his leather holster. Even a split second may count. He must be expecting trouble.

Then we learn what happened. Fifty white men from Scottsboro, reported to be heavily armed, are in Decatur. No one knows how many are in the court room. If Burleson knows he has not said a word. He sits there, hunched, tense, his eyes roving across the set, hard faces of the spectators.

• • •

Ruby Bates and Lester Carter have given their startling testimony. Ruby, in her quiet, soft voice, confessed that her story of being raped was a lie. Victoria Price, the hard-faced, hard-voiced woman, had urged her to lie, he said.

It was an amazing thing for a Southern white woman to do: to state publicly before hundreds of Southern white men, that she did not want to see "niggers" burned.

These white men could not understand it, could not understand a white woman who would call another white woman a liar to save nine "niggers".

"Lynch Bates and Carter!"

It was incredible. To accept her word meant that the famous case built on the framed word of a prostitute crashed. The hatred against the "niggers" swerved to hatred of this white woman who called another white woman a liar to save "niggers". Ruby Bates was the liar, not Victoria Price. Ruby Bates with her new but cheap little coat and hat, and Lester Carter with his $11 suit. They had been bought. They had betrayed the South and Southern womanhood, and a mad fury seethed against them.

Newspapermen covering the trial had arranged with men in Huntsville and Scottsboro, for a consideration, for telephone calls in case mobs started to form in these two centers. Now the phones are ringing.

"Huntsville is arming itself. The whole town is preparing to march on Cornelia Court and lynch Ruby Bates and Lester Carter."

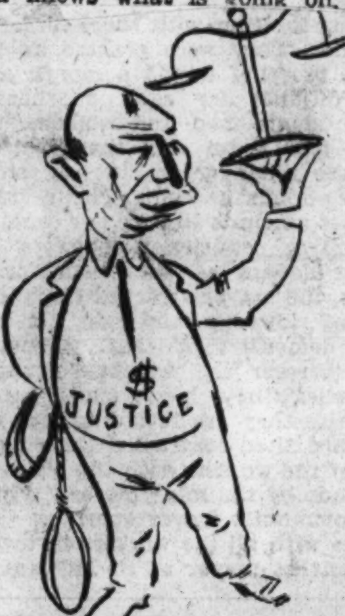
The word spreads rapidly. Huntsville is arming itself. Decatur hardware stores we knew had sold out their supply of arms and munitions. But Huntsville, the home of Ruby Bates and Victoria Price, was a cauldron of race hatreds.

"If I Leave Here Alive . . ."

Captain Burleson, too, received reports of the rising populace in Huntsville. He appears at Cornelian Court with a squad of seven soldiers who immediately surround it. Ruby Bates and Lester Carter are in Joseph Brodsky's apartment, unaware of the proposed attempt to lynch them. Or, if they are aware, they are not afraid, for while the mobs are gathering in Huntsville and Scottsboro to seek their lives I talk with her and she says wistfully:

"I'm going to write to my mother when I leave here—if I leave here alive."

I wonder if this nineteen year old child knows what is going on, but her eyes are clear and her voice steady. If she knows, she is not afraid.



A soldier appears at Brodsky's apartment.

"The Attorney-General would like to see Mr. Leibowitz."

More soldiers are arriving. A truck with seven more guardsmen, their pockets bulging with extra cartridges pull up with shrieking brakes. The men are hastily stationed in the darkest corners of Cornelian Court. Everyone is grim, serious, tense.

Sheriff "Bud" Davis and several deputies arrive. They are no longer grinning and smiling, assuring everyone that Decatur is peaceful.

Taken Away.

Residents in Cornelian Court who have nothing to do with the Scottsboro case are switching off their lights. Apartments are dark. Only those of the defense counsel and the prosecution and the newspapermen are lighted. The area grows more tense with the passing minutes. Here, any moment, the first of the new battles for Negro liberation may occur.

Leibowitz, Knight, the Attorney-General's assistant, Tom Knight, the sheriff and Burleson approach the little group of newspapermen speaking in hushed voices. The Attorney-General's sharp face is deeply lined.

Leibowitz speaks first. His voice is grave:

"Gentlemen, we are going to take you into our confidence and trust that you will co-operate with us. Two mobs are on the way here from Huntsville and Scottsboro set upon getting Ruby and Lester Carter. We are taking them away to another place and we hope that you will not follow us to learn where we are taking them. Their lives are at stake."

Attorney-General Knight speaks:

"Mr. Leibowitz and I have had a consultation. We hope to forestall this mob action. We are doing everything humanly possible to keep this town quiet, but we must protect these witnesses as well as the attorneys. I agree with Mr. Leibowitz and ask that you do not follow the cars taking Ruby Bates and Lester Carter to a place of safety."

The newspapermen assure them that they will not follow the cars. They do not want to see either the boy or the girl hanging from the limb of a tree.

"Too Late, General!"

The Attorney-General expands.

"There will be no trouble," he repeats. "Every step possible has been taken to forestall this mob coming here. I ask you now, for the sake of the good name of Alabama, not to mention a word of this. It would give the State a black eye."

The newspapermen stare at him blankly. The Attorney-General of the state of Alabama is asking the press to suppress the news of mob action, to suppress the news that a whole town has risen with blood lust in its heart and a contempt for the much advertised law of the state.

One of the newspapermen speaks:

"It's too late, General. Three of us have already telephoned to New York that the mob is on the way and is expected within half an hour."

The thin lines of the Attorney-General becomes sharper.

"Well", he says slowly, "if you have already telephoned, then of course it is too late. It is too bad. But there will be no trouble."

He turns to a New York Daily News photographer whose camera is turned on the soldiers around the court.

"Please, don't take these pictures."

"General," the photographer returns mildly, "I am here to take pictures. But I will co-operate with you like the rest of the fellows. I will agree not to take these pictures if nothing happens, but I cannot agree to suppress pictures if shooting starts."

"There will be no shooting," Knight repeats almost hysterically.

"Only a Nightmare."

There was no shooting. In the morning we learned that sheriff's deputies and soldiers had gone out on the Huntsville-Athens road and stopped every car and truck with more than three or four men in it to search for arms. The mob was turned back. The state of Alabama did not want the story to get out that mobs had started out to lynch the defense attorneys. Ruby and Lester Carter.

When the advancing mob was only a bad nightmare, Knight, Burleson, the sheriff and all the state's officers were cheerful and grinning. They forgot that they had pleaded desperately for the press to suppress the story.

In the morning there were no mobs. There never had been any mobs.

The mobs became phantoms of the imagination, and the newspapers carried stories that a careful search of Huntsville and Scottsboro failed to "disclose any of the reported mob action" and the world was asked to believe that Morgan County was a tranquil, law-abiding place where the residents wanted to see that the Scottsboro boys got a fair trial!

Lynchings-1933
6
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Alabama

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Out of the Depths of an Aroused People

Daily Worker
4-20-33
New York, N.Y.

As the lynchers in the conviction of Haywood Patterson once more affirm their determination to execute the Scottsboro boys, the toiling masses prepare to answer this brutal challenge.

Out of the depths of the people, Negro and white, comes the spontaneous resolution to march upon the very center of American capitalist rule, Washington, with the mass demand that the Scottsboro boys shall not die.

The aroused millions will send their representatives, to lay down before the capitalist government their defiance of the lynchers. The Negro people, in firmly welded solidarity with the white workers, send back their answer to the Scottsboro verdict, which is an expression of their national oppression. They demand the return of their nine Scottsboro boys from the hands of the Southern lynch butchers. They demand their liberation as a people.

They demand that the Thirteenth, Fourteenth and Fifteenth amendments be enforced by the government. They demand that all Jim Crowism be punished by the government. They demand that the Army and Navy be used, not to protect lynch mobs, but to enforce the provisions of the Civil War amendments, for which thousands of Negro and white workers gave their lives.

The Negro and white masses will march upon Washington. But already agents of the ruling class are trying to penetrate the ranks of the marchers. Tammany Hall, which gets fat upon the hideous Jim Crow Ghettoes of Harlem, suddenly weeps crocodile tears over the Scottsboro boys. Tammany sends its tools, black and white, among the people to distort the purpose of the historic march, to turn it into a supplicating and meek "delegation" which will whine before Roosevelt for mercy.

For decades, the Negro misleaders have been crawling before the Presidents as they have filed in and out of office. Contemptuously they have been listened to, while the lynchers continued to murder, and the plantation masters continued to sweat their Negro slaves.

The present march upon Washington is not some boot-licking delegation. It is the aroused power and anger of the people who are preparing to destroy the lynch system of National oppression.

And yet the funds of a practically bankrupt state must be expended in a continuous effort to make it seem to be justified.

Evidently, the truth has been the foreign element in this case and the method of establishing it has been quite as foreign to the best social principles and practices. But the looming thought in the individual mind is the protest of one of the alleged victims to the effect that she had not been attacked, (if she had been), or that she had been attacked and could or would, under the circumstances, deny it. One can more easily understand the motivation of her testimony in the first trial, if she had not been wronged than the motive of her testimony in the second trial if she had been wronged.

Considering the nature of the case, the former would have been easy while the latter would have been as practically impossible as it was humanly improbable.

To our mind it is dealing with womanhood with less gentleness than art demands for its security. So much might be said on this to reveal the blindness of set prejudice and to prove how much men do of the things they strive to prevent in the effort at doing them.

The whole complex problem of race relations has been made by the white man in a studied and sometimes a feverish effort to enjoy his superiority without paying the price for his fun or taking the responsibility for the results of his doings. The lamentable thing is that with all of his science and superior intelligence he does not seem to be able to see the reaction of his errors or to be willing to take them into account in his calculations when the results appear to be against his liking. There is no ultimate inevitable thing that is not just and right.

Error is the upsetting troublesome thing every where, and it is always carried forward in the balance to make new and more complicated problems when it is not cast at some stage in one's calculations. It is impossible to worship error and embrace truth in a seance devoid of hypocritical sentiments. It must not be overlooked that in the midst of the scenes of this trial the outstanding figure of a just and courageous Alabama jurist stands to claim the encomiums of his fellowmen for a clean job.

Without him or another such as he, and, we think few such to have been available, there might have been a different story. A judge could have done no more in his situation.

His opportunity for indefinite postponement came at a time and under circumstances such as any conscientious jurist might have envied and the fact that he seized it is another evidence of his sagacity.

It is not too much to say that there are many of his kind but it is too much to say that they are often available for this type of duty.

It is true also that he has moral support of thousands, and in that fact, as in him, lies the hope of the solution to all such problems.

SCOTTSBORO TRIALS POSTPONED

Reporter 4-22-33
Birmingham, Ala.

Indefinite postponement came as a surprise to both the defense and the prosecution Monday morning when the Scottsboro trials were resumed after the conviction and sentencing of Haywood Patterson, first of the nine youths to be tried.

The reason for indefinite postponement as stated by Judge Horton was that it would be impossible to get a fair trial in the atmosphere made as the aftermath of the trial already concluded.

The appeal of Patterson will stay his execution until the Supreme Court of Alabama, and, perhaps, the Federal Supreme Court, shall have passed on the merits of the appeal.

In the meantime, public sentiment in favor of the youths has been strengthened by the revelations of the last trial and the agitation characteristic of such occasional cases has increased.

The view of the outside world is becoming clear on Alabama justice. Its sympathy with such efforts to uphold its wornout traditions is being reversed by the unmistakable evidences of prejudice. Too much recently has the spotlight been turned on the flimsy texture of prejudicial fabric—fabric too flimsy to hold and conceal the traversty of justice that prejudice always makes apparent.

Million Pennies to Aid Scottsboro Defense

Daily Worker
New York, N.Y.

NEW YORK.—A drive for a "million pennies from the Negro and white workers of the country" to be used in defeating the effort of the white Southern ruling class to lynch the nine Scottsboro boys was launched today by the International Labor Defense.

"Save the Scottsboro Boys" stamps, in sheets of 100, to sell at one cent a stamp, have been issued in the campaign for the defense funds. The record of the appeal from the lynch verdict for Haywood Patterson, first of the boys tried [illegible] De-catur, Ala., [illegible] will cost $5,000 William L. Patterson, national secretary of the International Labor Defense, said yesterday. Additional money is required for the necessary steps through which the safety and freedom of the boys will be obtained.

The International Labor Defense appealed to the workers everywhere to send their pennies to national headquarters, 80 East 11th St., New York, for their stamps.

It urged that those able to do so to send $1 for a sheet of stamps so that they can resell them to their fellow-workers.

Already many Negro and white churches, schools, trade unions and other organizations have enlisted in the campaign for a million pennies.

In numerous Southern schools, according to the I. L. D., teachers showed the stamps to the children attending classes and explained the issues underlying the Scottsboro case; and many of the children eagerly bought stamps "to save the nine innocent Scottsboro boys."

In other places, lodges, Negro as well as white veteran associations, groups of workers in factories, hotels and stores, the stamps are being sold.

Leibowitz Says Decatur Lynch Hot Before Trial

Daily Worker
4-?-33

Letter to Horton Points to State's Program of Lynch Incitement

New York, N.Y.

NEW YORK.—A letter to Judge James E. Horton of Decatur, taking exception to his attempt to place responsibility for the prejudice and lynch-hysteria of Decatur and Northern Alabama upon the defense of the Scottsboro boys, was made public yesterday by Samuel S. Leibowitz, chief trial attorney for the International Labor Defense in the Scottsboro cases.

"You are quoted in one of the leading metropolitan journals as follows:" Leibowitz writes.

"'The statement (referring to remarks attributed to me concerning the jury that convicted Patterson) must of necessity make impossible any just and impartial verdict to be arrived at at this time.'"

Recalls First Trials

In this long letter, Attorney Leibowitz answers the lynch-court judge's remarks:

"The prejudice you refer to was there long before the trials were transferred to Decatur. This prejudice . . . was first manifested when these poor unfortunates were hurried through the machinery of justice at Scottsboro to the tune of 'There'll be a hot time in the old town tonight.' You will recall that these defendants were represented by a local Scottsboro lawyer.

"The prejudice was intensified by the motion made to quash the indictment and the venire because of the systematic exclusion of Negroes from service upon juries, solely because of their color. . . . Your statement that the defense 'had made out a prima facie case' will go down in history as a momentous declaration.

"This prejudice was intensified when young men stood at the entrance to the Decatur courtroom and

hawked pamphlets ending in a ringing plea 'that Alabama and the world will finally see justice claim its own and the Negroes receive their just deserts, death in the electric chair. . . . The chief prosecutor made no attempt to punish the perpetrators of this outrageous act. . . .

". . . The prejudice you speak of was intensified by the Attorney General when he applauded vociferously with his hands, leaped in the air like a frenzied rooter at a football game, and shouted with glee at a point which he thought a witness had made that was favorable to the prosecution. During the entire trial, as you well know, your attention was called to his smirking and sneering behavior, to his bully-ragging of witnesses, and to a general deportment which prejudiced the unfortunate defendant before the bar. . . .

National Scottsboro March Recruiting on for Capital Trek Action Committee Reports

Daily Worker 4-20-33

New York N.Y.

Scottsboro Parade in Harlem Saturday State Communist Positi at St. Luke's Tonight

NEW YORK.—Concrete directions for carrying out the Free the Scottsboro Boys March to Washington were issued last night by the National Scottsboro Committee of Action from its headquarters at 119 W. 135th St.

Among the members of the National Committee of Action are: William L. Patterson, national secretary of the International Labor Defense; A. J. Muste, of the Conference for Progressive Labor Action; Roger Baldwin, of the American Civil Liberties Union; Rev. A. Clayton Powell, of the Abyssinian Baptist Church; Samuel Patterson, of the Caribbean Union; Hamilton Lodge, of the Odd Fellows; Harry Heywood of the Communist Party; Mrs. E. J. West, of the N.A.A.C.P. local; Bishop Collins of the Episcopal Synod; James W. Ford, of the Trade Union Unity League; J. Dalmus Steele, of the Elks; Heywood Broun, of the Socialist Party; W. C. Handy, famous Negro composer, J. B. Matthews, of the Fellowship of Reconciliation.

"This mass march has as its objective to place before the government authorities in Washington the demand for the immediate, unconditional and safe release of the nine Scottsboro boys, and to put forward for adoption by Congress of an act for the enforcement of the constitutional guarantees for the Negro people as set forth in the 13th, 14th and 15th Amendments to the Constitution." the program of the march announces.

"Mass marches shall be organized from the following cities: New York, Newark, Jersey City, Trenton, Philadelphia, Baltimore, Norfolk and Richmond. From other cities that are far from Washington, delegations will be elected to go to the capital representing workers' organizations, fraternal organizations and various Negro bodies.

"The march is to be a peaceful but vigorous and militant demonstration of the solidarity of Negro people and white masses in the demand for the immediate freedom of the Scottsboro boys and the enforcement of all rights guaranteed the Negro people by the Constitution. Unquestionably provocative measures will be resorted to by the forces of reaction, bigotry and prejudice and their agents, in an attempt to discredit the march and to distort its purposes. All marchers are warned to be vigilantly on guard against such attempts."

Route of March

"The route of the march shall be as follows: The New York contingent shall leave Union Square at 10 a. m. April 26th. This contingent should arrange to arrive at Trenton at 4 o'clock, being joined by the Jersey City, Newark and other New Jersey contingents there, arriving in Philadelphia the evening of the same day. The marchers will remain overnight in Philadelphia. They will leave Philadelphia together with the Pennsylvania contingent on the morning of April 27 and arrive in Baltimore in the late afternoon of the same day. The marchers will then remain overnight in Baltimore. They will leave Baltimore in the early morning of April 28 and arrive in Washington not later than 12 noon the same day. In the case of the Baltimore contingent, they will either attach themselves to the New York, New Jersey and Philadelphia contingents or arrangements shall be made that they leave by foot in advance of the other contingents in order to arrive about 12 noon in Washington. The Norfolk and Richmond marchers shall make arrangements to arrive in Washington at 10 a. m., April 28. This also applies to the delegations from all other cities where mass marches are not being arranged. In every city where the marchers arrange to stop overnight, street demonstrations and meetings shall be arranged to greet them. Special emphasis must be made on these demonstrations taking place in Negro neighborhoods and recruiting there additional forces to the march.

Feeding of Delegates.

"Each organization, including neighborhood committees, should make provision for the feeding of its own delegates on the march. Organizations are advised, however, to give no guarantee on this point. A special committee should be set up in each organization for this purpose. It must be understood that individual marchers who register and join the march must take care of themselves during the period of the march. It is impossible for the National Action Committee to assume responsibility for this task, or to give any guarantees about the feeding of the marchers.

Scottsboro Funds.

"Especially during the period of the march the greatest intensification of work in connection with raising finances for the Scottsboro case shall be undertaken. Full force should be thrown behind the National Tag Days, organized by the I. L. D., on April 28, 29, 30. Only the I. L. D and the National Scottsboro Action Committee are authorized to receive funds in connection with the defense of the Scottsboro boys (the I. L. D and the National Scottsboro Action

Defense Means Business

"The prejudice, already existing, was highly intensified when the Solicitor for Morgan County, Wade Wright, referred to 'Jew money from New York,' to Lester Carter as 'Carterinsky,' and to Mr. Brodsky of defense counsel as 'the creature with the long nose and pack on his back.'

"Prejudice was highly intensified when the Attorney General, pointing at the defendant during his argument to the jury, referred to him as 'that thing.'

"Again evidence of bigotry and hatred towards the Negro and anyone who attempts to get a measure of justice for him, was most graphically demonstrated by Attorney General, when in his address to the jury he offered as a reason for not calling important Negro witnesses, the fact that:

"'We in the South do not call a nigger to corroborate a white witness no matter who the white witness may be.'

"The prosecution must now realize that we mean business; that we will not pussyfoot on the Constitutional question and that we will fight honorably and diligently for the freedom of nine innocent men."

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knew was a member of the S.P.D.

"Haven't you read it yet, Kurt?—the Police President of Berlin to his people?" said Tolle bitterly as he picked up the paper again. "I feel ashamed as hell to think that such a swine belongs to my party." He spat the juice of his tobacco through the open door of the hut.

Kurt took the Vorwarts, and while he read fury overcame him.

". . . So according to the will of the Communists blood is to flow in the streets of Berlin on the 1st of May! That must never be! And therefore I again point out with the greatest emphasis that the existence of the ban on all open-air demonstrations in Berlin is due in small degree to the complicity of the Communists. Whoever in defiance of this ban attempts to make the streets the playground of his political passions must fully understand that he runs grave risks for himself and his followers. I appeal urgently to the peaceloving population of Berlin, especially to women and children, not to participate in any attempted demonstration, not to stay on the streets unnecessarily, and to support the measures taken for the maintenance of law and order.—Zorgiebel."

The other workers looked at Kurt. He was organizer for the revolutionary trade union opposition and had gained a great deal of respect among his colleagues through his determined stand for the workers. Eight days ago he had been unanimously elected as delegate of the workers on the May Day Committee.

Kurt dropped the paper and looked up. "Boys! that's a fine fellow. He wants to shoot us down and announces beforehand that only the Communists are to blame!"

THEY ELECT DELEGATES

Outside the whistle of the foreman sounded. Some rose and went towards the door.

"Just wait a minute, chaps," called out Kurt. "The boss can wait a bit today. I think we've just got to settle something first. . . ."

The men stopped and looked at him.

"I suggest that we of our firm go and have a word with the Police President himself. Whether it will help or not, I don't know, but it is our duty as workers."

"Do you want to ask him to shoot with lollypops tomorrow, Kurt?"

"Go to the 'Alex' and bash his face in, that would be the thing to do."

Tolle rose slowly. It was plain that it was not easy for him to speak. "Mates,—Kurt is right. Propose that all workers are called together during the lunch interval in order to elect a delegation to go to the police office and submit a last protest there. I believe that he will see us and I believe that it may be of some use."

"That's what you think, Tolle!"

"Better go yourself to your comrade."

Tolle turned slowly to the young worker and replied gravely:

"Very well. I will go myself with the delegation . . . if you ask me to."

TAMMANY SUMMONS BRIGGS TO COURT TO STIFLE SCOTTSBORO PROTEST

Daily Worker

4-20-33

NEW YORK.—Cyril Briggs, editor of the Harlem Liberator, has been summoned to appear before the magistrate today at 170 E. 123rd St. Court. Briggs has been singled out by the landlord, Bachrat, of 2149 Seventh Ave., where the Liberator office is located, and the police in an attempt to stifle the growing protest against the Alabama lynch courts in the Scottsboro case.

New York

N.Y.

In an interview with the DAILY WORKER reporter yesterday Briggs told how the landlord had tried to make him cut off the loud speaker by which the Liberator was helping to mobilize the workers of Harlem for the march to Washington to save the Scottsboro boys and enforce the 13th, 14th and 15th amendments of the U. S. Constitution.

Tuesday police ordered the Liberator to cut off the loud-speaker. At 7 p. m. that night over 1,000 workers gathered to protest the police-landlord attack. The loud-speaker, which had been cut off for a few hours, was turned on. Three cops came rushing towards the Liberator office. Immediately a score of workers blocked their way and prevented their entering the office. One cop drew his gun, but was promptly made to put it back in his holster. The crowd downstairs jeered the cops as they retreated.

Charles Alexander, William Patterson, national secretary of the I.L.D.; Leonard Patterson, Harlem organizer of the Y. C. L., and others spoke at the protest meeting that continued outside. Oscar Horton of the Liberator staff was chairman. A collection of $10.50 was taken for the Scottsboro case.

Indignation is sweeping Harlem at this Tammany attack on those who are in the forefront of the fight for the Scottsboro boys. The courtroom is expected to be packed at 10 a. m. today, when Briggs appears to answer the charges of the landlord.

Most of the tenants in the building have signed a statement condemning the action of the landlord, Briggs announced. The I. L. D. will defend the right of the Liberator to spread the call for Scottsboro protests.

Lynchings - 1933
Legal Punishment for Rape.

Alabama

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Dalton, Ga., N. Ga. Citizen
April 13, 1933

The Scottsboro Case

Two years ago some girls of questionable character were riding a freight train in Alabama. According to reports they were accompanied by some white boys. At a small station they were set upon by a bunch of negroes who threw the whites off the train and took charge of the girls. These negroes were charged with rape by the girls. The cases were tried and the negroes found guilty and sentenced to be executed. Here the saviors from the north entered the case, and as usual in such circumstances made a mess of it.

It is the same old story, and the results are the same. The "buttinskys" did not receive a warm welcome, and their influence on the jury was what was expected by all who know anything about human nature. It would have been the same had the south, through some of its zealots, sought to interfere with a case in the courts of the north. Meddling with the affairs of other people is reprehensible, and this is especially true when those doing the meddling are radicals who have no regard for right or wrong, but are only interested in tearing down the established order and customs of the people, and establishing in their places their peculiar ideas of how things should be.

The result is that the jury in the second trial of Patterson, one of the negroes, found him guilty. The penalty is death. Another very peculiar circumstance is that one of the girls, who swore in the first trial that she had been attacked by Patterson, after going north and spending some time, returned to the stand in the second trial and swore that she had not been attacked. The question is, did she swear falsely in the first trial or the second one? Certainly she swore falsely in one of them.

At any rate it seems to be an underworld case which has been magnified out of all proportions to its importance.

NEW YORK CITY POST
APRIL 18, 1933

A JUST POSTPONEMENT

It is with the greatest satisfaction that we note the action of Judge Horton in the so-called "Scottsboro cases." He has postponed indefinitely the trial of the second of the nine Negro boys accused of rape upon two white girls.

In so acting Judge Horton, whose fairness and dignity have been constantly impressive in this difficult trial, made a most interesting and fitting statement. He first cleared the race-prejudice record for the four Alabama counties that compose his district, taking up the three cases of assaults upon white women by Negroes which have made up the entire court record of that crime for the last twelve years and showing that in two out of the three cases white juries acquitted Negroes. He then quoted from the utterly shameful statement attributed to Samuel S. Leibowitz in the columns of the *Herald Tribune*. It is the one picturing the Alabama jury as "those bigots, whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy." Judge Horton said from the bench that such a statement, even if not accurately quoted, "must of necessity make impossible any just and impartial verdict to be arrived at at this time. The accused Negro must now be the victim of this statement. His leading attorney would be a millstone around his neck." This is precisely the decision at which dispassionate observers have arrived concerning the intervention of the Communists and their attorneys in the Scottsboro cases. It is refreshing to find a judge with sufficient regard for justice to act firmly in line with it.

Scottsboro, Ala., Sentinel
April 13, 1933

What constitutes a great lawyer? Last Sunday afternoon I was at the Southern station in Scottsboro when New York bound train No. 36 came through. As the observation car passed the station we saw sitting out on the back platform the "great" Liebowitz with several ofhisNew York reporter friends. The instant he saw the name of the station and the crowd he grabbed his nose and held it like he was in the midst of an offensive odor and with the other hand waved disgust at the town and people until the train got out of sight! If this is "the new Lincoln" old Honest Abe should do some grave turning.

• • • •

I saw a rick-rack in action the other day—I had almost forgotten how they worked. Both the rick-rack and yo-yos remind me of some present day checks—always coming back again and again until you just get tired and "lettem be."

• • • •

Charley Wann and Dal Starkey left Friday for a "fishing" trip to Sunny Florida and Dal got hooked, all right. A write up in a Florida paper said a reporter interviewing Dal, asked him if Charley was his "best man." Dal replied, "Naw, not by a helluva sight, but he's the best one I've got along with me right now." Charley said Dal trembled so during the ceremony that the preacher said, "Be still, Geletin, before you get me to shimmying, too!"

Fishing is now the vogue here with the average running about three wettings and two quarts to the trip.

~~[illegible]gham. Ala. [illegible]~~
April 16, 1933

THE DECATUR VERDICT

National attention was inevitably fixed upon the second trial of the Negroes convicted of murder in the first so-called "Scottsboro case." That conviction was set aside and a new trial ordered by the Supreme Court of the United States. Its reasons were that local prejudice was so violent and inflamed, and so pronounced even in the criminal proceedings against the accused men, that they did not have a fair trial. Now at Decatur a verdict of guilty, carrying with it a death sentence, has been found in the case of one of the Negroes, tried separately. This result comes as a surprise and a shock to those who had followed the evidence given in court. The case had become of such national importance that The Times sent a competent and trusted and impartial member of its staff to furnish full reports of the trial. These have told their own story from day to day.

The presiding judge bore himself with impartiality, and was evidently anxious to make Alabama justice worthy of the name. His rulings, so far as can be determined at this distance, were correct. His charge to the jury was filled with strong protests against anything like mob law or the spirit of lynchings, and of warnings to disregard everything but the evidence in the case. Whether the jury was swayed as much as it should have been by his injunctions to give no weight to the fiery denunciations and appeals to race hatred by the prosecution, it is impossible to say. Although Judge Horton took the strongest ground against anything like intimidation or threats of violence on the part of the people of the vicinage, it was all too plain that the trial was conducted in an atmosphere intensely prejudiced against the accused Negro. The jurymen deliberated a long time over the tangled evidence and the manifest untrustworthiness of the chief witnesses, both for the prosecution and the defense. But the final verdict was "Guilty," and it is now difficult to see how an appeal could lie to the Supreme Court again, or to any higher power except the governor. He might see fit, in view of all the circumstances, to commute the death sentence into a term of imprisonment.—New York Times.

Chattanooga, Tenn. Times
April 15, 1933

LIEBOWITZ SEIZES COAT AND FLEES.

Samuel Liebowitz, chief counsel for the defense in the Scottsboro case, addressed a Negro audience in a Harlem church last Thursday, stirring the crowd to frenzied enthusiasm. Speaking in a voice trembling with emotion, he uttered wild, inflammatory statements.

In the end, the crowd got out of control. "Liebowitz, amazed at the demonstration," reports the Associated Press, "seized his coat and fled from the platform." In this incident there was a lesson, not only for Liebowitz, but also for all the other agitators connected with the Scottsboro case.

For an able analysis of the motives and methods of the defense in this case, readers are referred to the Chicago Tribune editorial, "A Fraud Exposed," reprinted on this page. It should put both the whites and the Negroes in the South on their guard.

Dothan, Ala. Eagle
April 15, 1933

AMERICA TO THE WORLD

Judge Horton of Alabama may be said to belong to the oldest American stock, being descended from those who ventured beyond the mountains instead of clinging to the seaboard. An ancestor of his, he said, was "the first that came down that country." It could be wished that in a passage of his charge to the jury he spoke for All America to the world.

"We are a white race and a Negro race here together—we are here to live together—our interests are together. The world at this time and in many lands is showing intolerance and showing hate. It seems sometimes that love has almost deserted the human bosom. It seems that hate has taken its place. It is only for a time, gentlemen, because the great things in life, no matter what they are, it is God's great principles, matters of eternal right, that alone live. Wrong dies and truth forever lasts, and we should have faith in that."—New York Times.

[illegible] Ala. [illegible]
April 16, 1933

Press Comment On The Scottsboro Case

The News-Age-Herald reprints on this page the editorial comments of a large number of papers on the so-called Scottsboro case. The comments are from representative newspapers, both of the North and of the South, and therefore may be regarded as presenting a cross-section of national opinion on the case. They are reprinted as a matter of public information.

Luverne, Ala., Journal
April 12, 1933

Newspapers without backbone argue both sides of public questions like the Scottsboro negro cases, when the state is being slandered—policy, pussy-footers. The Press of Alabama should take a firm stand against outside interference with our courts. If the nine negroes are guilty as charged, they should be given the death sentence, and if they are innocent, they should be acquitted. The court and the jury are the sole arbiters of cases tried in our courts, where the guilt or innocence of parties are to be determined. The slanderous remarks of the imported Leibokinskey of Ne wYork will not do the colored race any good in Alabama, neither will it elevate the Jews in the estimation of the citizens of Alabama. He intimates that he will withdraw from the case, which we think is a wise decision. The effort to browbeat and bull dose the courts and officials of this state, should be resented by every loyal citizen, and every patriotic newspaper in the state should take a firm stand against outside influence of foreign born, disloyal elements in their efforts to coerce and intimidate our courts and public officers. This paper is for Alabama and her citizens of all races, and when one is brought into court charged with aheinous crime, as is the case of these Scottsboro negroes, we want them to have a fair trial, and we believe that they will get it in the Decatur Circuit court. The judge has certainly been patient and has given the defense ample time to present his case. The trial of these cases will almost bankrupt ackson county, which has to pay the expenses of these trials. The newspapers of he state should let the world know that our ourts try cases from the law and evidence, nd not by outside newspapers and telegrams rom non-American and irresponsible labor arties who are disloyal to the American overnment.

Carrollton, Ala., Herald
April 18, 1933

UNFORTUNATE AFFAIR

The unmanly remarks made by Samuel S Leibowitz, special counsel for Haywood Patterson, one of the nine negroes charged with assault two years ago on two white women on board a freight train near Scottsboro, Ala., when the jury trying Patterson's case made its report, is nothing more than what might be expected from the name he bears, and the type of people he represents. The verdict was declared to be "an act of bigots spitting on the tomb of the immortal Abraham Lincoln." He had the audacity to demand that Attorney General Thomas E. Knight address a negro witness as "Mr. Jones." Even his client smiled at such an uncalled for remark. His manner of conducting the case was unbecoming in a gentleman, and before the case ended and he returned to his radical and Red clientele of aliens, negroes and wops, the people of Alabama and the South had decided he was not a gentleman.

If these negroes are guilty, and from the evidence and the verdict of the jury, they are, no power on earth should or could save them from paying the penalty meted out to them by an Alabama jury; not all the Leibowitzs and sons-of-witzs from the back alleys of New York to the slums of Moscow could save them.

If they are not guilty, they should be acquitted, and we believe would be, at the hands of an Alabama jury. Had this crime been committed in New York, and they had been tried and convicted in the New York courts, not one word of criticism would have gone up from any man, white or black, in the south.

We would have no criticism of the courts, attorneys or juries were every man of them acquitted. We know that Alabama courts are fair, that Alabama juries are honest, and that any man, regardless of race or color, can get an impartial trial in any county of the state. If an Alabama jury says they are guilty, let them pay the penalty of the law.

BIRMINGHAM ALA. POST
APRIL 6, 1933

A Warning Well Put

Judge James E. Horton's prompt and pointed warning in answer to rumored threats of violence to defendants and their counsel in the "Scottsboro case" at Decatur was well put. That it was appreciated by most Alabamians cannot be doubted.

So far as we are able to learn there is no basis for real concern over the reports.

The nine negroes on trial for their lives are entitled to and must have a fair and impartial hearing. "If guilty," to use the words of the judge, "they must be punished. If they are innocent they must be freed."

That is for judge and jury to decide.

In the meantime loose and irresponsible talk suggesting any other alternative should neither be indulged in nor tolerated. Certainly it strikes no note of sympathy in the minds of reasonable citizens.

[illegible]ngham, Ala. [illegible]
April 14, 1933

A Hardship On Jackson County

One aspect of the so-called Scottsboro case which most Alabamians have probably thought little of is the cost of the trials. In Jackson County, however, the matter is one of real concern.

The Scottsboro Progressive Age says:

"One of the sad and deplorable features so far as Jackson County is concerned is the terrible cost the Negro trial is inflicting upon our county. Our county has already borne the cost of one trial and is now having to bear the cost of the one at Decatur. The cost of taking witnesses to Decatur is enormous. Some of the witnesses will cost the county $20 to $25 each. We have to pay the jurymen and all the cost of the trial except possibly the state pays for the National Guard. It comes at a time when our county needs every dollar it can possibly get and we are the sufferers. The state ought to help us."

The people of Jackson County are deserving of sympathy with respect to this problem, just as they have deserved it in other respects. It seems all the harder on them by virtue of the fact that none of the principals in the case were residents of Jackson County. What can be done about the matter of expense this paper does not know. But if anything can properly be done to relieve Jackson County, it should be done.

Centre, Ala., News
April 14, 1933

As to the Scottsboro case: Those "white" girls should have been given a good lambasting with lusty hurrah poles and charged (by Law) that if they were ever again caught in the "society" of any other race than their own, the dose would be doubled and they would be deported to bedlam—Lower Calfornia. The negroes should be sent to the penitentiary for life. and close a dirty chapter.

Lynchings-1933
&
Legal Punishment for Rape

Alabama

Columbia, S. C. Record
April 14, 1933

A TRIAL IN ALABAMA.

It is impossible at this distance of course to sit in judgment of the Alabama verdict which if upheld will send the first of the Scottsboro negroes to be retried to the electric chair.

And it is also impossible to avoid the feeling that somehow the verdict doesn't exactly jibe with the testimony, that there are reasonable doubts that be avoided although none of them seem to have suggested themselves to the minds of the jurors at Decatur.

It may be even that the Scottsboro negroes are innocent as Samuel S. Leibowitz, their New York defense attorney believes and it is possible therefore that race prejudice and the mob spirit, of which there were manifestations during the trial entered into the jurors' decision.

But if so some of the blame for it must lie in the fact that the case was made a cause celebre. The defense was so conducted—and by this is meant more than the conduct of the trial itself—as to arouse prejudices. The defendants have a way of being the victims in cases made over into international and intersectional controversies.

And the Scottsboro case has been transmogrifed by the activities of radicals in defense of the negroes into a crusade for many things besides justice for the nine accused. The mother of one of the defendants toured Europe in an attempt to arouse sympathy for the then condemned though obviously it was no concern of Europe's and Europe could do nothing about it. The Communists have made no secret of the fact that they have attempted to capitalize on the notoriety created by the Scottsboro case to recruit members among the negroes of the South and by so doing they have jeopardized the lives of the negroes they were supposed to be aiding. And so doing, of course, they showed a lack of understanding of both the Southern negroes and the Southern whites. They aroused the animosity of Alabama without even the hope of gain from their own point of view. The Southern negro is not the material from which Communists are made.

And so the first case to be retried ends, not unexpectedly perhaps, in another verdict of guilty, from which another appeal may be taken—the supreme court of the United States reversed the original conviction. To Alabama's credit Judge James E. Horton, presiding for the trial, seems to have acquitted himself in such a fashion as to win the commendation of both state and defense counsel. It isn't another case of a prejudiced judge as has been the case in a Massachusetts trial. But cases are finally determined by the jurors, not the judges, and the prejudices of the ordinary juror in Alabama as well as New York may play a greater part in verdicts than they should. This fact the defense seems to have ignored and such appeals to prejudice as it has made has been to the prejudices of New York, not Alabama. It hasn't apparently learned anything from the trial just completed.

The statement of Mr. Leibowitz, issued after the announcement of the first verdict, was, whatever the provocation—and it must be conceded that there was provocation enough perhaps—injudicious, if nothing more.

"This verdict is an act of bigots, spitting on the tomb of the immortal Abraham Lincoln," he said.

This, although Alabama might in its own pride and self interest wisely choose to overlook the attorney's display of intemperance, will not tend to allay prejudice as does the more temperate declaration of George W. Chamlee, of Chattanooga, the one Southern member of the defense staff:

"I still have an abiding faith in the good citizens of Alabama and I am coming back for another trial."

There are six other defendants to be tried and if they are to be accorded justice the "good citizens" of Alabama must see to it that they get it. New York cannot. . . But then if the case had been left entirely in Alabama's hands the negroes would have been dead before now.

It ought to be possible to find the middle ground in such cases. There ought to be a way of placing the emphasis on the cause of justice first and on the opportunities for propaganda second. In the last analysis both Alabama's and New York's primary concern in the case must be in seeing that essential justice is done. Both stand to lose in the long run by anything else.

Charlotte, N. C. Observer
April 13, 1933

But Which Mob?

To the Editor of The Observer:

I have long been a reader of your great paper, and I enjoy it no matter where found whether in a great city or the smallest hamlet However, your comment in today's issue on the Scottsboro, Alabama, case is by far the loosest piece of journalism that has ever appeared in your great paper.

When the Wold's greatest criminal lawyer, Clarence Darrow, was asked to assist the defense in that case he said that he did not propose to appear for a defense that was championed by a mob.

The Supreme Court of the United States set aside the verdicts in the first trials, not because the rulings of the trial judge were erroneous, but for the fact that the trial judge had his court protected by State troopers, which has been done many times in our own State. If he had not taken that precaution and a bunch of lynchers had taken those defendants out and destroyed their lives, then the world would have condemned us and very properly so.

Now, in February of this year one of the State's witnesses suddenly disappeared and did not show up until the State had rested its case against the defendant Patterson. She then refuted her testimony given in the former trials.

It is said that she is a very poor woman and was dressed in overalls at the time of the alleged crime, but, when she came from New York City to testify in this last trial she was superbly dressed. With all fairness, and honesty, how came all of that? Is it not strange indeed to think that this girl who had perjured herself in the first trials had to go to New York to find a preacher to whom she could tell her woes? Is she not as poor today in this hour of depression and want as she was at the time of the crime? Did she have to beat her way from New York to Decatur, Alabama, last week in order to testify, and if so how did she preserve her fine clothes? Did not Mr. Fosdick tell her the name of the minister in Birmingham for her to consult? How did Fosdick know to tell her to appear unto this particular minister?

How did Mr. Fosdick communicate with that particular preacher? It is admitted that these people were poor women, and being so why did not the poor soul go to one of the poor preachers of Alabama of her own position of wealth instead of going before the minister of the finest church in America?

Though these women were of the underworld, does The Observer mean to say that they are not worthy of the protection of the laws of the land? Is it any wonder that our society has broken down when mobs are taking charge of our courts? Great Britain has been standing at the throat of Russia and has threatened to boycott her if she insisted trying a number of British subjects now in Russia who are charged with sabotage. However, today's Observer carries a report that all the defendants had confessed to the charges except one. Now, just think of a great nation threatening dire things to a nation that is trying to correct and reduce crime.

In developing this little letter I have been so mild and temperate that I hardly recognize myself, and I hope that you will see fit, in justice to our great sister State, to print it.

Taylorsville. V. G. BECKHANK.

Huntsville, Ala., Times
April 12, 1933

Just As Expected

The retrial of the first of the "Scottsboro cases" is over, and the result is just as was expected, despite the fact that one of the state's witnesses, Ruby Bates, recanted and told a tale that was just the opposite of that which she did at the first trial.

The accused negro boy was given a fair trial, as free from excitement and prejudice and bias as was possible in the State of Alabama.

The result would have been no different, if the case had been tried at Birmingham, or any other county seat in the state.

Now that the case has been decided in the lower court, the International Labor Defense, the Communists and the other "red" elements of the country have launched their campaign to prejudice Alabama in the eyes of the nation and of the world. There is no limit, either of falsehood or dirty work, to which they will not stoop in their fanatical zeal.

There is no reason to be bothered or excited, however. It is a time for us to keep our heads, and refuse to be drawn into controversy with these extremists.

The higher courts, in due time, will hear and dispose of the test case, in a spirit of justice, we believe, and of cool, calm reason.

4218

Chattanooga News

April 15, 1933

The Scottsboro Case.

Editor The News:

I note your fine editorial of recent date under the caption "Intolerance at Decatur." I heartily agree with you, in general, on your good and faithful fight versus intolerance wherever it is found to curse the human family.

And going further into the merits of the trial at Decatur, which is apparently attracting much attention from the public at large, I am tempted to venture the assertion that the vile propaganda and misrepresentative carried on by outsiders is working unquestionable harm to the cause of harmony and good will between the races. And any campaign promulgated and pursued with aims and ends of this sort is radically wrong in principle and dangerous in application.

Leaving the race issue entirely out of this most unfortunate affair, the orderly trial of these nine Negroes for a particularly aggravated offense against society is only the legal procedure of the law enforcement arm of a sovereign state to protect its citizens against violence, be that violence committed by members of either the white or black race. The criminal code of the state of Alabama draws no color line in dealing with criminals. The state's prisons are filled with both whites and blacks who have been convicted of infractions of the law.

The "Scottsboro case" should have had its conclusion nearly two years ago. The long delay in final disposition of this case has been made possible in part by organized "red" and Communistic influences originating in communities far removed from the soil on which the crime was committed.

At the first trial of these nine Negroes the defendants were found guilty by sworn testimony practically unanimous in effect. The girl victims, together with their companions, were adequately corroborated by a disinterested farmer who claimed to have witnessed the attack. Then the question of guilt was further strengthened by the defendants, who, according to published reports from Scottsboro during the trial, each accused all the other Negroes of the assault. There seemed to be no defense, in fact, for the boys. The jury in the case could not have done otherwise than convict under the proof. These facts will not be forgotten by the public.

After two years of prapaganda plied in certain communities both in the United States and Europe, seemingly in the interest of collecting money from the unwary and the spread of Communism and race hatred, the accused boys must again face a tedious trial at much expense to the good people and taxpayers of a great state the citizens of which have no superiors in the nation in their zeal for law enforcement.

The people of Alabama, and particularly Jackson county and Scottsboro, have shown considerable patience in the face of unwarranted abuse and defamation at the hands of the meddlesome in different parts of the world growing out of this case.

And the "kidnaping" of Ruby Bates, her temporary residence in New York city, her sudden prosperity and her conflicting testimony before the courts remains unexplained.

W. D. B. CHAMBERS.

Chattanooga, April 12.

~~Montgomery~~, Ala. ~~Advertiser~~

April 12, 1933

TELLING NEW YORK ABOUT THE DECATUR TRIAL

Unhappily the brilliant and able representative of the great New York Times, known to be a conscientious newspaper, seems out of patience with justice in Alabama. But what is more unfortunate, The Times reporter has allowed personal feeling to creep into some of his news stories.

In a resume of the conviction of Heywood Patterson for rape, Mr. F. Raymond Daniell, concludes his account of the trial in this fashion:

> Witnesses were called to prove the contention that qualified Negroes were barred from jury service in violation of the Fourteenth Amendment to the Federal Constitution, through maladministration of a statute the constitutionality of which has been upheld by the United States Supreme Court.
>
> **These onslaughts, unsuccessful though they were, helped to crystalize sentiment against the defense, already handicapped by the fact that its clients were Negroes accused of a heinous crime against white women. It was known that the Communists were organizing Negroes and using the Scottsboro case for that purpose.**
>
> The word went abroad that the case was being used as a wedge toward effecting social equality for the Negro in the South, and no amount of argument from Mr. Leibowitz, who disclaimed the role of reformer and crusader, could counteract that belief.
>
> At the trial, Ruby Bates, who two years ago testified that she had been attacked on the freight train as well as Victoria Price, repudiated her former testimony and charged the Price woman with "framing" the Negroes.
>
> Lester Carter, one of the white hoboes thrown off the train, rounded up by deputy sheriffs and held in the Scottsboro jail until the first trials of the Negroes were concluded, corroborated her.
>
> The white hoboes never were called to testify by the State.
>
> **The jury, however, chose to believe the Price woman who stuck to the main part of her story, although uncontradicted evidence was presented to show that she did not tell the truth about her activities in Chattanooga.**
>
> **Members of the jury admitted that they did not consider the testimony of the Bates girl, who was produced by the defense dramatically after a month's absence from her home in Huntsville. They refused to discuss that phase of the case.**
>
> **Much was made by the State of the fact that Carter and the Bates girl appeared in court in comparatively stylish raiment purchased in New York City.**

The above paragraphs imply that Mr Daniell believes Heywood Patterson was sentenced to death by a jury of 12 Alabamians who systematically disregarded all testimony which would tend to prove the Negro's innocence. And that they weighed with the evidence in the case a prejudice against Communists.

Now Mr. Daniell, it must be remembered is writing for readers who are not familiar with customs or court procedure in Alabama. And for that matter it is quite proper that he lay special stress on phases that are taken for granted by Alabamians.

When he writes that the members of the jury "admitted" they did not consider testimony of the Bates girl, he subtly infers that the jury should have considered the testimony. He makes himself questioner and judge of what testimony the jury should have believed.

The jury "admitted" nothing.

The jury simply affirmed by its adoption that it did not consider the girl's testimony, which after all, was for the jury to decide.

Mr. Daniell in his dispatch referred to the jury as "the 12 good men tried and true." His quotation marks hint that the jury might not have been altogether that.

This is aspersive of Alabama justice, not because The Times representative wishes to be unfair to the State, but because he has in some manner allowed his own feeling to creep into his account of the criminal trial.

We take exception to it because The New York Times is a reliable newspaper. People believe what The Times prints because The Times prides itself in printing the truth.

Mr. Daniell is a reliable man or The Times would not have sent him to Alabama to cover the trial. Doubless he is jealous of his professional honor and would be sensitive to charges that he would dispatch anything other than the truth as he finds it to his paper.

But the correspondent's good intentions and his paper's reputation for printing only what it believes to be true have made Mr. Daniell's biased account even more unjust to Alabama and its people, because New York readers have learned to depend on The Times for unbiased reports.

NEW YORK CITY HERALD-TRI

APRIL 18, 1933

Scottsboro Points

To the New York Herald Tribune:

This is in answer to the letter by Welbourn Kelley, in which that "Native of Alabama" attempts to vindicate his much maligned state. The theme of that article was that Alabama would have meted out justice, in her leisurely way, had not the Communists stepped in and created a bitter anti-radical prejudice which swayed the Scottsboro case jury to rendering the "guilty" verdict. This, as any one who has followed developments knows, is becoming a familiar and popular opinion.

To prove his contention, Mr. Kelley lists the following points:

1. Upon their apprehension, the Negroes were taken to jail for trial, although there existed "a complete setting for a lynching." This, says Mr. Kelley, is to the "undying credit" of the people of Alabama.

2. The National Association for the Advancement of Colored People, "a liberal body which has used the services of such brilliant attorneys as Clarence Darrow," was never given a chance to defend the Negroes. "There is little doubt, with their Negro clients already given the benefit of the doubt by the armed posse, they would have brought their case to a successful conclusion."

3. The Communists, "their eyes wide with lust for hate-inspired publicity," having persuaded the illiterate defendants to put the case in their hands, created a world-wide protest campaign which left Alabama dazed and antagonistic. The jury, says Mr. Kelley handed down the verdict against this campaign, rather than on the question of the guilt or innocence of the Negro boys.

• • •

In reply:

1. Mr. Kelley should be informed that, upon their arrests, the Negroes were charged, not with rape, but with vagrancy, for the girls, curiously, did not remember having been attacked until after they had spent a night in jail. This, then, was "the complete setting for a lynching": the discovery of nine Negroes who had dared to ride on the same freight train with two white girls. And, undoubtedly, there would have been a lynching had not calmer minds foreseen that the same result could be accomplished more respectably and, incidentally, more profitably, if it were done through the medium of the courts. (The day of the trial was a gala business event in Scottsboro, "Horse-Swapping Day." People swarmed into town to see the fun. They had a brass band out playing "Hail, Hail, the Gang's All Here," and "There'll Be a Hot Time in the Old Town Tonight," as each verdict of "guilty" reached the streets.)

If it should be to the "undying credit" of the people of Alabama that nine Negroes, arrested for vagrancy, were not lynched on the spot, we are led to wonder what is the usual course of events in similar cases in the Sunny South.

• • •

2. "There is little doubt, with their Negro clients already given the benefit of the doubt by an armed posse, they (the N. A. A. C. P.) would have brought their case to a successful conclusion." Did Mr. Kelley never hear of the first trial? There was a first trial, before the International Labor Defense or the Communists had even entered the case. Eight of the Negroes were sentenced to death, and the youngest, thirteen years old, was given life imprisonment. Where was Alabama justice and the "benefit of the doubt" then? Where was the National Association for the Advancement of Colored People then? That organization has bitterly attacked the International Labor Defense at every turn, and has refused to join United Front Scottsboro Defense, initiated by the former organization.

3. Can there be any doubt, in the face of the facts previously stated, that the nine boys would have been executed long ago had it not been for the intervention of the International Labor Defense and the Communists? They have been conducting the defense on the theory that only by turning the spotlight of world-wide interest and protest on the little court in Alabama can those boys ever have a chance. The fact that the boys are still alive, and the fact that the protest is growing more powerful daily, proves the veracity of their contention.

Can any one now doubt that the boys have today a fighting chance for their lives? And can any one now doubt that it is due solely to the steady activity of the "left" organizations during the last two years that they now have that chance?

JOSEPH STONE.

New York, April 14, 1933

Lynchings-1933
Legal Punishment for Rape.

Alabama

4219

Scottsboro Verdict as Heinous as The Dred Scott Verdict

Afro-American

Aroused Consciousness of Nation Wiped Out the Supreme Court's Ruling in Famous Slave Case. Public Opinion Will Also Reverse the Scottsboro Judge and Jury.

By KELLY MILLER

Kelly Miller

The Dred Scott decision made judicial and legal history. An unknown Negro slave gave name to an epoch-making event. The case is noted for the legal principles involved but for its far wider political and social significance. Chief Justice Hughes has recently gone to great pains to vindicate the honesty and sincerity of the justices who upheld that infamous decision. It was not a question of the honesty of the judges, but of the decision.

Judges are human beings subject to the same prejudices, predilections and prepossessions as other mortals. No one would care to question the honesty of the seven Democratic justices and Senators who voted for Tilden on the electoral commission any more than he would venture to doubt the integrity of the eight Republicans who voted for Hayes. Each side, Republicans and Democrats, shaped their judicial decision in harmony with their preconceived political convictions.

Afro-American

As long as judges and jurors are mortals, their decisions will be tainted with the bias of tradition, prejudice and interest.

Where a case comes before a bench of judges, drilled and disciplined to impartiality, we may look for less of the inherent bias of human frailty than when it is decided by petty jurors drawn from the average citizenry whose bias and prejudice have not been chastened by culture and restrained by discipline. Where political passion runs high, judicial decisions are more than apt to be colored by partisan proclivities.

Roosevelt and the Supreme Court

When candidate Roosevelt stated in the last campaign that under Hoover the Republicans possessed the Supreme Court, he was but indulging in commonplace truism. He will see to it if opportunity comes his way that the majority of that august tribunal is shifted to the Democratic side of the fence.

In the present inflamed state of the German mind, it is not thinkable that a Jew could secure justice at the hands of a German jury. It is not necessary to question the personal integrity of a German jury against the Jew nor of an Alabama jury against the Negro. They are both the victims of racial passion.

In Alabama

In the state of Alabama, the mind of the white populace is cast in a set mold of race prejudice and proscription.

Whenever an issue arises involving racial sensibilities, the Negro has little hope of receiving abstract justice at the hands of a white jury.

The nine nameless Negro boys in the Scottsboro case were charged with a heinous crime against two white women. Whenever a Negro lays hands on a white woman, willy-nilly, the aroused community demands instant death. The word of the victim is the only evidence required.

In the present instance both of the alleged victims were proved to be of doubtful virtue while the testimony of the one flatly contradicted that of the other. But a white woman has said that a Negro had assaulted her. There was no need of further proof. Before such a jury, gathered from the common citizenry of such a community, any issue between a white woman and a Negro man, involving sex irregularities, is predecided.

Thousands of Capable Jurymen

The principle in the Scottsboro case does not hinge on the fate of these nine nameless black boys any more than the Dred Scott decision depends on the fate of Dred Scott whose name gave it celebrity. **The deep-seated principle involves the equal rights of the Negro before the law.**

The whole world has become concerned in the outcome of this case. The attorney-general of the state with refreshing frankness declares that there are no Negroes in Alabama fit to sit on the jury. There are tens of thousands of this race in that state who measure up to every requirement of citizenship except that of color. The presiding judge, who in some of his moods seemed quite fair, tacitly agreed with the attorney by not granting a mistrial because of a one-racial jury in a co-racial community.

This assertion by the attorney-general and acquiescence by the presiding judge are plainly in violation of the Fourteenth Amendment, and if sustained by the Supreme Court, **as it will not be,** would forever fix the Negro in an inferior legal status.

The fact that the militia was necessary to keep the populace in check shows plainly that any jury drawn from such an inflamed community must needs partake of the passions and prejudices of their environment.

Justice can never be allotted at the point of the bayonet.

The presiding judge allowed the opposing counsel to indulge in remarks before the jury which but served to inflame preconceived passion. Not content to play on the race issue as between white and black, he permitted belittlement of the Jew who volunteered his services in defense. Of course on demand of defense counsel, the remark was stricken from the record.

But after a remark of insinuation has registered and poisoned the minds of the jury it boots but little to erase it from the legal record.

Verdict Not Genuine

Nobody outside of the slave-holding fraternity and their sympathizers believed in the genuineness of the Dred Scott decision.

I venture to assert that few white people in Alabama, fewer in other Southern states, and none elsewhere believe that the Scottsboro verdict is a genuine and bona fide decision based upon the facts, the evidence and the law.

The verdict was based on the color rather than the crime of the culprit.

The decision in the Dred Scott case stood on the statute books till wiped out by war. The aroused conscience of the nation made the judicial decision of the Supreme Court of no effect.

Moral Indignation

It is hoped that the Court of Appeals of Alabama will negative the verdict of the Decatur jury. Failing this, it appears quite certain that the Supreme Court will declare it null and void.

Just as the quickened conscience of the nation demanded reversal of the Dred Scott verdict, just so the aroused moral indignation of mankind the world over will demand the overthrow of the Scottsboro verdict, should all other recourse fail.

SAY WITNESSES ARE TERRORIZED

SCOTTSBORO, Ala.—A campaign of terror against the Jackson County Negroes who came forward to testify that they were excluded from jury service is reported going on here.

Afro-American [illegible] 33

The campaign, led by the Jackson County Sentinel, has resulted so far in intimidation of two of these witnesses to the point of signing letters repudiating their part in the fight to save the boys. These letters signed by W. C. Crutcher, pastor of the Scottsboro church, and Mark Taylor, are published in the Jackson County Sentinel beside an editorial [illegible] all efforts to save the Scottsboro boys.

"Seventy years ago the scalawags and carpetbaggers marched into the South with Negro troops," this organ says, "and said to the white people: 'The (N)negro is your equal and you will accept him as such.'

"That was seventy years ago. Today, in 1933, the 'Reds of New York march into the South with a lawbook written purposely to humiliate a white people because of sectional hatred and again say 'The (N)negro is your equal and you will accept him as such.'"

Protest against the terrorization of those who took the witness stand for the Scottsboro defense should be sent immediately to President Roosevelt, at Washington, along with the protests against the lynch-verdict against Haywood Patterson, the demand for postponement of the other trials until his appeal is decided, and the demand for a change of venue in the other case.

The Scottsboro Defense: What It Needs and Means

[illegible] 4-22-33

THERE are but two issues at stake in the Scottsboro case which should interest a fair-minded public. Shall these boys, accused now by only one of the two women of easy virtue who over two years ago caused them to be placed in jeopardy of their lives, receive a fair trial and a just verdict based on the evidence? Shall the welfare and the status of every Negro in the United States continue to be proscribed unconstitutionally under the oppression of Alabama and the South through a twentieth century grandfather clause which operates to systematically and arbitrarily exclude colored citizens from grand and petit juries?

There are other issues, of course, but while they are potent influences obstructing essential justice they are really extraneous and should have no place in consideration of the youths' guilt or innocence and the fundamental legal questions which their trials have raised. To safeguard their elemental right for an impartial trial by a jury of their peers it is necessary that we disregard everything else but the basic matters at issue.

The public was justly moved to admiration of the able legal defense provided for the Scottsboro boys by the International Labor Defense. The attorneys for the boys were of the highest legal caliber and they left no stone unturned in their fight to save the boys. Not only this but they actually placed themselves in imminent danger of physical violence at the hands of would-be mobbists angered because the lawyers in doing their simple duty to their clients had no alternative but to expose to the eyes of the civilized world the subterfuges of the "selective" jury system of Alabama, the slim and discredited evidence against the boys, and the power of inflamed public opinion which operated against any calm weighing of the facts by the jury.

Whatever else there is to be said, it is a matter of record that had it not been for the efficient and thorough handling of the case by the I. L. D., it is altogether likely that no opening would have been left for a successful appeal to the U. S. Supreme Court. To proceed with its line of defense, based on the assumption that acquittal was very unlikely under any reasonable circumstances, the I. L. D. felt bound to attack Alabama's jury system and its traditional customs in the trial of cases involving the Negro. The exposure inevitably invited world-wide criticism of the state.

* * * *

This procedure was met by Alabama with an emotional display of class, race, religious, sectional, and political prejudice which completely charged the whole atmosphere surrounding the case with forces under which it is almost of a certainty impossible to obtain a fair trial anywhere in Alabama for the defendants.

To this difficulty the handling of the news by the great majority of the white news agencies and papers was so designed as to solidify the belief in Alabama that the boys are guilty. From the case's inception two years ago through its latest chapter, the white press is guilty of the grossest suppression, distortion, or coloring of facts and developments in the case which, if accurately and impartially presented, might have convinced Alabamans of the impressively reasonable doubt of the boys' guilt.

Under these circumstances it becomes a question of serious concern to those interested solely in securing a fair trial for the boys if it is possible for the lawyers retained by the I. L. D. to get a fair hearing in Alabama. And now we have

the ludicrous attempt of the state of Alabama to lay the blame for the existing feeling, admittedly prejudicial to even the semblance of a fair trial, at the door of the defense lawyers.

* * * *

Alabama would have the world believe that the bitterness was not stirred up by the Alabamans. But long before Mr. Leibowitz, personally and racially villified beyond human endurance, and like the rest of the civilized world which viewed the evidence for what it was worth, had scathingly denounced as bigots the jury which laughingly returned from its deliberations to declare a man had forfeited his life to the state—long before this it was patently clear that justice was improbable, that Judge Horton was in a hopeless minority among the state's representatives who tried to be fair.

The argument has been raised

that Southern lawyers would have done a better job of defending the accused Scottsboro boys. That is begging the question and pleading for a capitulation to Southern—or Alabama — antipathies. In answering that criticism of the use of "damn yankees," it is not to be forgotten (1) that a Southern white lawyer did defend the boys at their first trials, with apologies and without even a final argument to the jury, and (2) that a Southern white lawyer, Mr. Chamlee of Tennessee, is now an associate defense counsel, and that he spent half of his twenty-five minute summation in Haywood Patterson's trial offering excuses for defending the boy and boasting of his Confederate father, Southern birth, etc.

If the state of Alabama is interested in justice, it should not be interested in the race and religion of the defendants or their lawyers, nor in the section in which the defense lawyers reside.

* * * *

By the choice of themselves and their parents, the boys' defense is in the hands of the International Labor Defense. Because it is an affiliate of the Communist Party, many people have been wary of showing an interest in the boys' predicament or of contributing funds to their defense. Our differences of opinion about political creeds, however, must be secondary to the great struggle for right and truth. Racial and political philosophies can and must wait, but the Scottsboro boys cannot wait.

If the National Association for the Advancement of Colored People forced out of the case and maligned as it has been by the Communists can take that stand along with an impressive array of other organizations and individuals, surely the rest of us can join the challenge to Alabama's infamous defense of an infamous system of persecution.

* * * *

To do this requires no liquidation of program, policy, or ideals of any organization. To support the fight for justice is not necessarily support of the full Communist program, simply because the support is exercised through a Communist affiliate. The support, moreover, cannot be sporadic. It must be substantial and it must be as permanent as the existence of need which it is intended to meet.

Thousands of dollars have been spent already and thousands more will be needed to fight each of the nine cases throgh the lower and higher courts and back again through the lower courts, until the boys are acquitted or their guilt established beyond the slightest doubt. There can be no alternative for self-respecting Americans of any race or creed.

Remember! The nine Scottsboro boys need your help. Their lives depend on it. Those who wish to contribute can do so directly to the International Labor Defense, 80 East 11th St., Room 430, New York City. Funds are also being solicited by various local committees and by the N. A. A. C. P., and the American Civil Liberties Union, both of whose headquarters are also in New York City. The JOURNAL AND GUIDE will gladly receive and acknowledge defense fund contributions and forward them to the defense organization to which they are directed.

Leibowitz Still Believes Alabamians Are Biased

Advertiser 4-19-33
Montgomery Ala

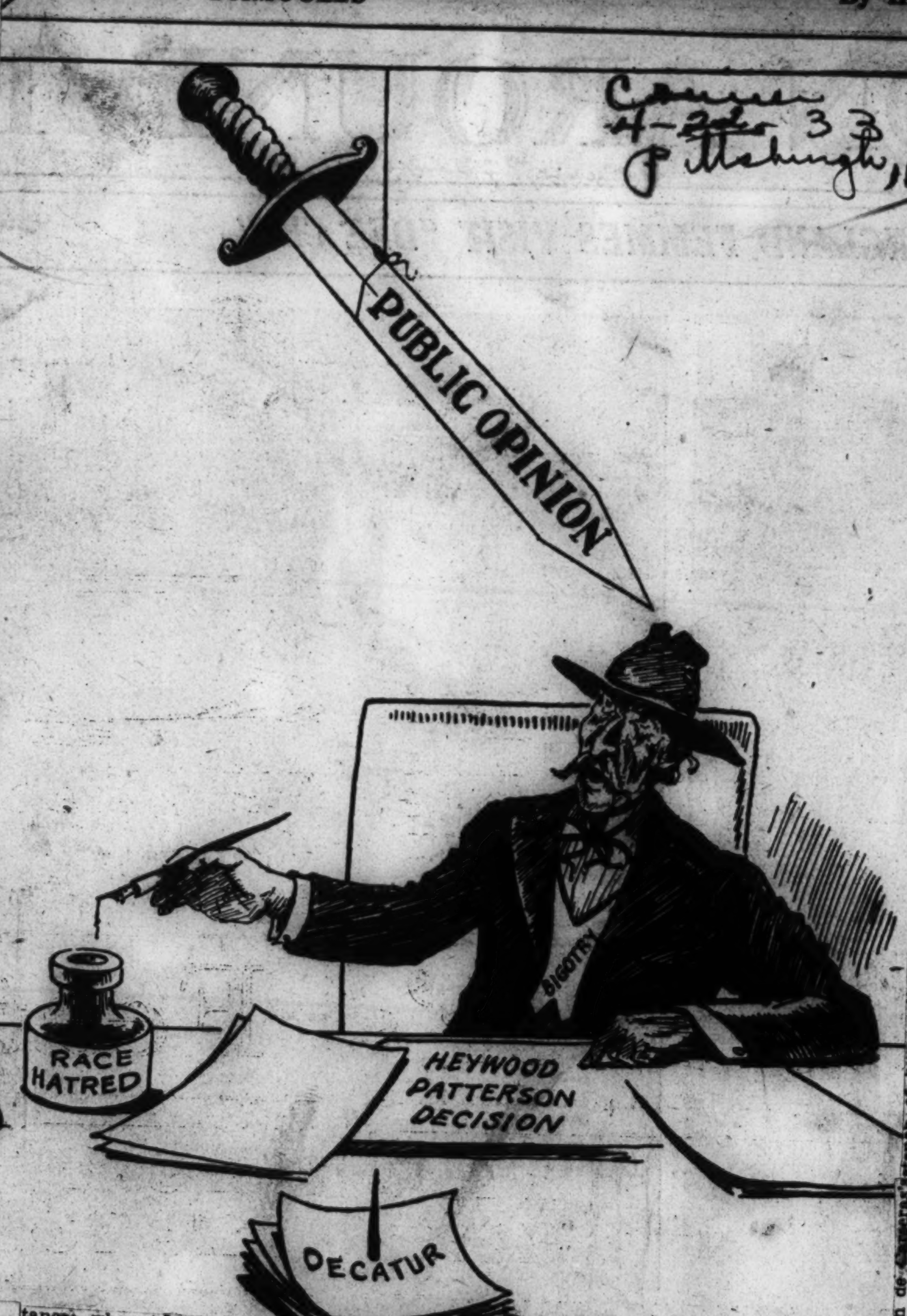
NEW YORK, April 18.—(AP)—Samuel S. Leibowitz, defense attorney in the "Scottsboro case," replied today to Judge James E. Horton's statement that his remarks made impossible "any just and impartial verdict at this time" with the assertion that "the prejudice you refer to was there long before the trials were transferred to Decatur."

His reply was made in a letter to Judge Horton at Athens, Ala., which the attorney made public here. The letter expressed the highest regard for Judge Horton himself.

Leibowitz wrote that "this prejudice was born of the hatred of the negro" and that it was intensified by six developments—the Supreme Court's reversal of the first conviction, the motion to quash the indictment and venire "because of the systematic exclusion of qualified negroes," the hawking of pamphlets at the courtroom door, the actions of the Attorney General, Solicitor Wade Wright's reference to "Jew money from New York," and the Attorney General's reference to Heywood Patterson as "that thing."

SWORD OF DAMOCLES

By Hollowa



~~Courier~~
4-22 33
Pittsburgh, Pa

HE PREFERS ALABAMA

Advertiser 4-19-33
Montgomery Ala

Editor, The Advertiser:

I do not pretend to pass judgment on the notorious Scottsboro case. Let the case be judged according to the laws of the State in which it occurred. But it seems to me that the undue outside interference is misguided, impudent, and at [illegible] it will do more harm to the negroes than good. With all these, however, I am not at present concerned. The opportunist lawyer of the negroes has made some derisive remarks regarding the people of Alabama. He has done so from a safe distance; when he had the opportunity of expressing his views of the people of Alabama in Alabama itself he put approximately one thousand miles between himself and the subjects of his highly diverting pronunciamento, before he gave to a waiting world his valuable opinions of the people of this state. Why the delay? I do not doubt, that if confronted with this fact of conveniently delayed personal judgment, he would say that he intended all the time to tell the people of Alabama what he thought of them, but somehow he forgot until he crossed Brooklyn Bridge and when he saw the men with beautiful eyes, beautiful lips, beautiful chins—chins sans tobacco juice but dripping with garlic juice—only then he remembered the bewhiskered bigots with frog's eyes.

"When I got home," says Attorney Liebowitz, "I needed a moral, mental, and physical bath."

Alas and alack! I too have lived in Brooklyn and I know whereof I am speaking. I too, have been subjected to indignities in the subways that even mules would resent.

Six millions of them in the "City of Dreadful Necessity" where, to use Ben de Casseras's simile—"A how do you do, is not the conventional, interested greeting of the State of your mind and body, but is meant as an inquiry as to the size of your bank account."

It seems to me I have the qualifications to be an impartial judge regarding the merits and demerits of Alabama and New York City, for I belong to neither. Consequently I am not biased toward either. I have lived seven years in New York, and six years in Alabama.

In retrospect, I often wonder how I escaped committing murder when a knee was put against my back and I was shoved into those atrocities known as subway trains, where the stench of human bodies in the Summer time is such that I need not go into.

Wonderful New York, enlightened center of freedom, where at the time I lived there, it had signs in the windows of some of its restaurants—"for whites only." Where it is not safe to go to extreme East or West sides without being cracked on the head. Where, one night having been arrested for the sweet vice of gambling, I was thrown into jail with 20 others. It was in this same jail that an accommodating policeman, for five dollars, let us out of our cells so that—"You boys play all you want,—when I knock at the door, put them dice away and run to your cells." Where the arresting detectives, the police captain, the bondsman, and the judge the following morning, make things "easy" for you for $125.00. Oh! Mr. Seabury, where were you when they were taking my dollars?

Such is the place to which Mr. Leibowitz has returned for his diversified baths.

I prefer Alabama. **GEORGE BARBIER**
46 South McDonough, Montgomery, Ala.

Alabama

4220

Lynchings-1933
6
Legal Punishment for Rape
6

"Let Our Negro Boys Go," Is Demand of Militant Harlem Demonstrators.

Daily Worker 4-13-33

New York, N.Y.

"I'm Not a Red, But I Love the I. L. D.," Says Speaker at One of Many Fiery Meetings Scoring Scottsboro Lynch Verdict

By JOHN ADAMS.

NEW YORK.—Hundreds of Harlem workers are pouring into the ranks of the International Labor Defense. On street corners, in pool halls and houses, workers are filling out the special Scottsboro Enrollment Card of the I. L. D.

Far from ebbing, the tide of resentment against the murderous lynch verdict in the Haywood Patterson case rises higher and higher. The workers, their wives and children mill for hours around the ever-larger number of street meetings.

A Different Army

"My friends, in the war they let sleek gentlemen in uniforms speak at the movies after each performance, to get us Negro people to join the army. Today we need to mobilize a greater army, an army for the Scottsboro boys. I am going to every theatre in Harlem and ask that they give speakers time after each performance to recruit this army. I am going to let you know if they refuse." The speaker, Turner, represents no organization but he receives the approval of 2,000 Negro workers, at a meeting on 135th St. and Seventh Ave.

On 138th St. and Lenox Ave., a meeting is going on. A white worker drops a quarter into a collection box. I ask him what he thinks of the case.

"I tell you these boys (Negro workers—J. A.) get lynched for anything at all, and the Scottsboro boys didn't do anything.

* * *

A TRUCK goes through the street broadcasting "All Out to Union Square." The broadcaster shouts: "Repeat this after me—The Scottsboro Boys Shall Not Die." I look around me. Would they respond? Yes—like one man, lips are moving, repeating the determination of the worker-broadcaster. THEY SHALL NOT DIE. Whenever the truck is stopped by traffic lights, the broadcaster makes a short speech. A crowd gathers and remains long after the truck has gone on its way.

Down in front of the Harlem Liberator office on 127th St. and Seventh Ave., a loud speaker is talking to a crowd that keeps increasing. Far into the night it keeps on with its message—calling them to Union Square, to organize in the ranks of the Scottsboro fighters, the ILD.

"This boys is innocent. I got eight children and I'm fighting for these boys like they was my own."

A subway porter in his uniform is speaking.

"I read this morning that 25.000 telegrams have been sent down there. There has not been enough done. I'm doing all I can. I collected signatures all day today. I ain't got any children and I don't want any until these boys are saved." A Negro working woman speaking. Men and women around her nod their assent. "That's right sister, we're with you."

"This is not the fight of only the Negro people. It is the fight of the whole working class. There must be unity of Negro and white toilers against their common enemy, the capitalist class. I was born in Alabama. I know what lynch rule means. Let us fight together for the Scottsboro boys with the white toilers." It is James W. Ford, Negro Communist leader and recent candidate for vice-president speaking in front of the **Amsterdam News** to a crowd of 1,500. Women follow his every word, repeating after him and saying, "Yes, yes, brother."

* * *

AT the same place Rev. Purcell, Methodist preacher from Raleigh, N. C. speaks to a constantly interrupting crowd—interrupting with cheers and shouts of approval. ". . . I **am not a Red. But brothers and sisters I love the ILD. The ILD is fighting for those boys, for my people. It has done more than the Christian church ever done for the Negro people. I know I am a preacher. I am behind the ILD. Keep on fighting, ILD. Get behind the ILD, my people."**

Dyett, young Negro assistant district attorney mounts the ladder. He says that he has been advised not to speak here because the Communists are mixed up with it. He says he speaks because the Communist Party and the ILD have saved the lives of the Scottsboro boys. He calls for unity on this issue of all Negroes at this time. The crowd cheers him.

A worker is visiting contacts given him by his union, the Laundry Workers Industrial Union. They are all Negro laundry workers. He visits five of them and tells me that they all asked the same question. "How does the union stand on Scottsboro?" They all join when he explains that this is a revolutionary union, that it has called its membership to demonstrate at Union Square. Other union comrades take note of this, Scottsboro is a shop issue as well.

* * *

WORKERS whistle from their homes to Scottsboro collectors and throw their nickels out the window. One rolls into the sewer at 135th St. and Lenox Ave. The giver, three stories up says, "Wait a minute." He gets another and this time it is picked up and put in the box.

A horse and wagon travels the streets with signs, "Negro and white—unite to free the Scottsboro boys." A Negro worker dressed in convict stripes sits in the electric chair replica in the wagon. Men and women run up to give money to the driver, for the Scottsboro boys. They are determined that the real chair—the chair, which is the lynch noose in a different form, shall not claim its innocent victims.

Wednesday morning. The weather seems to be in a conspiracy against the workers. Rain pours down with no sign of clearance. Yet at 10 a.m. hours before time for the march to Pennsylvania Station to meet Mrs. Patterson, crowds stand before the Harlem **"Liberator"** office to listen to the loud speaker. They are mobilizing to meet in Union Square. We are certain that the greatest demonstration of Negro and white workers in history will take place in spite of all difficulties. Harlem is on the march against the lynchers' verdict—**THE SCOTTSBORO BOYS SHALL NOT DIE.**

ALABAMA IN DEFEAT

Courier
Pittsburgh, Pa.
4-15-33

REGARDLESS of what Alabama may think or do, the nation and the world know that it has already suffered defeat in the Scottsboro case. With the retrial of only one of the young colored men concluded, the credibility of the prosecution witnesses has been so seriously impaired by the brilliant defense of Attorney Leibowitz that no fair-minded person any longer believes the defendants are guilty as charged.

Alabama senses her defeat. With the establishment conclusively that her system of selecting juries is grossly unfair and discriminatory, she began to feel herself slipping. Now that the clever defense has clearly demonstrated the almost farcical character of the State's case, the old mob spirit, latent at first because of confidence that the result of the second trial would be like that of the first, now begins to manifest itself. Alabama is indignant and bitter in defeat and wishes to revenge herself by using extra-legal methods of execution so beloved by the mobbocratic South. An attempt to lynch the boys has been nipped in time only by the alertness of the authorities. The Court is trying hard to be fair.

This was expected by those who know Alabama and the generally undemocratic spirit of the majority of Southern whites. It is the spirit of the coward who is anxious to toss overboard his own rules when they no longer bring the desired results. The more liberal-minded white people of the South do not condone this spirit. Indeed, they fight against it. The warning of the judge at Decatur to the rising mob was in the best tradition of American justice and fair play. But unfortunately this tradition influences only a small minority of the people of the Old South, which sees its whole system of society on trial along with the Negro defendents. The Ku Klux South is, as ever, a poor loser, unwilling to accept any verdict, though according to its own rules. It will only be prevented from wreaking its vengeance in the old familiar way by the vigilance of its armed forces. The mob is against the Court.

Meantime, the defense will only be able to continue its fine work by the liberal financial aid from Negroes and whites who love justice and have faith in our democratic institutions.

DES MOINES, IA.
REGISTER

APR 2 1933

THE LAW OF AVERAGES REPEALED HERE.

Attacking the validity of the original indictment returned against seven Negroes in the now famous Scottsboro case, a northern attorney for the defense pointed to the fact that Negroes are not permitted to serve on juries in Alabama. No Negroes have sat as members of either petit or grand juries in Alabama since the civil war.

In reply the president of the jury board which prepared the Scottsboro jury list protested that he had no way of knowing the race of every man on the lists and that he could not therefore affirm that no Negroes were listed. He could not, however, recall ever having known of a Negro juror.

Theoretically jurors' names are drawn by chance from prepared lists of voters which, in turn, are selected from poll books. Chance is defined as an accident or an event or a phenomenon which has no apparent or discoverable cause hence an event that has not been expected.

It places some strain upon faith in the mysterious workings of the laws of coincidence or chance, to be asked to believe that in nearly seven decades since the close of the civil war, the unguided hand that reaches blindly into the box containing names of those eligible for jury duty in a state with as large a Negro population as that of Alabama, should have drawn forth an absolutely unbroken list of exclusively white juries. That hardly seems to have been pure chance.

SCOTTSBORO TRIALS ARE POSTPONED; JURY TAMPERING HIT BY BRODSKY; PREPARING MARCH TO CAPITAL

4-18-33

Patterson Sentenced by Judge Horton to Die June 16; I.L.D. Appeals to State Supreme Court

Daily Worker

Brodsky in Court Room Calls for Unity of Negro People and White Toilers

New York, N.Y.

(By Our Special Correspondent)

DECATUR, Ala., April 17.—World protest against the Decatur lynch verdict echoed in the court-room here today as Judge James E. Horton granted a postponement of the trial of Charlie Weems, set for today, until the July 10 term of court.

Other developments in Decatur court today were:

1. Sentence of death was passed on Haywood Patterson, by Judge Horton, who refused to set aside the verdict.
2. Thirty days allowed to make final motion for setting aside verdict.
3. Charges that the State tampered with the Patterson jury were made by Joseph Brodsky, International Labor Defense attorney, in open court.
4. Change of venue to Birmingham will be demanded.

The postponement of the Weems trial until July 10 came as a complete surprise to the defense, and showed directly the effect of the mass pressure mobilized by the International Labor Defense, and the indignation of the masses against the lynch verdict of the Alabama ruling class against Haywood Patterson.

"Fair Trial" Impossible—Horton

Judge Horton clearly admitted that there was no possibility of a fair trial for Patterson in Decatur. He attempted, however, to save himself with the ruling class by placing the entire responsibility for the situation on Samuel S. Leibowitz, defense attorney.

Patterson was sentenced to die by electrocution in Kilby State Prison, June 16. Sentence was pronounced by Judge Horton at 9:25.

"Have you anything to say why sentence should not be pronounced?" Horton asked Patterson, who was brought into court and stood before the bench surrounded by armed soldiers.

"I Am Innocent"

"I am innocent, I did not get a fair trial," Patterson answered.

Brodsky immediately filed notice of appeal to the Supreme Court of Alabama, which automatically suspends sentence.

"Come around, Haywood, I want to impose sentence," Horton said. "In accordance with the verdict of the jury, I sentence you to die in the electric chair on June 16."

Brodsky rose and filed a preliminary motion to set aside the verdict, and for a new trial, giving twenty grounds, including: exclusion of Negroes from grand and petit juries; prejudice and terrorization of the jury and defense witnesses; prejudicial errors made in the trial; incitement to violence in the summation of Solicitor Wade Wright of Morgan County; and in general that the verdict was against the weight of evidence.

In support of his motion, Brodsky presented affidavits of counsel, newspapermen, and observers at the trial, proving definitely the charges of prejudice and threats to the lives of the boys, their witnesses, and lawyers.

Judge Horton declined to act on the motion for a new trial, stating he allowed thirty days in which to make a final motion to set aside the verdict.

Jury Was Tampered With

Following this ruling, Brodsky created a sensation in the courtroom, every foot of which, including the Jim-Crow section set aside for Negroes, was packed, by demanding that the bailiff who had custody of the Patterson jury be called. Judge Horton at first refused, demanding the reason for the request.

"I have information that the jury received and made telephone calls while deliberating on the Patterson verdict," Brodsky stated. The bailiff was called, and took a seat while the roll was called for the Weems jury.

Immediately, Attorney-General Thomas E. Knight walked over and began a conference with him, evidently seeking to frame a plausible alibi for the phone-calls. An objection to this procedure, made by Brodsky, was over-ruled by Judge Horton.

The conference was apparently fruitless, and Knight and the bailiff walked into the private witness room for further talk. Brodsky again protested, calling the attention of the court to this action, but Judge Horton refused to interfere.

Jury Gets Phone Calls

Finally called to the stand and questioned by the judge, Bailiff Britten admitted phone calls to and from jurors during deliberations. He "explained" that one was for a druggist, another for a clothes-cleaner a third for a sick wife.

Under close examination by Brodsky, however, Britten admitted he had no knowledge of what actually was said over the phone, who was called by the jurors, or who called them.

Thereupon, ominously calling the strict attention of the court, Judge Horton began the reading of a prepared statement admitting the impossibility of a fair trial for Weems, due to "prejudicial statements and sinister influences," citing specifically a purported interview with Leibowitz in the New York "Herald-Tribune," in which he characterized the jury as "bigoted, lantern-jawed morons." The judge read in open court this statement as quoted in an inflamatory reply made by Knight in Saturday's issue of the Decatur Daily.

In conclusion, Horton, though admitting the impossibility of a fair trial in Decatur, sought to place the burden of this fact on the shoulders of the defense, rather than on the white ruling class, and announced postponement of the date for the trial of Weems until the July 10th term of court.

"Responsibility on White Ruling Class"

Knight then launched into a sickening laudatory eulogy of Alabama justice.

"We are not bigots," he shouted.

"The General's speech is heroic," Brodsky answered, referring to Knight's citing of one crank letter he said he had received from New York, threatening his life. "Leibowitz' speech has nothing to do with the prejudice here. The responsibility must be placed upon the Southern ruling class and their theory of white supremacy, which is used to 'divide and rule' the Negro and white workers."

For the first time in a Southern court-room a plea was heard for the unity of black and white workers against exploiters. Misery and starvation of white workers in the South can only be abolished by their unity with Negro workers against the Southern ruling class and its theory of white supremacy, Brodsky pointed out.

Here Knight, turning purple with rage, interrupted Brodsky.

"We will not hear such statements in an Alabama courtroom!" he shouted.

Judge Horton angrily ordered Brodsky to be silent.

Definite Plans Announced by Action Committee

4-14-33

NEW YORK.—Definite plans for the march to Washington to demand the [illegible] the Scottsboro boys and constitutional rights for Negroes, as called for by the International Labor Defense and [illegible] by 2[illegible] delegates of 65 organizations at the conference called by the Scottsboro Unity Defense Committee, Sunday, were announced today by Louise Thompson, provisional secretary of the National Action Committee elected at the conference.

Daily Worker
New York, N.Y.

converge on Washington April 28,
converge on Washsington Aprli 28, from New York, Boston, Jersey City, Newark, Trenton, Philadelphia, Wilmington, Richmond, Norfolk, Baltimore, and the capital itself. Mass delegations will arrive on the same day from the South and West.

Details of the arrangements, which are being perfected in the various cities,. will be announced from day to day.

The committee, it was announced, has set up its headquarters at 119 West 135th St., New York City, where reports should be made of volunteers, supplies donated, and recruits for the march come for instruction and information.

The Action Committee, which was instructed by Sunday's conference to make the plans for the "Free the Scottsboro Boys" March to Washington, to collect and present to President Roosevelt a million signatures demanding the immediate, unconditional, and safe release of the nine Scottsboro Boys, and to present to Congress a bill to be passed at once, providing for strict enforcement of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution relative to the rights of Negroes, announced that the bill is being drafted into final form, and all arrangements under way for the signature drive and march.

"Crowd the Highways"

"Neighborhood groups are urged by the Committee to set up their own headquarters and report these to the National Scottsboro Action Committee," the statement said. "These neighborhood committees should report daily on all information, such as trucks, food, number of recruits. Organizations should select their captains carefully so that their delegates may act in a united manner, and these captains should report at once.

The Verdict

Planet
4-15-33
Richmond, Va.

Singularly prophetic were the deductions of The Richmond Planet expressed in its editorial last week regarding the verdict which would be returned by the jury in the case of the Commonwealth of Alabama against Heywood Patterson, one of the Scottsboro boys. The Planet predicted that regardless of the evidence, the mob spirit dominant in God-forsaken Alabama would dictate another massacre decree.

The Herndon verdict at Atlanta and now the Patterson verdict at Decatur proves conclusively that it is impossible for Negroes to get justice in the courts of the prejudice-ridden, intolerant Southland, and that there is no hope of civilizing its barbarous ruling class.

It was exceedingly appropriate for the verdict to have been returned on Palm Sunday, the beginning of Holy Week. A crucifixion followed that epochable Sunday twenty centuries ago in response to the clamor of the bigots of that day. Let Christian America take notice of history repeating itself. Let her also remember the fears of Thomas Jefferson expressed in the following words:

> "When I reflect that God is just, I tremble for the future of my country."

The Civil War was the first repercussion to these fears. Will the verdict at Decatur, returned on Palm Sunday, exact another blood penalty of the country in payment of her sins, the chief among which is the revolting and disgusting legal farce being enacted at Decatur.

Lynchings-1933
Legal Punishment for Rape.

4221

Alabama

THE DECATUR TRIAL.

Supreme Court Rulings in Similar Cases Are Cited.

4-14-33

To the Editor of The New York Times:

Your editorial on "The Decatur Verdict" discussed very fairly the various aspects of the trial. However, it contained the following sentence: "But the final verdict was 'guilty,' and it is now difficult to see how an appeal could lie to the Supreme Court again, or to any higher power except the Governor."

The Supreme Court of the United States has held in several cases that the systematic exclusion of Negroes from jury duty deprives a Negro tried, convicted and sentenced to death by such jury of his life without due process of law. This right was first enunciated by the Supreme Court in ex parte Virginia, 100 U. S. 339, a case in which a Virginia judge was convicted of violating a Federal statute which provided that "no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified from service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude." This statute is still in force and is now Section 44 of Title 8 of the U. S. Code Annotated.

In Strauder v. West Virginia, 100 U. S. 303, one Strauder, a Negro, was convicted of murder in West Virginia and duly sentenced to death. He appealed to the Supreme Court of the United States on the ground that by the laws of West Virginia no Negroes were eligible for jury service. The Supreme Court of the United States reversed Strauder's conviction and declared that the Fourteenth Amendment to the Constitution of the United States prohibited racial discrimination in the selection of jurors.

This case was followed by Carter v. Texas, 177 U. S. 442, where the defendant Negro, sentenced to death for murder, alleged that all Negroes were systematically excluded from the grand juries of Texas. Here again the Supreme Court of the United States unanimously reversed his conviction and held that if the defendant Negro showed proof of such systematic exclusion no conviction against him could be had by such unfairly constituted jury. The Supreme Court said (at p. 447): "Whenever by any action of a State, whether through its Legislature, through its courts, or through its executive or administrative officers, all persons of the African race are excluded solely because of their race or color, from serving as grand jurors in the criminal prosecution of a person of the African race, the equal protection of the laws is denied to him, contrary to the Fourteenth Amendment of the Constitution of the United States."

No squarer holdings or clearer precedents could be desired to show that grounds for reversal by the appellate courts exist in "the second Scottsboro case." Counsel for the defense clearly proved, from the reports issued in THE NEW YORK TIMES, that Negroes were systematically excluded from jury duty in Alabama, and this evidence will be before the Supreme Court of the United States on appeal. In fact, it is difficult to see how that court can avoid reversing the Alabama courts in this case.

WILBER STAMMLER.

New York, April 13, 1933.

THE SCOTTSBORO CASES.

Constitution
4-19-33
Atlanta, Ga

In view of the inflammatory statements made in New York by Samuel Liebowitz, New York attorney for the defense in the Scottsboro trials, the action of Judge Horton in indefinitely postponing the hearing of the remaining trials is the only wise course.

The injection of Liebowitz into the trial of the Patterson negro, and the tactics employed by him, have made matters worse instead of increasing the chances of acquittal for the seven negroes whose cases are still to be heard.

His unwise and prejudicial utterances reveal, in the opinion of the Chicago Tribune, the real motive behind the assumption of the defense of the Scottsboro cases by the Civil Liberties Union. "Only a very ingenuous observer of these proceedings could miss their intent," believes this influential northern newspaper. "Pretending to be a defense of innocent individuals from injustice and oppression and an assertion of civil guaranties, the objective aimed at was the disparagement of American courts and the American social conscience."

The Tribune points out that "the attorney brought from New York by the International Labor Defense could not have been as tactless as he has been save intentionally. The very fact that he was chosen in place of counsel known and respected in the region in which the trial was to be held was evidence of lack of good faith, of a sincere concern for the fate of the defendant. In and out of court his words and actions have appeared to an impartial observer studiously provocative of local feeling, and the inference must be that he intended not to win his case but deliberately to lose it, to make sure of a martyr for his cause and an excuse for more propaganda."

The same position is assumed by the Louisville Courier-Journal, which holds that "the attorney for the defense added fuel to the flames by a senseless and bombastic remark made when the verdict was read, accusing the jury of 'spitting on the tomb of the immortal emancipator' by judging Patterson guilty."

This outstanding southern newspaper also feels that "in the interest of justice, it would be a vast improvement if a southern lawyer could be retained for the defense of the negroes, instead of Liebowitz."

Told of the postponement, Attorney Liebowitz issued a statement in New York in which, while expressing respect for Judge Horton, he refers to "the baying pack and the wolves of bigotry."

Such statements tend to make extremely difficult the meting out of fair and impartial justice in the remaining cases should the same counsel be presented for the defense. Certainly it is to be hoped that when they are held that, for the sake of the defendants and that there may be no more cause for justifiable resentment upon the part of the people of Alabama, the defense will be represented by lawyers whose conduct will not be such as to make their task all the more difficult.

COURAGE OF MR. CHAMLEE

Age 4-22-33
New York

Some daily newspapers editorially express the opinion that the result might have been different if a Southern lawyer had been engaged to represent Haywood Patterson at Decatur, Alabama. Possibly so. But where is the Southern lawyer of prominence who possesses the moral courage to serve as chief counsel for the defense in the Scottsboro case?

Secretly and confidentially, members of the bar living in the South will voice disapproval of the Scottsboro and Decatur verdicts, but to get them to discuss the subject in public is expecting too much. It would be political suicide for any lawyer living in Alabama to appear in court and champion the cause of the nine Negro boys accused of criminally assaulting the two white girls of easy virtue.

In sections of the South where racial, religious and sectional hatreds are aflame, it is easy to win popular acclaim and political recognition by stirring the fires of bigotry and intolerance, but woe to the aspirant for public office who has the temerity to demand a square deal for all citizens regardless of the race, creed or color. The Negro has many friends in the South who want to see him fairly treated in the courts and at the polls. But they well know what a price they would have to pay for entertaining these liberal views were they to talk out loud.

There is one Southerner who has aggressively and unflinchingly championed the cause of the defendants from the time of their arrest—G. W. Chamlee, a Chattanooga, Tenn., attorney. Mr. Chamlee made an unsuccessful effort to represent the boys when they were illegally convicted at Scottsboro and he has been actively interested in the case ever since. He has been of great service in gathering evidence which discredited much of the testimony given at Decatur by Victoria Price, took the witness stand on behalf of the defendant and officiated as one of Mr. Leibowitz's associates throughout the trial. It takes pure unadulterated nerve for a Southern white man to so demean himself.

At the New York observance of Pan-American Day, John Bassett Moore, former Judge of the World Court, deplored the current era of intense Nationalism, which he said might be traced to the World War, and asserted that "the true and only foundation of peace among men is the concession to each of that which is justly his due." Continuing he said:

Perhaps in no period of history has this fundamental principle been more signally denied and more recklessly flouted than during the last twenty years. Through wars, nations have been rent asunder, and peace has been made, not in the spirit of justice, mercy or magnanimity, but in the spirit of vengeance.

Judging from the verdict in the Haywood Patterson case at Decatur, Alabama, the temper and sectional outlook of the jurors and local inhabitants can be traced to the Civil War, painfully reminded us that vengeance, not justice, mercy or magnanimity, dominates their minds and hearts. Are the people of that section sufficiently enlightened to appreciate John Bassett Moore's statement that "the true and only foundation of peace among men is the concession to each of that which is justly his due?"

4221

SCOTTSBORO AD INFINITUM

Courier 4-22-33

Pittsburgh

THE country has been fed with the Scottsboro case for several months. To recite the facts is but to insult intelligence; everybody knows the facts. The recent trial brings the whole case anew before the American public. In spite of ourselves, we find it impossible to dismiss the case as its stands. Everybody feels that something should be done to close the chapter satisfactorily and definitely.

In our opinion, the case has reached the stage of exaggeration. Everything has been exaggerated. There has been too much publicity; too much sectional recrimination; too much racial emphasis; and too much personal feeling.

At this very moment the country is confronted with a new phase of the case. One of the attorneys for the defense, Mr. Leibowitz, after leaving the South where he conducted the defense, is quoted in the public press as saying:

> *"If you ever saw those creatures: those bigots, whose mouths are slits in their faces, whose eyes pop out at you like frogs', whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they can do it."*

Mr. Leibowitz is supposed to have made this statement in answer to the query of someone as to how the jury could convict Heywood Patterson after hearing one of the white girls declare that the boys did not make the attacks as charged in the indictment. We do not know whether Mr. Leibowitz made the statement above quoted, but we say, if he did, he has disqualified himself, absolutely, and should not attempt to go back to Alabama to participate in any of the other trials. Whether Mr. Leibowitz made this statement or not, it appears that Judge Horton, when informed of the statement by Mr. Leibowitz, decided to continue the other cases indefinitely, and he is quoted as saying that "no court, regardful of its duty, could, under such baneful influences, permit the trial of this case to proceed at the present time." Judge Horton very properly continued the case because he feels that the public mind of Alabama is so stirred over the alleged statement of Mr. Leibowitz that any jury from any section of the State would convict the rest of the defendants in order to repudiate Mr. Leibowitz.

On the other hand, the prosecuting counsel, Mr. Knight, should gracefully withdraw. He should do this to allow the case to be restored to normalcy. It is said that his personal feeling in the case is born of a desire to vindicate the opinion written in the case by his own father, which opinion was reversed by the Supreme Court of the United States. There is also rumor that Mr. Knight desires to seek the governorship of the State of Alabama, and is manufacturing for himself campaign material on which to ride into office. If this be true, Mr. Knight has disqualified himself and he should gracefully withdraw.

We believe sincerely that the I. L. D., known as a wing of the Communist party, should gracefully withdraw. We believe that the N. A. A: C. P., in withdrawing from actual participation in the defense, made its biggest contribution to the possible acquittal of the boys.

When we say withdraw from the case, we mean withdraw from the actual participation in the defense. There are any number of lawyers in this country, North and South, who could go to Decatur or any other Alabama town and conduct a prosecution and a defense absolutely within the law and rules of court, without inflaming public sentiment; without insulting the judge or the jury, and, at the same time, without sacrificing a single legal right to which the defendants are entitled. Such lawyers can be found and employed, and if the I. L. D. is interested in the boys or interested in securing justice for all men in all courts, it ought to help raise money to hire such lawyers as could and would go into the case with less feeling, less glamor and bombast, and secure for the boys a fair trial in the courts. All other agencies interested in the Scottsboro case ought to assist in raising funds to defray the necessary and normal expense of securing a fair trial for those boys.

The agencies at work on both sides of the case have lost sight of the boys. The prosecution is mad because the I. L. D. and its agents long ago sent telegrams to the judges and the governor, attempting to intimidate them, browbeat them and threaten them. These telegrams and their content are known to all the people of Alabama. They resented them when they were sent and they resent them to this very day. The case was not lost at Decatur. The Scottsboro case was lost when those intimidating telegrams were sent to Alabama. The case will remain lost until some agency takes hold of the case and erases from the minds of the Alabama citizens the resentment and anger implanted by the intimidating telegrams of the I. L. D. The prosecution went into courts to defend what it considered the traditions of Alabama, the pride of Alabama, the insults to Alabama intelligence, and not to prosecute nine Negroes. The phraseology and insinuations of the prosecuting attorney at the trial are proof that he had in mind sectional traditions, and he emphasized them both by word and gesture, and the only thing he asked for in support of Alabama traditions was the lives of those nine Negroes. The man was actually mad.

On the other hand, the defense went into the case with a determination to bring Alabama to its knees. Sectional and racial prejudices were injected; irritating remarks were made, insinuations were indulged in, all to the detriment of the boys on trial. Proof of this can be found in the statements alleged to have been made by leading counsel for the defense after the case was closed. If Mr. Leibowitz has been properly quoted, it seems to us that his remarks were made deliberately for the purpose of making his return to Alabama for the other cases impossible. He either employs a ruse to get out of the case or, by his words, he establishes himself a bigot.

Courier

As the case now stands, it represents an array of section against section, race against race, exploitation against exploitation. Before the boys can hope for a fair trial, the case must be reduced to normalcy; the parties interested in the prosecution should be substituted by others whose minds are less inflamed. The agencies exploiting the defense should withdraw and permit a sane and calm counsel to take its place at the table. The judge was more than fair, and we venture the assertion that it would be the triumph of his judicial career to see those cases disposed of in his State, and in his court, in a way satisfactory to the fair-minded people of America. Until the picture is changed, until the parties interested are substituted by others less inflamed, the Scottsboro case may go on ad infinitum.

Pittsburgh

Pa.

SCOTTSBORO IN PENNSYLVANIA

Tribune

4-[illegible]-33

Philadelphia, Pa.

THE Pennsylvania House of Representatives by a unanimous vote passed the Wasserman Equal Rights Bill as amended by Representative Harris. The House proved by this action that its members believe in the Constitution of the United States and justice for all citizens of every race.

The Bill has gone to the State Senate. It is remembered that the Fuller Equal Rights Bill was emasculated in the Senate and then vetoed by that "great believer in human rights" Gifford Pinchot.

The Senate should pass the Bill and Pinchot must sign it if he is what he proclaims himself to be.

The senators should be "put on the spot" along with Governor Pinchot. Anyone who refuses to vote for the bill goes on record as being opposed to equal rights for the Negro citizens of Pennsylvania. He says by his actions that he believes that colored citizens should be segregated and discriminated against.

Those who oppose equal rights legislation do not support the Constitution of the United States. They are not one bit better than the Scottsboro jury which sent eight innocent boys to the electric chair. They beliece in a dauble standard for colored citizens.

Several States have gotten out of the Scottsboro class. It is sincerely desired that Pennsylvania, the cradle of liberty, will at the present session of the State Legislature go on record as the exponent of human justice for all citizens of every class and race.

MR. LIEBOWITZ SHOULD DO BETTER

Advertiser

4-12-33

Montgomery

Ala.

Mr. Leibowitz will resume his stumping campaign at Decatur today, and we are sorry. We wish he could be content to be a good lawyer interested only in the welfare of his client. A good lawyer trying a difficult case in which he has his heart presents a spectacle worth going out of one's way to see. But a good lawyer turned crusader for irrelevant causes at an inopportune moment saddens one who is interested in human justice.

Mr. Liebowitz has been very abusive and obnoxious. Indeed it is surprising that a lawyer of his reputation for resourcefulness and skill in the trial of criminal cases should persist in cultivating the ill will of the people from among whom he must select his juries.

We stick to our original thesis—Mr. Liebowitz, famous criminal lawyer though he is, handled the trial of Heywood Patterson stupidly. We trust his next client at Decatur will get better service.

Lynchings - 1933
Legal Punishment for Rape

Alabama

4222

Daily Worker

"Roused in Sorrow and United in Anger"

Harlem Seethes With Resentment at the Lynch Verdict Against Patterson

By JOHN ADAMS

4-11-33

NEW YORK.—A people aroused in their sorrow and united in their anger. This was Harlem on Sunday, the day the lynch verdict from Decatur was announced.

A solitary tree stands outside the Amsterdam News at 135th St. and Seventh Ave. On it are posted the I.L.D. Bulletins, the challenge of Alabama's rulers to the Negro and white workers—"HAYWOOD PATTERSON GUILTY."

A woman stops and looks at it. On her coat is framed a cross of palms. (It was Palm Sunday.) Tears come into her eyes and she stops the first person she [illegible],

"That ain't true. Those boys didn't do anything." A greyheaded Negro worker puts his arm around her shoulder—"That's true, sister."

"I'll Go to Washington."

A petition is put up outside the office of the News. Hundreds crowd around, fighting to sign it. A woman gets tired of waiting and goes into the office. "Give me as many of those as I can carry. I'll get them signed." She goes out into the street, calling out for signers. A man signs and says: "I'll go to Washington or Scottsboro when they say the word, right now." Some of her friends and neighbors come along. She sends them after petitions. Soon the avenue is dark with people. Women and men are soliciting signatures on every street corner.

A chair is brought out into the street. A greyhaired man mounts it. He opens the meeting "where all who wish can have their say against the murder of our boys." He speaks and tells the story of Scottsboro as he knows it. He admits it is incomplete.

"Brothers and sisters, I saw hundreds of people marching in Harlem yesterday for these boys. Today I say to myself, why wasn't I there? Why weren't you there?

"I'm going to introduce a lady whom I don't know. No matter what the color of her skin may be and because she is here, she has the right to speak to us. She has asked for this privilege."

"That's the Labor Defense."

Belle Taub represents the International Labor Defense. She reads letters from white and Negro workers enclosing contributions to the Scottsboro defense. She explains the case as a fight of all workers. She appeals for them to fight harder.

"That's the Labor Defense. That's the people who fought for the boys. She's right." Buzz of comments such as this from the crowd. Women with palms in their coats are crying. Men are cursing.

"We'll be there," hundreds of voices answer when she announces the demonstration in Union Square for this Wednesday at 6 p.m.

The chairman gets back. He says: "I thought this was the case of our race, but it don't take a mule kick to wake me up. This is a case for all who are hungry against those who make them hungry."

"Don't you call me friend," says a Negro woman to a Negro cop who tells her to move in closer to the curb.

Speakers from the Communist Party, Garvey movement, preachers I. L. D., all mount each others' stands. The Negro people of Harlem want to hear the way to save the Scottsboro boys. This is their concern today and tomorrow.

Down in front of the Harlem Liberator office on 127th St. and Seventh Ave. A meeting starts at 4 p.m. The cop comes over. "Have you got a permit?" Told no, he orders the speaker to "break it up."

A young Negro mother with her babe in her arms goes over to him. "What do you mean? You get out of here."

About a hundred voices all back her up, "Go ahead, Mr. Speaker. We want this meeting."

"Lord knows I do," says one woman as she closes in on the speakers' box protectively. The cop walks off.

An appeal for funds is made. One worker comes over.

"Give me back a nickel of this quarter. It is all I've got."

"Extra, Extra." Newsboys carrying the Enquirer, Tammany sheet, come into Harlem. One worker reads the story. "Get out of here with that lying paper." Others back him up. They don't want any such reading as this. Newsboys fly down the street.

"Patterson Must Not Die!"

Later in the evening, the Daily Worker appears. Hundreds read the headlines, "JURY ORDERS DEATH," "HAYWOOD PATTERSON MUST NOT DIE." Eager hands reach for it. THIS is more like they want.

A young Negro walks up to a vendor. "Come with me, I know where you can sell ten of them."

"Take them yourself," the newsboy tells him.

"I'd take all of them, but I have no money," is the answer.

An hour later he returns with the money for the papers he took. Little boys take papers paid for by older workers and distribute them, asking: "Are you unemployed, mister, take one." Into houses they go, putting them under doors. Helping to save the Scottsboro boys. Everywhere there are meetings. Hundreds listen. Fifty thousand have heard the message of Scottsboro in Harlem this day.

"Mrs. B——, are you going to the Labor Defense meeting?"

"Me and the family," Mrs. B—— answers her neighbor.

"Roosevelt won't do nothing 'ceptin' we make him," one young worker replies to an appeal by a preacher to trust the president.

"That's the truth. Ain't he got a home in Georgia?"

Worker Died In Hamburg for Patterson.

"Tom Mooney is the proof that white as well as Negro are oppressed by white and Negro masters. A worker died in Hamburg for the Scottsboro boys. J. Louis Engdahl died for them. Aren't you ready to fight for them?" A Young Communist League speaker gets thunderous applause over on Lenox Ave. where he has been speaking for four hours.

Twenty-five thousand signed the Scottsboro petitions on one corner alone. Hundreds took pieces of paper around to their neighbors to sign.

CHATTANOOGA, TENN., NEWS
Friday, April 7, 1933

A New Turn

61

THE Scottsboro case becomes more nauseous. There are the customary "rumors of threatened lynchings" which prove such toothsome morsels of news for the Northern newspapers, and for European papers, which like to picture the South as the last frontier of barbarism.

Is there basis enough in these rumors to justify the press services in giving them the prominence they have already been given? We seriously doubt it. One can always stir up a "threat of lynching" to make a news story.

The most unpleasant part of the trial, however, concerns the principal witnesses.

Ruby Bates, supposed to have been one of the women attacked by the Negro defendants, now testifies that her story was utterly false. She says she was not attacked. She was working in New York recently, and Dr. Harry Emerson Fosdick seems to have persuaded her to come back and testify.

She tells of spending the night in a box car with another woman and two men, and planning a "hobo" trip. She tells of hopping a freight train, of meeting one "Carolina Slim" in Chattanooga, and going with him and another woman and a man to "hobo swamp," in Chattanooga, and spending the night there.

She tells of the quartet swinging another freight the next day to return to Huntsville. They were not even in the car where the fight occurred between the Negroes and seven white youths, she declares.

When one of the Negro defendants testified on the preceding day that he had not even seen a woman on the train, we were amazed. We thought his counsel had committed a blunder in letting him so testify, so obviously unbelievable did we regard his statement. And now, in the light of Ruby Bates' testimony, we see that the Negro might have been telling the truth.

At any rate, the foreign newspapers will have something to print now. What becomes of the South as a land of chivalry? Women hoboing! Women sleeping in box cars to plan hobo trips! Women sleeping with tramps in hobo swamps! What have our Southern cavaliers to say about that?

EL PASO TEX.
HERALD
APR 11 1933

The Scottsboro Verdict

THE conviction of Heywood Patterson, first of the negro defendants in the second trials of the Scottsboro cases, will be appealed. It should be.

Among other things prejudicial to a fair trial, the defense attorney was able to show that the jury law apparently was administered to exclude negroes from the panel for this case. On more than one occasion during the trial the state attorneys conducted themselves in such a way as to prevent orderly and judicious consideration of evidence by the jury.

In repudiating her testimony at the earlier trial, Ruby Bates last Thursday swore that the other girl in the case, Victoria Price, had framed the negro youths. Lester Carter, a white friend of the two girls, confirmed the testimony of Ruby Bates.

To execute boys on the discredited evidence of a woman of Victoria Price's character, and following a trial in which racial discrimination seemed to operate in the jury panel, would be criminal assault upon justice herself. Just as the chief justice of Alabama dissented from the first Scottsboro convictions, and just as the U. S. supreme court threw out that conviction as a violation of the 14th amendment of the constitution preventing states from depriving "any person of life, liberty or property without due process of law," so the Decatur verdict yesterday appears certain to be set aside by a higher court.

KANSAS CITY, MO.
JOURNAL POST

APR 9 1933

The Scottsboro Case.

Now that Ruby Bates, one of the complaining witnesses in the Scottsboro, Ala., case, has repudiated her testimony, there might be a good chance of freeing the eight Negroes accused of attacking Ruby Bates and another woman if the Communists could be eliminated from the case.

Popular feeling in Alabama against the Negroes might die down if Communists, who hope to organize American Negroes, had not frightened southerners in championing the defendants. The Communists are not interested in the defendants. They are trying to convince Negroes that members of their race "cannot get justice in white, capitalistic courts." They were frankly disappointed when the United States supreme court ordered a new trial and have made themselves so obnoxious as to discourage the National Association for the Advancement of Colored People, which has made progress in getting Negroes properly defended in southern courts.

Thus, in the eyes of the reds, the Scottsboro case has become a "symbolic event in the class struggle." From a Marxian standpoint, it is very fine to lift the case above its more commonplace aspects. But it's tough on the eight illiterate Negroes. none of whom appears to be interested in social theories but all of whom would like to avoid hanging.

ST. LOUIS, MO.
POST DISPATCH

APR 11 1933

A Southerner Takes the Stump.

To the Editor of the Post-Dispatch:

I WAS much gratified to learn from an editorial which appeared in the Post-Dispatch of March 27 that you are against Communism. Otherwise one would never guess it, judging from some of the articles published on the editorial page. Every day or so an article appears criticising Georgia for mistreating some Communist, or murderous black, and the Post-Dispatch makes no bones about the fact that it is horrified by some of the atrocities that go on in some Southern states, such as putting criminals out in the hot sun and making them pound rocks. Yet nothing is said of the daily atrocities that occur in most Northern cities, such as the shooting down of children on the streets by gangsters, and numerous other crimes.

Everyone will agree, however, that there are few, if any, Communist disturbances and no Capones (except those in the free boarding house at Atlanta) below the Mason and Dixon line, and to this may be attributed the fact that Communists often are jailed and are whipped whenever they appear in a good many "enlightened commonwealths" of the South. The North, which was once so strong for the Union, now, as far as I can see, can be called the home of "Rum, Romanism and Rebellion," for certainly adherents to all three causes are strong in the North, and few in the South. This is from an ignorant, bigoted, narrow-minded Negro hater, of course, and I only hope that some day I will get a little of the "light" that the gentlemen of the North such as Foster and Capone have already acquired. GUY NEMER.

Dallas, Tex.

Advertiser
4-12-33
~~4-12-33~~
Montgomery
Ala

TELLING NEW YORK ABOUT THE DECATUR TRIAL.

Unhappily the brilliant and able representative of the great New York Times, known to be a conscientious newspaper, seems out of patience with justice in Alabama. But what is more unfortunate, The Times reporter has allowed personal feeling to creep into some of his news stories.

In a resume of the conviction of Heywood Patterson [illegible], Mr. F. Raymond Daniell, concludes his account of the trial in this fashion:

> Witnesses were called to prove the contention that qualified Negroes were barred from jury service in violation of the Fourteenth Amendment to the Federal Constitution, through maladministration of a statute the constitutionality of which has been upheld by the United States Supreme Court.
>
> **These onslaughts, unsuccessful though they were, helped to crystalize sentiment against the defense, already handicapped by the fact that its clients were Negroes accused of a heinous crime against white women. It was known that the Communists were organizing Negroes and using the Scottsboro case for that purpose.**
>
> The word went abroad that the case was being used as a wedge toward effecting social equality for the Negro in the South, and no amount of argument from Mr. Leibowitz, who disclaimed the role of reformer and crusader, could counteract that belief.
>
> At the trial, Ruby Bates, who two years ago testified that she had been attacked on the freight train as well as Victoria Price, repudiated her former testimony and charged the Price woman with "framing" the Negroes.
>
> Lester Carter, one of the white hoboes thrown off the train, rounded up by deputy sheriffs and held in the Scottsboro jail until the first trials of the Negroes were concluded, corroborated her.
>
> The white hoboes never were called to testify by the State.
>
> **The jury, however, chose to believe the Price woman who stuck to the main part of her story, although uncontradicted evidence was presented to show that she did not tell the truth about her activities in Chattanooga.**
>
> Members of the jury admitted that they did not consider the testimony of the Bates girl, who was produced by the defense dramatically after a month's absence from her home in Huntsville. They refused to discuss that phase of the case.
>
> Much was made by the State of the fact that Carter and the Bates girl appeared in court in comparatively stylish raiment purchased in New York City.

The above paragraphs imply that Mr Daniell believes Heywood Patterson was sentenced to death by a jury of 12 Alabamians who systematically disregarded all testimony which would tend to prove the Negro's innocence. And that they weighed with the evidence in the case a prejudice against Communists.

Now Mr. Daniell, it must be remembered is writing for readers who are not familiar with customs or court procedure in Alabama. And for that matter it is quite proper that he lay special stress on phases that are taken for granted by Alabamians.

When he writes that the members of the jury "admitted" they did not consider testimony of the Bates girl, he subtly infers that the jury should have considered the testimony. He makes himself questioner and judge of what testimony the jury should have believed.

The jury "admitted" nothing.

The jury simply affirmed by its adoption that it did not consider the girl's testimony, which after all, was for the jury to decide.

Mr. Daniell in his dispatch referred to the jury as "the 12 good men tried and true." His quotation marks hint that the jury might not have been altogether that.

This is aspersive of Alabama justice, not because The Times representative wishes to be unfair to the State, but because he has in some manner allowed his own feeling to creep into his account of the criminal trial.

We take exception to it because The New York Times is a reliable newspaper. People believe what The Times prints because The Times prides itself in printing the truth.

Mr. Daniell is a reliable man or The Times would not have sent him to Alabama to cover the trial. Doubless he is jealous of his professional honor and would be sensitive to charges that he would dispatch anything other than the truth as he finds it to his paper.

But the correspondent's good intentions and his paper's reputation for printing only what it believes to be true have made Mr. Daniell's biased account even more unjust to Alabama and its people, because New York readers have learned to depend on The Times for unbiased reports.

NEW BRITAIN, CONN.
Herald

APR 8 - 1933

THE SCOTTSBORO TRIAL

As all enlightened observers—including thousands of editors—saw from the beginning, the "case" against the Negroes charged with attacking a girl on a railroad freight train at Scottsboro, Ala., has turned out to be made of thin air. The girl in question, having a conscience repudiated her testimony, saying she had given it to avoid going to jail as a vagrant.

"Southern chivalry" is placed in an embarrassing position. On the strength—or weakness—of the far-fetched claims of the girls the Negroes had been tried and convicted and sentenced to die, finally being granted a new trial on appeal to the state's highest court. Southern jurymen, eager to take the word of white girls against persons of any other color, did not pause to consider the circumstances which appealed to analysts elsewhere.

The real offense of the Negroes was that they had beaten a crowd of white freight car roustabouts in a fist fight on the train; but not until the white fellows had instigated the encounter by trying to throw the Negroes off. Any Negroes in the South who in a fair fist fight defeat whites, regardless whether they are bums or tramps, are marked men in the eyes of the public in that region of the higher kultur.

These Negroes were not estimable members of their race, assuming that estimable members of any race do not travel as "free baggage" on freight cars. But that was no reason why they should have been menaced with the gallows.

Southern citizens should extract a badly needed lesson from this incident. They made a farce of their law and fools of themselves. It appears that the attorney general of the state is still bound to continue the farce and try to have the men executed for an alleged "conspiracy to assault." If a jury—even an Alabama jury—can swallow that the state is in a class with Afghanistan, meaning no insult to Afghanistan.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4223

Tammany Hall Plays With the Lives of the Scottsboro Negro Boys

Wm. Patterson, National Secretary of I. L. D. Exposes Politicians

4-15-33-

Daily Worker
New York, N.Y.

NEW YORK.—Tammany made a gr[illegible] pla[illegible] S[illegible]day night, to turn the issue for the lives of nine innocent Negro boys facing death in Alabama into [illegible] political football.

The issues of life and death to the Negro people, and to the poor white workers of the South and of the United States, were sidetracked for a lying eulogy of Tammany by Mayor O'Brien, John H. McCooey, Brooklyn Democratic leader, in what was supposed to be a Scottsboro protest meeting at Arcadia Hall in Brooklyn.

William L. Patterson, national secretary of the International Labor Defense, billed to speak at the meeting, was put off by the Tammany politicians until 1 o'clock in the morning, when over half of the fifteen thousand who jammed the hall to hear about Scottsboro, had left.

In a stirring speech, which held the 6,000 Negro and white workers in the hall glued to their seats even at that late hour, he exposed the maneuvers of Tammany, in a lashing attack upon O'Brien, McCooey, and the other demagogues, exposing their lies and their motives of diverting the huge surge of anger of the masses against the Scottsboro lynch verdict.

O'Brien Praises His "Relief."

When Patterson rose to speak, the Tammany demagogues, who had already spoken, and who were on the platform with him, rose and left the hall.

Mayor O'Brien's speech was a fulsome eulogy of the "relief system" of New York city, which keeps thousand of Negroes and white workers in starvation, and has resulted in thousands of deaths in Harlem, the East Side, Brownsville, and other poor sections of town from hunger, cold and sickness.

"I haven't read the record, so I can't say much about Scottsboro," Mayor O'Brien said.

"This country was founded on justice," Magistrate Sabatini, notoriously vicious in his treatment of Negro and white workers, said, pleading with the workers present to put their faith in the U. S. Supreme Court.

Referring to the statement, earlier in the evening, of Samuel S. Leibowitz, International Labor Defense trial attorney in the Scottsboro cases, that he was "not a Communist, but that the International Labor Defense had given him a free hand in the legal aspects of the case," Patterson made the point, first of all, that the I. L. D. is not a Communist organization.

"At the same time," he said, we must remember that it was the call of the Communist Party which first of all brought the Scottsboro infamy before the workers of the world, rousing them to protest. Where were the Democratic, Republican and Socialist parties at that time? They were content, and would have been only too glad had it been possible, to bury Scottsboro, to forget it, to burn the Scottsboro boys themselves, because it is their system, the system which they support, which demands the burning of these boys.

"As organized bodies, the three capitalist parties have never turned a finger for the Scottsboro boys. On the contrary, they have worked for their burning.

"'Why are these Democratic speakers here tonight? They are here because the masses are here. They are here because the masses are in turmoil, demanding that the Scottsboro boys shall not die, and they are afraid. They are afraid of this upheaval. They are here to divert it. They are here because wherever the people are, there they must be, to save themselves if they can."

Mrs. Janie Patterson, mother of Haywood Patterson, although advertised to speak at the meeting, was at first refused the floor on the insistence of the Tammany representatives, and the Rev. Harten went so far as to announce that she would not speak.

The insistence of the workers, who shouted for her, demanding that she be given the platform, forced the demagogues, seeking to make political capital out of the lives of the Scottsboro boys, to permit her to speak.

N. Y. EVENING POST

APR 13 1933

SCOTTSBORO SEEN LIKE HITLERISM

Prof. Mendelsson-Bartholdy Finds Similarity in Agitation Over Race Prejudice

Comparing anti-Hitler agitation here to German criticism of the Scottsboro case, Professor Albrecht Mendelssohn-Bartholdy, grandson of the composer, sailed early today for his German homeland aboard the Deutschland of the Hamburg-American Line, after a series of lectures at American universities.

The professor, pointing out that he is of Jewish ancestry, although not considered a Jew under the rulings of the Nazi regime, said that anti-Semitic feeling is present at all times and added, "I have heard of some shocking cases of anti-Semitism in the United States."

Speaking of the feelings aroused in Germany a year ago in refenrec to the Scottsboro case, he said, "Most Germans believed the verdict was against the evidence and was the result of racial prejudice. There was a strong feeling in Germany that it was impossible for a Negro to obtain justice in your Southern States."

Dr. Mendelssohn-Bartholdy, on the faculty of the University of Hamburg and director of the Foreign Policy Institute, explained that the Nazis had decreed that those whose grandparents and parents were not members of the Jewish faith were not to be considered Jews if they do not profess that faith themselves, regardless of their race.

"Not that I wish to deny my ancestry," he said. "I am very proud of my Jewish descent."

The professor said he had the greatest respect for the scientific achievements of Dr. Albert Einstein, but scored his attitude toward present-day Germany.

"I believe all Germans should return so that every effort may be made to get the whole thing in the right shape," he said. "Since I left Germany on March 2, before the Hitler regime, my information is not first-hand, but I understand the discrimination against Jews in the learned professions is on a plan similar to the United States immigation quotas. My mind is still open as to conditions at home, and I am anxious to learn the facts."

Dr. Menhelssohn-Bartholdy branded as forgeries pictures published in this country of alleged indignities on Jews, saying that he recognized one which originally had appeared after the Russian revolution and then was captioned as showing White Russians being lined up against a well by Bolshevists.

JERSEY CITY N. J. JOURNAL
APRIL 10, 1933

APPEAL FAILED TO SAVE NEGRO

Youth in Scottsboro Case Again Condemned to Death.

DECATUR, Ala. (AP)—The first of a group of Negroes sentenced to die for attacking two white girls in the Scottsboro case and granted new trials on appeal again has been condemned to death. Defense lawyers said the fight to save the accused would be continued.

Heywood Patterson, 19-year-old Chattanooga Negro, was re-convicted yesterday with a recommendation that he be electrocuted just two years after his original sentence was pronounced. The jury deliberated twenty-one hours.

The verdict was branded a "miscarriage of justice" by Samuel S. Leibowitz of New York, chief of defense counsel.

"This verdict," Leibowitz charged, "is an act of bigots, spitting upon the tomb of the immortal Abraham Lincoln."

He scored Solicitor Wade Wright, one of the prosecutors, for asserting that defense witnesses had been "bought with Jew money" and added "We will fight with every drop of blood in our veins to free these men because they are innocent." He indicated an appeal will be taken.

There were fewer than 100 persons in the courtroom as the verdict was read yesterday, and it was received without demonstration.

Woman Testifies

Patterson was convicted of attacking just one of the two white girls in the case, Mrs. Victoria Price. She testified during the trial holding to her original story that she and Ruby Bates were attacked by nine Negroes aboard a freight train in March, 1931, as they hoboed their way back to Alabama after a hunt for employment in Tennessee.

The Bates girl, who originally testified an attack had taken place made an unexpected appearance during Patterson's trial and repudiated her earlier story. She said she told the first story because she was excited and because Mrs. Price told her what to say. She appeared in court wearing new clothing and said she had been in New York.

Attorney-General Thomas E. Knight, heading the prosecution, charged she had "sold out."

Leibowitz, who entered the case at the invitation of the International Labor Defense but stipulated he would accept no pay and take care of his own expenses, said he did not know if he would appear in the trials of the other six. During the hearing he charged Negroes were excluded from jury service in Alabama.

The case drew world-wide interest and throughout Patterson's trial officials received telegrams protesting "attempts to lynch" the defendants and their attorneys. Numerous rumors of mobs cropped up but officials said no basis could be found for these. There was a military guard at the trial.

N. Y. HERALD

APR 15 1933

The Scottsboro Case

To the New York Herald Tribune:

The Negroes of New York, and I may dare say the entire country, appreciate greatly your fine editorial on the Scottsboro verdict. Every word of it is the living truth. Your opening sentence expresses the opinion of every fair-minded, justice-loving American citizen: "It is useless for any one, either in or out of Alabama, to pretend that the verdict of guilty rendered against the first of the nine Negroes to stand retrial in the Scottsboro cases will not be received with a profound sense of shock by justice-loving Americans."

This decision convicting Patterson is motivated by prejudice and hate of the defense which was accorded the condemned young men, and there's no reason why spitework should be meted out to Patterson on account of Alabamans' hatred of the New York lawyers. Every sensible person who has closely followed this affair and noted the various angles which have been brought out cannot be but surprised at a jury finding a verdict of guilty. Every Negro in the United States should rise up and fight this case just as far as it can go and try to find out if there's no justice in this country for a Negro.

BENJAMIN PALMER LADSON.
Jamaica, L. I., April 13, 1933.

ANNISTON, ALA.
STAR

APR 6 1933

C. JACOB JONES MAKES APPEAL TO COLORED PEOPLE

Warns Members of Race to Beware of Communism and Like Movements

C. Jacob Jones, colored welfare worker in Anniston, in a statement issued today, appealed to members of his race to beware of Communism and similar doctrines and to cooperate with the white citizens in their efforts to find their way out of the financial difficulties.

His statement follows:

"We are all hoping for better times. We are looking forward to the time when our present economic distress will be a thing of past history. But upon searching past historical facts of the Bible, I find that worse times than this have come upon men during ages long forgotten, and I also find that when men or nations turned to the law of God, God always helped them out of their distress. I believe the same is true today. I want to appeal especially to my race. Let us return to God. God is the only remedy for our many ills. Some speak of the race problem. We have no race problem in Alabama. We are not concerned about the confusion that is brought about because of too much publicity concerning some crimes that are committed.

"The Bible says the law is for the lawless and it is just and good.' Primarily our problem is how best to adapt ourselves to our economic situation, at the same time showing with thankful hearts that we greatly appreciate what our white friends are doing so wholeheartedly in their endeavor to assist us over this great mountain of economic distress. We care not for social equality. And we enjoy making our own way among ourselves, being assisted by our many white friends. We will not allow ourselves to be hoodwinked by the so-called racial problem in our state. What we need most is the old-time religion.

"We are called the most religious people on earth by other races, and I think it has been true. But unless we as a race go back to the old-time religion we will within the [illegible] be a race of infidels. Communists are an infidelic organization, and they have at least made some impression upon certain of our groups. They are taking advantage of every opportunity to make inroads upon the race. Let us not forget the progress we have made within the past half century. It came about through our forefathers' loyalty to government, hard work, prayer and love for the white, as well as the negro race.

"If we have hatred, malice and murder in our heart, we cannot be a Godly people, and our destruction as a race shall most certainly come about hastily. I am glad to say the leaders of my race are grateful for what is being done by our white friends of Anniston to relieve our present distress, and I am not unmindful of the way my white friends have supported my welfare work for the last two years, for which I thank them."

NEW YORK
[redacted] WORLD - Telegram

APR 13 1933

MOVE TO UNITE TO AID NEGROES

Association Acts to End Feud with Labor Defense Over "Scottsboro Boys."

The National Association for the Advancement of Colored People moved today for a truce in its feud with the International Labor Defense so that a nation-wide united front might be formed in defense of the "Scottsboro boys."

The N. A. A. C. P., from which the I. L. D. "captured" the Scottsboro case, announced that a drive for funds would be started at once by the 327 branches of the association.

Stresses Need of Help.

After saying that the defense is being handled by the I. L. D. by choice of the boys and their guardians and that the association has no control over the conduct of the case, the announcement continues:—

"Despite differences of belief with the International Labor Defense, the N. A. A. C. P. cannot stand by idle while this momentous struggle goes on. Time will tell who has the best philosophy on the so-called race problem, but the Scottsboro boys cannot wait. They must have help now. Alabama and its infamous defense of an infamous system must be challenged now."

Ask Roosevelt's Aid.

The Universal Negro Improvement Association made public a letter written to President Roosevelt urging his influence to obtain a fair trial for the "Scottsboro boys," which the association declares is impossible anywhere in Alabama.

A mass demonstration to protest against the conviction of Haywood Patterson, first to stand trial, will be held in Union Sq. at 6 P. M. tomorrow. Among the speakers will be Samuel Leibowitz, chief counsel for the Scottsboro boys, and Mrs Jennie Patterson, mother of the condemned Haywood Patterson.

DES MOINES, IA.
REGISTER

APR 11 1933

SIGNS OF PREJUDICE ALL TOO PLENTIFUL.

The attitude of the southern states' officialdom toward prosecution of Negroes seems unfortunately to be typified by the Alabama attorney general's remark about the second conviction of Heywood Patterson, 19-year-old Negro boy.

"I don't (think it was a miscarriage of justice)," said Attorney General Knight, "—not beyond a reasonable doubt." What can Mr Knight possible mean? That it is up to the prisoner to establish his innocence beyond a "reasonable doubt," rather than up to the state to prove his guilt?

This is a typical assumption of prejudiced peoples, but it has no foundation in logic and it has no defense constitutionally.

As for the prosecution of Patterson itself, no one who has followed the case will have missed the fact that Alabama resorted to tactics very similar to those which caused the United States Supreme court to order the new trial last year. The reference to "Jew money" thrown to Patterson's defense, whether well founded or not, had nothing to do with the merits of the case, and was intended purely to prejudice the jury. It is amazing that the state of Alabama would a second time make its conviction vulnerable by such a stupid resort.

And it is not impertinent to point out that the principal reason New York money has come to the defense of the eight Negroes is that there was apparently no group in Alabama enlightened enough and desirous enough of simple justice to insist that the youths be given an impartial trial.

CANTON, O.
REPOSITORY

APR 11 1933

Alabama Plays Safe

Reading the judge's instructions to the jury which has found Haywood Patterson, one of the Scottsboro case Negroes, guilty again on retrial of his case, the northerner who tries to understand Alabama justice gains evidence of the forces at work there in this unfortunate issue at law. He finds himself conscious of another viewpoint—almost another standard of ethics.

The judge in the case was as fair as a judge could be. A southerner himself, he did not spare his local popularity with expedient yielding to the spirit he knew was abroad. He understood perfectly why an Alabama jury would be likely to find against a Negro in a case involving criminal attack on white women. Nevertheless it was his duty to point out principles and possible exceptions. He performed it with commendable honesty.

But the principles of law and the servants of the law have their foundation in the people, who speak through the jury. There probably were few realistic thinkers in the courtroom at Decatur during Patterson's second trial who believed that any Alabama jury could be assembled which would give a verdict contrary to that one given in the first trial. The Negro youths had been charged with assault on two white women. The charge itself was enough to condemn the defendants. According to the opinion of a majority of the supreme court of the United States, that had been virtually the course justice had taken in the first trial, when the defendants were found guilty and sentenced to death without "right of counsel, with the accustomed incidents of consultation and opportunity of preparation for trial."

Alabama has its own convictions of justice in cases like the Scottsboro incident. Because it has chosen to play safe and uphold those convictions against an increasing protest, it has moved into a conspicuous position. It has made a celebrated cause out of what might have been an ordinary episode. The state and its citizens are to be pitied for the misfortune that publicity in the Scottsboro case has brought upon Alabama courts and Alabama juries. They handled the case in their own way, which they never have claimed was the method of ideal justice.

[illegible]
MORNING POST

APR 8 - 1933

THE SCOTTSBORO CASE.

The outcome of the trial of the negroes in the Scottsboro, Ala., case is not yet indicated, but the developments at the retrial of the first of the accused signifies that there was substantial ground for the contention that the men were convicted on flimsy evidence. As will be recalled, eight negroes were convicted and sentenced to death two years ago on the charge of attacking two women on an Alabama freight train. Because of the circumstances and doubt of guilt, negro organizations took up the cause of the men and the interest of the International Labor Defense was enlisted in their behalf. It was contended that the men were unjustly convicted and that their color counted heavily against them in fixing their guilt.

The case was carried to the United States Supreme Court in the effort to secure a new trial which was granted. The retrial was transferred to Decatur where it has been in progress for several days as to the first defendant. The negroes were convicted on the testimony of the two women who on their own admission are not of high character. At the rehearing one woman repeated in effect the testimony she gave at the first trial. However, the other repudiated her former story and denied that she had suffered as she formerly claimed. She accounted for her change of tale on the ground that she became conscience stricken and sought advice from Dr. Harry Emerson Fosdick who urged her to tell the truth.

What effect this recantation will have on the fate of the man on trial, or on his associates, is not yet revealed, but it signifies that there was substantial ground for the doubt of the guilt of the prisoners. Unfortunately, in many of the Southern states a dark skin is often construed as evidence of the guilt of a man accused of crime. The Scottsboro negroes are entitled to justice regardless of their color. If they were untruthfully accused, it is fortunate that their cause was taken up by an organization determined to fight it to a finish.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4224

NEWARK, N. J.
NEWS
APR 10 1933

Alabama Justice Not Unadulterated

LIKE the Dayton, Tenn., "evolution" trial and the Sacco-Vanzetti case in Massachusetts, the legal battle for the lives of seven Negroes in Alabama became a trial of local sentiments stiffened by what was regarded as outside interference. Opinion that the young colored men convicted of rape had been railroaded in their first trial was confirmed by the United States Supreme Court, which ordered a retrial and change of venue. Heywood Patterson, the first defendant retried, has again been found guilty, with death fixed by the jury as the penalty. The conviction will be appealed, and in all reason it should be fought to a finish.

Above the right of the state to police its people according to its own laws, and to settle its domestic social problems according to its necessities, is the fundamental law of elementary justice. That this was ignored seems to be evident. Before Patterson was tried the Alabama jury system was put on trial, and the fact determined that in that state the rights of citizenship are denied the Negro, as a voter and as a juryman. The insistent off-stage murmur of the gathering mob threatening to take action into its own hands, the burning of fiery crosses and the intemperate speeches of the prosecution attorneys, all seem evidence that the second trial was no more unencumbered by prejudice than the first.

A third trial, if one is allowed, will not reform Alabama sentiment nor its interpretation of justice. Accordingly this case must be settled strictly on its merits in law, and by legal processes. Popular demonstrations, such as the proposed appeals to President Roosevelt and marches upon Washington, are not only useless because the President has no jurisdiction, but because they will arouse racial antagonism and bolster regional resentment against outside interference. They will do more harm than good, in this case or in subsequent trials.

The verdict does not seem to have bee a fair one, because one of the chief stat witnesses recanted and a third wa never summoned by the prosecution Our legal institutions are strong enough to exact justice on the facts as presented. A national and popular demand that those institutions be utilized to the limit is fair and right, but a hysterical or at least purely emotional series of parades and demonstrations will help neither the individuals nor the cause

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ST. LOUIS, MO.
STAR
APR 11 1933

WHEN MOB LAW RULES A JURY.

Following the conviction and death sentence of the first Negro retried in the Scottsboro case, the following remarks were made by the opposing attorneys:

Defense Attorney Leibowitz: "I think it was a miscarriage of justice."

Attorney General Knight, Jr.: "I don't, not beyond a reasonable doubt."

Nothing more is needed to show the nature of the verdict. Under American law, a jury must acquit unless convinced, "beyond a reasonable doubt," that the defendant is guilty. Attorney General Knight turns that principle squarely around, and tries to justify the verdict on the ground that there is a "reasonable doubt" of the defendant's innocence.

One may disregard the Negro question altogether, and get an idea of the passion and prejudice that produced this verdict by considering the remark in court by Solicitor Wade that witnesses for the defense were "being bought with Jew money." This relates to the admission of Ruby Bates that her testimony in the first trial was a frame-up.

Of course, the case will be carried once more to the United States Supreme Court, which this time will find it more difficult to evade the main question at issue, whether a trial conducted in an atmosphere of overwhelming passion violates the guarantee that no man shall be deprived of life without "due process of law." That question was raised in the first appeal, but the supreme court did not pass on it because it held that the "due process" clause was violated when the defendants were denied opportunity to employ and consult with counsel in the early stages of the prosecution.

The supreme court has no wish to reverse a case on the ground that "legal lynching" violates the Fourteenth Amendment, for to do so will open the way to a flood of appeals in ordinary criminal trials. But the Scottsboro case presents the gravest problem since the original rise of mob violence in the United States, and it is inconceivable that it will be allowed to blossom into a new system of lynch law blessed by the courts.

ST. LOUIS, MO.
GLOBE DEMOCRAT
APR 12 1933

ALABAMA IN THE JURY BOX.

That counsel from outside the county was engaged in the defense, but one being a Southern lawyer, is among divers reasons assigned for the second conviction at Decatur of Haywood Patterson, first to be retried of the seven Alabama Negroes whose sentence of death the United States Supreme Court set aside. Statements attributed to jurors are to the effect that the testimony of Ruby Bates, who confessed that what she swore to at the first trial was untrue, was not even considered by the second twelve. On the contrary, the fact that after an absence in New York she appeared in court in attractive new spring clothes was much dwelt on by the prosecution. Though out overnight, the jury on the first ballot were unanimous for conviction and on the second all except one voted for the death penalty. On the third the twelfth juror also voted for death and the jury was ready to report. The defense's attack on the practices excluding Negroes from jury service only made an unfavorable impression, it is said.

The trial of another of the seven is set for next Tuesday, but a postponement until the result of an appeal in the Patterson verdict is known will be asked. That the County Prosecutor in his address to the jury entreated them to show that "Jew money can't buy or sell Alabama justice" will be alleged as reversible error on the appeal. Whether this second trial was a fair trial in the opinion of the Washington Justices, who set aside the first one as unfair, is a matter of large interest. In various allegations as to standards different from those followed in ordinary trials are included tributes to Judge Horton as pursuing a stricty impartial course on the bench and upholding high professional canons.

ST. LOUIS, MO.
POST DISPATCH
APR 11 1933

THE ALABAMA VERDICT.

The defense will seek an appeal in the second death sentence imposed upon Haywood Patterson, first of the seven Negro youths to be retried in Alabama for alleged attacks upon two white women. All persons who place justice before racial antagonism will hope for a calmer consideration of the evidence in surroundings less charged with prejudice. The United States Supreme Court, in ordering the retrials because the accused were denied proper defense by adequate counsel, pointed out that the first trials, "from beginning to end, took place in an atmosphere of tense, hostile and excited public sentiment." The deficiency of counsel was, of course, one manifestation of that sentiment.

There was little improvement in the atmosphere at the second trial. It was held at Decatur, a rural community similar to Scottsboro, instead of in less benighted Birmingham, as defense counsel asked. At Decatur, there was the same fear of lynching, the same need for special guards armed with machine guns, the same threats against prisoners' counsel. The prosecution frankly played on the region's prejudice, not only against the Negro, but against outsiders, and even against Jews, whose money, the Solicitor said, had purchased evidence for the accused.

More than the lives of the ignorant, illiterate boys is at issue in the case, and this explains why it has become a *cause celebre* throughout the world. Sectionalism, bigotry and prejudice obviously have played a greater part in the proceedings than all the weight of evidence. One witness, Ruby Bates, repudiated her previous testimony against the boys. Testimony of the other, Victoria Price, was questioned by the Judge in his charge to the jury. That both were "women of easy virtue" should be considered in judging their credibility, he said. Thus, it would seem, the prosecution's case was materially weakened, if not totally demolished. Yet the jury found a verdict of guilty on its first ballot, then pronounced the extreme penalty, although it might properly, in view of the grave doubts as the boys' guilt, have chosen any term in prison from 10 years up.

Prejudice is a hideous blot upon America, whose founding fathers called it the home of freedom and equality. This disgrace is at its worst in the rural South, where the Ku Klux Klan found green pastures, and where intolerance persists, despite the downfall of organized bigotry. The rural South, and hence, at least from the angle of the European observer, the entire South and the nation, is on trial in this case. That prejudice again has temporarily triumphed is a saddening fact when the nation and the world need the solidarity of all sects and peoples more than ever before.

N. Y. HERALD
APR 14 1933

From a Native of Alabama

To the New York Herald Tribune:

Some two years ago in Paint Rock, Ala., occurred an incident which, though comparatively unnoted at the time, was unique in the annals of American and Southern race relations. At that time an armed posse of civilians and officers stopped a freight train and from it took nine Negro youths and two white women. The two women, dressed as men and riding as hoboes, hysterically asserted that they had been attacked by the Negroes.

Here, if ever one existed, was the complete setting for a lynching—and Negroes have been lynched in Alabama and Texas and Northern states with much less against them. To the undying credit of a people whose "eyes are small slits in yellow, tobacco-stained faces" there was no lynching. The members of the posse, with guns and ropes ready, listened to the stories of the two women and the white men involved and were skeptical. They took the Negroes to jail for trial.

Thus, in the beginning, the Scottsboro case was unsensational.

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Legal defense for the Negroes was arranged by the National Association for the Advancement of Colored People, a well organized, intelligently conducted liberal body which, on occasion, has been known to call on the services of such brilliant attorneys as Clarence Darrow, Morris Ernst and others to fight its court battles. The attorneys engaged by the N. A. A. C. P. were experienced lawyers familiar with Alabama court procedure; and if they had been given a chance there is little doubt that, with their Negro clients already given the benefit of the doubt by an armed posse, they would have brought their case to a successful conclusion in court.

Then the Communists.

Communist lawyers, their eyes wide with lust for hate-inspired publicity, their faces unstained by tobacco, began their whisperings. "You will be murdered by the capitalist jury," they whispered through the bars to the illiterate Negroes. "Your counsel are clubs in the hands of the capitalist murderers. Let us fight your case." They got the case.

Then immediately began the familiar procession of banners and garish placards, something strange and new to Alabama. "We demand" . . . screamed the banners. "Stop these legal murders!" screamed the banners. "Free the Scottsboro boys immediately!" screamed the banners. Alabama was dazed and amazed. But then began the deluge in earnest. From every group of disaffected agents-provocateurs in the country came letters and telegrams to the Governor, the courts, the prosecutors, the newspapers. From foreign countries poured in the protests.

Then began what was to have been the Negroes' trial.

But Alabama was ignorant of the methods of American communism, which is "red" in more ways than one. Alabama juries did not know that a juicy cause célèbre of dead Negroes was worth far, far more to the cause of communistic disaffection in America than the fair verdict which doubtless would have been eventually handed down had no outside influences been brought to bear. Neatly falling into the well laid trap, and swelling with that pride which, if stupid, is not the less superb, Alabama juries decided that they and their state would not listen to dictation by radicals who could not live in their own countries without being hounded from shore to shore.

And thus the verdict of guilty had nothing whatever to do with whether or not young Negroes had attacked two white women hoboes.

• • •

But the Scottsboro case is only the beginning. Already Southern Negroes are beginning to feel the watchful eyes of white employers who fear that Scottsboro and its baleful outside influences will be repeated in their own communities. Four Negroes have already died in Communist-inspired black-white differences in Alabama since the beginning of the Scottsboro case. And the Communists are at work every day. The result is evident: One posse, waiting and agreeing to trust the courts, brought the world down about the ears of the state. Will other posses—and there will, unfortunately, be other posses—stop and remember this fact before they start with their prisoners to jail?

All of which brings up the question as to what is the answer to the black-white race problem in the South and, no less, in America as a whole. Perhaps the late Booker T. Washington was right when he said, "Education and service."

• • •

On the other hand, perhaps Samuel S. Leibowitz, chief counsel for the Negro at the recent retrial, will do more for the problem with such statements as one he made on his return to New York on Monday. Describing the people and the State of Alabama, he said, according to press reports, "Their eyes are small slits in yellow, tobacco-stained faces. . . . There is no such thing as justice in that state. . . . When I got back to New York I felt that I needed a physical and moral bath."

I, as a native of Alabama, find it difficult to write dispassionately of that statement or of Mr. Leibowitz. There are many things I could say, and would like to say, but I believe his statement tags Mr. Leibowitz with the deserved label of his own making.

Its present unpopularity to the contrary, I am proud to call myself a native of Alabama.

WELBOURN KELLEY.

New York, April 12, 1933.

N. Y. HERALD
APR 13 1933

Mrs. Patterson Here in Plea for Convicted Son

Negro Mother Arrives Alone to Protest Death Sentence in the Scottsboro Case

Trusts Defense Counsel

Tells Interviewers 'I Believe in God and Mr. Leibowitz'

Mrs. Jennie Patterson, mother of Haywood Patterson, the first of the defendants in the retrial proceedings of the Scottsboro case at Decatur, Ala., arrived at the Pennsylvania Station yesterday at 5:06 p. m. and was met by Samuel S. Leibowitz, chief of counsel to her son and the other eight Negroes involved. A delegation from the International Labor Defense, which is sponsoring the legal counsel; three busloads of Negroes from Harlem and a hundred redcaps formed the rest of the reception committee, with fifty policemen and a detachment of reporters and photographers.

Mrs. Patterson, a plump woman of forty-five wearing a brown straw hat and gray traveling suit, was the center of a good deal of excitement when the train arrived.

All the way from Washington, where she left the Jim Crow car and took her place with the white passengers bound for Boston and way stations, she had been regarded with disinterest. When Mr. Leibowitz, hat in one hand and pipe in the other, came to meet her in the coach, followed by reporters and policemen, the passengers had a change of attitude and crowded to the platform. The conductors shouted in vain that the train was already forty-one minutes late; the passengers were not to be robbed of a glimpse of celebrity.

Mrs. Patterson was whisked into an elevator, and the policemen, foiled by this adroit move, hurried up the stairways to meet her, knocking over incoming passengers and members of the reception committee indiscriminately. In the main waiting room cheers and handclaps welcomed the bewildered woman, and an April blizzard snatched at her spring chapeau as she entered a taxicab. The driving snow and the hazardous footing on Seventh Avenue quickly discouraged the welcoming crowd and they dispersed without persuasion.

At Mr. Leibowitz's office, on the forty-second floor of 225 Broadway she was treated to buttermilk and sandwiches, gazing between bites with wonder and fear at the flakes that eddied past the windows and descended on buildings of lesser height.

"Mr. Leibowitz is the bestes' lawyer they ever had in the South," she said when her appetite had been somewhat appeased. "He don't get down on his knees an' beg 'em, he jus' tells 'em the law."

She made the trip alone, leaving behind her husband, Claude; three daughters, Sybil, Mazelle and Louise, and two sons beside Haywood, Julian and Ollie, to look after her home in Chattanooga, Tenn.

"Haywood said it was the grandes' thing he ever see," she offered, "an' I believes I'll get him back alive. I believes in God and Mr. Leibowitz."

She will make a tour of the industrial cities of the North under the auspices of the International Labor Defense, while Mr. Leibowitz, who returns to Alabama on Monday, proceeds with his defense of the other men involved. A second verdict of guilty, carrying with it a sentence of death, was returned Sunday against her son.

The monster mass meeting scheduled for 6 o'clock at Union Square dwindled to a handful of listeners and a few voluntary speakers under the influence of the weather, and when Mr. Leibowitz sent word that neither he nor Mrs. Patterson would appear it was postponed until Friday at the same hour.

CANTON, O.
REPOSITORY
APR 8 1933

Much Ado.

The dramatic reappearance of a missing girl witness in the Scottsboro case illustrates the senseless folly of mass prejudice based on doubtful evidence. The girl, Ruby Bates, threw the court at Decatur, Alabama, into an uproar with a complete repudiation of her previous testimony—testimony which caused the state of Alabama to pronounce sentence of death on a group of Negro youths charged with criminal attack on [illegible] Bates and a companion.

In a mass of sordid testimony, the witness revealed that she had been a dupe of pressure from her companion who, in ignorance of the law, sought to protect herself by perjury. She revealed that the Negro youths had made no attack on her or on her companion. She showed that both of them were traveling with men at the time; that they were not even in the same car where the fight, which has been so important in judgment of the case, took place.

Had it not been for the right of appeal and the interest taken in the case by lawyers fighting for a principle instead of a conviction which would satisfy the demands of southern justice when Negroes and Caucasians become embroiled, the youths named in the charge would be dead. Ruby Bates would have a load on her conscience which would make her miserable. Whether or not Alabama will be able to emerge with judicial balance from this new ordeal of tangled evidence remains to be seen. It can account itself lucky that it was not plunged by its own intemperate haste into a travesty on justice which would have made the Scottsboro case a living grievance against the operation of its courts.

HARTFORD, CONN.
COURANT
APR 14 1933

A Dismaying Verdict

For the second time, a verdict of guilty has been returned in the case of the Negroes charged with rape in Alabama, but it probably will be no more convincing than was the first. The verdict of the first trial at Scottsboro was overruled by the Supreme Court of the United States on the ground that it was conducted in an atmosphere so charged with prejudice that justice could not be administered. The second trial was conducted in another town fifty miles distant, but the effort to escape popular hostility against the race of the defendants was apparently unavailing. It manifested itself not simply in the attitude of the public, but in the plea of the local prosecutor to the jury, in which not only the race of the defendants but the race of their counsel was made the subject of a bigoted attack.

Since the case of the State in the second trial was considerably weakened by the repudiation of much of the evidence offered at the first, one of the women involved retracting her former testimony completely, the verdict rendered leaves observers shocked and dismayed. Nothing but praise can be given the Judge who presided over the trial, for his charge to the jury, to say nothing of his conduct of the trial, was plainly directed to the end that no prejudice should enter in, and he apparently was as much surprised by the verdict as the counsel for the defense. At the first trial, the boys were tried together. Now they are being tried separately. Another jury may bring in another verdict, but the influence of prejudice apparently is a tremendous force in Alabama.

Lynchings-1933

Legal Punishment for Rape.

Alabama

4225

MONTGOMERY, ALA.
ADVERTISER

APR 30 1933

SOME LIBERALS TURN

A few weeks ago the press of the Nation had occasion to pass judgment on justice as it is given in Alabama.

There was a trial in North Alabama, (It was in Decatur, if memory serves us right) where a jury decided that the defendant was guilty of a serious crime.

With few exceptions the whole of the press outside this State adversely criticized the jury verdict. And among the newspapers which saw fit to bring questions into the case other than that of the guilt or innocence of the prisoners were several highly respected Virginia journals.

Most of the Virginia newspapers, with a somewhat pseudo-altruistic attitude that comes so easily to those who deplore the treatment of their neighbor's children (and who do not share the responsibility of rearing the children), condemned the jury's verdict.

It seems that the Virginia newspapers believed the Negro defendant suffered at the hands of ~~prejudiced~~ Alabama whites.

This sideline liberalism is made all the more interesting now that the Virginia press has had time to express its opinion of the conduct of the snooty, blue-blooded Judge Lowell, of Boston.

The gentleman of that city where the Lowells speak only to the Cabots and the Cabots speak only to God and where (according to superstitious tradition) gilt edge snobbery is surpassed only in "Ol' Virginia, Suh," thinks the jury system in the Grand Old State is all wrong.

But the Virginia press, which, after all knows more about justice in Virginia than does the prejudiced Lowell, of Boston, says that Virginia is capable of seeing justice done without outside interference.

Far be it from us to overlook a chance to criticize adversely Virginia justice—or justice anywhere—should false steps be taken. And far be it from us to resent criticism of our own State if it is fair and just.

But somehow we believe that the Virginia newspapers, including the brilliant Norfolk Virginian-Pilot, which condemned justice in Alabama and later defended the right of Virginia to decide the guilt or innocence of its Negro fugitive, were wrong the first time and right the second time.

We believe that a jury of 12 white Alabamians can be just as fair to a Negro defendant as can be 12 white Virginians to a Negro defendant. And certainly we believe 12 white Virginians will be more fair with any Negro defendant than one white Massachusetts jurist has been to the State that gave Thomas Jefferson and Woodrow Wilson to the world.

Yet if the charge against the Virginia fugitive was not such a serious one, and if the murder of two women was not such a deplorable crime, truly we would enjoy watching some of the newspapers of that State uncomfortably swallowing their own ink.

Cullman, Ala., Tribune

April 20, 1933

The attacks upon the courts of Alabama in an effort to prevent nine negro hobos from standing trial for ~~the~~ heinous offense of assaulting two white women after forcing their white men or boy companions off a moving train on the Southern railway in Jackson county, by a New York lawyer, Samuel Liebowitz, was astonishing as the eight negroes convicted at Scottsboro were given a new trial and the new trial carried to Decatur when started. Judge Horton overrued Liebowitz's demurs and the trial of the first of eight negroes resulted in the conviction of Heywood Patterson, a Chattanooga negro, and he was given a sentence of death. Liebowitz tacts and language in handling the trial were such as to call for replies from Attorney General Knight and Circuit Solicitor Wright. At the end of Patterson trial, court recess until last Monday morning, on convening court Judge Horton took the defendants' attorneys by surprise in continuing the trial of the other seven negroes to date later to be determined by stating conditions had arisen to the extent that he felt a fair and just trial might not be possible at this tim Judge Horton is not only a wis and conservative jurist but learned scholar in law and cour procedures.

SPRINGFIELD, MASS.
NEWS

APR 24 1933

NEGRO IN THE NORTH

Atty Ben Davis, speaking in Springfield yesterday on the matter of the conviction of the Negro boys at Scottsboro, Ala., and the campaign of terrorism against the colored man in the South, declared, and quite rightly, that even the Negro in the North does not have all of his rights. Indeed he does not. Nor half of them. "Here in the North," said Davis, "the Negro is the victim of a sort of refined prejudice, or in other words it is sugar coated."

Davis is not exaggerating the situation. To be sure, the Negro is seldom, if ever, the victim of mob vengeance or terrorism of that nature. He is not persecuted, if the word may be used in a certain sense. But that he has anything like the equality he is entitled to is ridiculous to assume.

In the field of the arts the Negro has advanced very materially and there is more than ever a tendency to recognize his ability with entire disregard of his color. But even in the field of arts there have been notable occasions in recent years where prejudice has been carried to extremes in his case.

It is not social equality that the Negro is largely working for. The organized Negro, so to speak. It is the right to earn his living without regard to his color and to be recognized for whatever worth he may possess despite his color. Let us hope that we are at least getting a little nearer to that desideratum here in the North. We have made some progress but there is room for plenty of more.

COURIER

Minden, Neb.

APR 27 1933

RACIAL HATREDS

"We are a white race and a negro ~~race here~~ together—we are here to live together. The world at this time and in many lands is showing intolerance and is showing hate. It seems sometimes almost as if love had deserted the human bosom. It seems that hate had taken its place. It is only for a time, gentlemen, in the great things of life, it is God's great principles, matters of eternal right, that alone live. Wrong dies and truth forever lasts, and we should have faith in that."

It was an Alabama judge who said that, a white man, a gentleman of the oldest American stock. Judge Horton, in charging the jury, was speaking only of the exhibition of race hatred and race prejudice in the trial of the unfortunate Negroes who were convicted of assaulting two white women at Scottsboro, but he might have been speaking for and to all the world.

Not in many years, perhaps not in centuries, have there been such violent outbreaks of racial hatreds as have been manifesting themselves in these troublous times. In Germany the Nazi government has proclaimed its hatred of the Jews to the point of barring them from almost every phase of national life. Between the Germans and the Poles hatred is so intense that when the shadow of a German flag, on the Polish border, fell on Polish soil, there was an indignant protest by the Polish government! The Italian people are developing a new national pride which has racial intolerance as its foundation. And we do not need to point to the racial hatreds which have barred the Orientals from Australia and the United States.

We do not by any means advocate opening the door to all sorts and conditions of men, but we do believe that these racial hatreds are a step backward and not forward in the world's progress. We believe that it is possible for all the peoples of the world to get along amicably, since we are all in the world and can't get out of it. If it proves impossible, because of the stirring up of racial hatreds by prejudices or malicious interests, then we can see nothing ahead but a complete collapse of civilization as we know it and a return to the Dark Ages when every man's hand was turned against his brother.

he Roosevelt Government and The Scottsboro March

5-4-33

new york N.Y.

On Saturday morning, the New York contingent of the Scottsboro march leaves for Washington.

The American masses, Negro and white, are determined that the Decatur lynch verdict against Haywood Patterson, and the lynch verdicts against the nine innocent Scottsboro boys shall not be executed.

The Decatur lynch decision has electrified the masses into action against the whole system and the national oppression of the Negro people. Negro and white, they are resolved that the lynch terror and the jim-crow degradation of the Negro masses must once and for all be ended.

What do the Scottsboro marchers demand?

This historic march will confront Roosevelt and the whole federal government at Washington with the question of the centuries-long oppression of the Negro people. It will compel Roosevelt and the United States government to break their silence on the Scottsboro lynch verdicts.

The marchers will remind Roosevelt that he is sworn to uphold the 13th, 14th and 15th amendments of the constitution, guaranteeing the Negro people elementary civil rights, the right to vote, the right to sit on juries, etc.

They will demand that Roosevelt make good the honeyed promises which he made so freely to the Negro people before his election.

The Negro and white masses are aware that the struggle for the lives of the Scottsboro boys is part of the struggle for the liberation of the whole Negro people.

* * *

How serious is the challenge of the Scottsboro March to the whole lynch system can be gauged by the frenzy and cunning of the demagogy of the various groups that are attempting to cripple the movement.

From Tammany Hall to the N.A.A.C.P. and the Negro reformists, they all are trying to break the confidence of the masses in the effectiveness of the march.

The Scottsboro Marchers demand that President Roosevelt enforce the 13th, 14th and 15th amendments to the constitution. The Scottsboro Marchers demand that the Scottsboro boys shall not die.

And all the reformists and enemies of the Negro masses say is that "President Roosevelt has no power to interfere." "We must wait till the Supreme Court acts". "The march is unconstitutional."

President Wilson also "had no power to interfere", in the case of Tom Mooney in 1917. But the storm of workers' protests forced him to find "power to interfere."

The Negro reformists told the Negro people to leave the nine Scottsboro boys in the hands of the Alabama judges. Today, the whole world knows that if this had been done, if the Communist Party and the International Labor Defense had not roused the powerful protest of the workers of the world, that the nine Scottsboro boys would have been executed two years ago.

Today, the Negro reformists of the N.A.A.C.P., etc., continue the same advice. But the Negro and white masses have learned that their protest, combined with the protest of the peoples of the world alone will save the Scottsboro boys.

The Negro and white masses are learning that only mass actions will destroy lynch terror, jim-crowism, and the whole system of national oppression of the Negro people.

SCOTTSBORO FREES NEGRO

THE mighty walls of the old Slave Empire are crumbling--falling down!

The Scottsboro case centered a terrific fire on the Southern oligarchy and did more to free the Negro than the guns of the Union Army.

Real freedom is of the spirit. Human beings are never free until their souls are free. The subjection of the mind is infinitely worse than physical bondage. "Liberty or death" comprehends more than chains and prison bars.

5-4-33

Philadelphia Pa

The decision of the Supreme Court in the case of Neal versus Delaware wherein that court decided that the trial of a Negro by a jury from which all Negroes are excluded from the panel because of color is unconstitutional, struck a death blow at the vicious Southern jury system.

The opinion of Federal Judge Lowell of Massachusetts in refusing to allow the return of Crawford to Virginia exploded and tore holes in the machinery of Southern courts. This learned jurist based his opinion on common sense and the spirit of the law. He followed the opinion of the Supreme Court in the now famous Neal vs. Delaware case.

These decisions evidence the fact that all white men are not void of fairness and common decency. They prove that both God and Justice still live.

But the most important thing is that Negroes have taken on new hope and courage. In the words of Samuel Leibowitz, chief counsel for the Scottsboro defense—"The real heroes of the Scottsboro case were not the members of counsel but those 280 Negro men who paraded to the witness stand for nine days to testify that they had never been called to serve on a jury; that they were qualified. The question of jury service was the sore spot in the case. It was the bitterest pill for the Attorney General to swallow, for it was questioning a Southern custom. Those brave men must continue to live down there, I could leave at anytime."

These Negroes who formerly had obeyed their master's voice refused to be brow-beaten or intimidated. They walked to the witness stand with their heads erect and their chins out realizing that for a Negro to testify in any manner favorable to other Negroes accused of rape against a white woman in Alabama might mean sudden death, the destruction of their homes (one of the witnesses' home was destroyed by fire) or the lives of their wives and children.

Slowly perhaps, but nevertheless positively, colored Americans are reaching the breaking point. For years they have fought a battle to survive. They compromised and gave way as a matter of policy but not of principle. This has been misunderstood to mean that Negroes did not want to enjoy full American citizenship; that they were satisfied with a little less than equal opportunity.

This philosophy may or may not have been necessary to permit the Negro to live and propagate himself in the midst of his persecutors. But the day of the hat-in-hand Negro has gone. The servile "Uncle Tom" type exists, but he is scorned and has lost his voice in the councils of Negro leadership. He is out of step with the present desires and wishes of his fellows. His counsel is no longer heeded as his former followers gradually move farther to the "left." Whatever purpose he was to have served has been finished. Peace to his ashes and may God bless his soul as his fellowmen march forward with heads erect toward absolute equality.

CHATTANOOGA TENN. NEWS
APRIL 22, 1933

The Scottsboro Case

(Birmingham News.)

Much of the intelligent and devoted work in the interest of harmony between the white people and the Negroes in the South has been frustrated by the flaring passions fucussed upon Decatur during the last ten days. The consecrated life of Dr. Booker T. Washington and that of his worthy successor at Tuskegee institute have been partially nullified by this fresh outbreak of brutal hatred. What has been done by such responsible and sincere organizations as the Commission on Interracial Co-operation and a committee composed of men like Dr. Howard W. Odum and George Fort Milton for the study and discouragement of lynching has suffered a needless setback.

This newspaper is in no position to pass judgment upon any of the official acts of the court at Decatur. As a Southern institution, however, it is deeply concerned in serving the best interests of the South. The welfare of this section depends upon good will beeween the white and the black races. Any person, be he a Southerner or a Northerner, who deliberately exercises an influence calculated to injure that good will is not a friend of the South. As the News has already attempted to point out, there are men in Alabama who by nature are capable of thinking of the Scottsboro case in terms of legal and moral integrity. Judge James E. Horton, for instance, is one of those men. In the face of the most taxing circumstances he proved a consecration to truth and duty which was almost superhuman. When difficulties of the case became actually insurmountable he courageously closed the doors of the courthouse in order to avoid making a mockery of the justice which he has sworn to uphold. The state of Alamama should see to it that men with Judge Horton's brand of honor are its representatives in future trials of the Scottsboro case.

Much pendulum thinking has been done on both sides of this case. That is to say, there has been a tendency for individuals, organizations and sometimes for newspapers to fly to extreme conclusions. The steadying and conservative influences have been all too few in comparison with the radical and irresponsible factors. It goes without saying that the connection of the International Labor Defense with the case is extremely unfortunate for both sides. If it is true, as many persons have averred, that the I. L. D. wishes to make martyrs of these Negro defendants, that it wishes to insure their execution in order to add incendiary force to its worldwide Communistic propaganda, then it certainly does not behoove the prosecution to run headlong into such a trap.

Southerners should realize that the wildly radical International Labor Defense is no more respectable in the North than it is in this part of the country. It is erroneous for us as Southerners to leap to the conclusion that representatives of the I. L. D. are men who embody the characteristically Northern view on the Negro question. As a matter of fact, conservative and balanced attitudes on the Negro in the North are not very different from views on a corresponding plane in the South. Although it is frankly seeking the best interests of the Negro, the American Association for the Advancement of Colored People is almost aristocratic as contrasted with the unruly, chaotic and anarchistic International Labor Defense. The one compares with the other about as the extremely radical I. W. W. organizations have compared with the American Federation of Labor.

In reality, the Scottsboro case is not a grand fight to the finish between the state of Alabama and the rest of the world. It has deevloped into an important test involving the legal situation of the Negro in the United States. The South is profoundly interested in a fair and equitable settlement of that question. In placing a man like Judge Horton on the bench the state of Alabama has gone a long way toward establishing its good faith. Now if the legal counsel on both sides at the next trial can be composed of men capable of seeing the larger issues at stake, the whole matter of racial attitudes in the United States will be advanced as much as that cause would be hindered by a further display of single-tracked rancor and malice.

Lynchings-1933

Legal Punishment for Rape

Alabama

4226

Lancaster, S. C. News
April 25, 1933

THE SCOTTSBORO CASE

The Scottsboro case in Alabama has brought about a number of regrettable incidents. Negro sympathizers and certain labor agitators are claiming that a fair trial was not given to Heyward Patterson for the second time when he was again convicted and sentenced to the electric chair for criminally assualting a white girl.

It seems almost impossible that two different juries of twelve men each would find this man guilty of the crime if the evidence did not warrant it. If, under the circumstances the negro was not guilty, justice in Alabama would be at a low ebb. It is our opinion that it would have been impossible for twenty-four men to agree upon such a verdict if there was not a proper cause. These men heard all the evidence and should have been in a position to judge accordingly.

However, persecution is being charged and negroes are being told that they are suffering from white supremacy. We do not believe that the more intelligent negroes will support the cause of the condemned negro. He brought disgrace and dishonor upon his race and if such deeds go unpunished then lynch law will be adopted.

Labor agitators are endeavoring to make capital out of this case by appealing to the southern negro. Wo do not believe that they will get far with the matter.

SAN FRANCISCO, CAL.
CALL BULLETIN
APR 17 1933

Reasonable Doubt!

It Still Exists in Those Scottsboro Cases

Heywood Patterson, one of nine Negroes for whom the Supreme Court ordered a new trial, is sentenced to death after the jury had deliberated nearly twenty-four hours. He and the eight other Negroes are accused of a crime against two white women, a crime punished by death in Alabama.

One of the women, who formerly accused the men, swore at Patterson's recent trial that he and the other Negroes were innocent, had never molestad her or the second woman. The Rev. Dr. Fosdick of New York, she said, persuaded her to tell the truth. The second woman swore that the nine, Patterson included, were guilty, as she had sworn at the first trial.

Seven of the other Negroes will be tried, one at a time, with one woman, presumably, swearing to their guilt, the other swearing to their innocence. The ninth is a minor.

The strange thing, which makes the case unusual, is that the Southern judge, in his jury charge, describes both women as "women of the underworld." They were traveling in a freight car with hoboes at the time the crime is alleged to have been committed.

With one woman swearing one way, the other swearing the other, and the judge describing both as unworthy of belief because of moral turpitude, there would seem to be considerable possibility of "reasonable doubt" in the case.

SCOTTSBORO MARCHERS TO LEAVE EASTERN CITIES TODAY FOR WASHINGTON

Daily Worker
5-6-33
New York

New York Contingent Leaves Union Square at 10 a. m. for Capital Demonstration

To Press for Action on Civil Rights Bill, Demand Freedom of Scottsboro Boys

NEW YORK.—Between 10 and 11 a. m. this morning the New York column of the "Free the Scottsboro Boys" march will leave from Union Square on its way to Washington. Buses, trucks and private cars, bearing slogans, demanding the freedom of the Scottsboro Boys and enforcement of the 13th, 14th and 15th amendments to the constitution, will convey the delegates of Negro and white organizations. At Trenton, N. J., a contingent of marchers organized after a mass meeting in the Elk's Temple, will join the New York column. From all over the East coast and as far south as El Paso, Texas, thousands of marchers are en route to converge in Washington on Monday, May 8.

Press Demands Monday

In Washington, Monday morning, a conference will be held where the National Scottsboro Action Committee, will present the draft of the Civil Rights Bill to the marchers for ratification. From the conference the marchers will go to the capitol to demand that Congress and Roosevelt pass this bill putting teeth for enforcement of the 13th, 14th and 15th amendments to the Constitution. They will at the same time raise the demand for the freedom of the Scottsboro Boys, Angelo Herndon and Tom Mooney.

• • •

Trial of Arrested Workers

NEW YORK.—Nine Negro and white workers, arrested for holding a Scottsboro open air protest meeting were tried by Judge Brodsky yesterday in Harlem. The judge angrily ordered Charles Alexander, Negro Communist, to "stop propagating all your political views in this courtroom." The courtroom was packed and the defendants exposed the role of the Tammany city administration in trying to stifle the protest against Jimcrowism and oppression of the Negro people. The judge freed eight of the workers and found Alexander guilty, giving him a suspended sentence.

The value of the promises of Mayor O'Brien, "guaranteeing that no street meetings will be disturbed" was seen here late Thursday evening. A police detachment cut off the loud speaker being used at a protest meeting on Seventh Ave., near 134th St. Told by the chairman that Mayor O'Brien had promised them they would not be molested, the sergeant said: "I know all about that. I got my orders."

Valdosta, Ga. Times
April 21, 1933

THE SCOTTSBORO CASE

One of the main difficulties in the administration of justice in the United States is the tendency to turn every major trial into a sideshow. Historians suggest that this is due to the fact that in backwoods days court week was a week of real entertainment to the early American and that his descendants have inherited his fondness for dramatic trials. The Hall-Mills murder, the "Blonde Bandit" trial, the Judd affair, seemed to be shows rather than court procedure.

As to the Scottsboro case, the strange antics of the counsel, both for the state and for the defense, have completely obscured the questions involved in the case. Both sides have lain down smoke screens behind which the issues of the trial are completely obscured.

It is a regretable commentary upon the status of justice in America that such a condition can exist.

MANY ORGANIZATIONS IN SCOTTSBORO FIGHT THRU BIG NATIONAL COMMITTEE

5-5-33

Activities for Scottsboro March on May 8th Reported From Various Cities of the U. S.

NEW YORK.—Publication of the list of members of the Executive of the National Scottsboro Action Committee reveals the broad composition of the committee which is engaged in extensive united front activities on behalf of the Scottsboro boys.

*

The executive committee of the body, as augmented, now includes:

Roger Baldwin, American Civil Liberties Union; J. B. Matthews, Fellowship of Reconciliation; A. Clayton Powell, Abyssinian Baptist Church; James W. Ford, Trade Union Unity League; Shelton Hale Bishop, St. Philips Church; William L. Patterson, International Labor Defense; Edward Welsh, Harlem Interracial Forum; John Henry Hammond, Jr., National Committee for Defense of Political Prisoners; W. C. Handy, Honorary Chairman of former Scottsboro Unity Defense Committee; Harry Haywood, Communist Party of America; Heywood Broun, World-Telegram; Cyril Briggs, Editor of "The Liberator;" A. J. Muste, Conference for Progressive Labor Action (Nat'l); Maud White, Trade Union Unity Council; Bishop Collins, Episcopal Synod, Joshua Kunitz, Executive Sec'y., National Committee for the Defense of Political Prisoners; Sophia Epstein, Women's Council; John Godber, Conference for Progressive Labor Action; Samuel C. Patterson, Caribbean Union and Grand United Order of Odd Fellows; William Fitzgerald, International Labor Defense (Harlem Division); Mrs. Adelaide Blackwell, Eureka Temple of Elks (Women); Cyril Phillip, Students Literary Association; Mary D. James, Supreme Council of Moses; Grace Campbell, Professional Workers League; Herman Osborne, National Students League; John J. Ballam, International Labor Defense; G. B. Maddox, Williamsbridge Scottsboro Action Committee; Mrs. C. J. West; Sidney Spencer, Young Communist League; J. Dalmus Steele, Elks; Joseph Moore, Mechanics Association; Herman W. Mackawain, League of Struggle for Negro Rights; Paul Peters, John Reed Club; Louise Thompson, Secretary of former Scottsboro Unity Defense Committee; Frank Palmer, Federated Press; Wm. N. Jones, Baltimore Afro-American; Matthews Crawford, Jr., Scottsboro Committee in San Francisco; Loren Miller, Editor of California Eagle, Los Angeles; Eugene Gordon, Boston Post; J. B. Blayton, Atlanta, Ga. Negro Chamber of Commerce, Benjamin J. Davis, Jr., Atlanta Committee for Defense of Angelo Herndon; Rev. J. W. Brown, Mother Zion Church; Rev. R. M. Bolden, First Emanuel Church; William M. Kelly, Amsterdam News; Dr. Thomas S. Harten, Holy Trinity Baptist Church, Brooklyn; Dr. L. H. King, St. Marks Church; Channing H. Tobias, Y. M. C. A.; A Representative of Corona Scottsboro Committee; Richard Warner; Samuel Mitchell; H. I. Thomas; Seward L. Virgil.

* * *

Church Groups Back Defense

SCHENECTADY, N. Y., May 2.—A resolution denouncing the attacks on the Scottsboro boys in the Jefferson County jail in Birmingham and a demand that they be freed, was adopted by the Young People's Union of the Mt. Olivet Baptist Church there.

A similar resolution was adopted by the First Community Baptist Church of Schenectady, which took up a collection to defray expenses of the three Schenectady delegates to the Scottsboro March. The delegates will be given a farewell meeting to be held at Lithuanian Hall, 703 Windsor Terrace, on Thursday.

The resolution follows:

"We, members of the Mt. Olivet Baptist Young People's Union of Schenectady, strongly protest the attack of the prison guards on the defenseless nine innocent Scottsboro boys. We condemn this as an attempt to seek excuse to lynch the boys behind prison walls. We hold the Governor of Alabama responsible for the safety of the boys. We demand unconditional release of all the boys, and we will do what we can to help secure their freedom."

(Copy to Governor of Alabama, President Roosevelt, Warden of Jefferson, County Prison, labor and local press).

* * *

A mass benefit performance for the Scottsboro boys will be staged in the Orange, N. J. Armory May 5. with Mrs. Janie Patterson, mother of Haywood Patterson, Scottsboro boy condemned to death, speaking.

The program will include Hall Johnson's singers from "Run, Little Children"; Buck and Bubbles, R.K.O. dancers; W. C. Handly, famed composer; Hamsley Winfield, dancer from the Metropolitan Opera Company production of "Emperor Jones"; the Pope sisters, Alabama radio stars; the Santa Domingan and other guest bands. The benefit will be conducted by the National Scottsboro Action Committee.

On May 5 there will also be a Scottsboro meeting in the New Era Club, at 274 East Broadway, Harlem.

Henry Shepherd, of the Trade Union Unity Council will talk at a Scottsboro meeting in the Gethsemane Baptist Church, 3777 Third Ave., Bronx, on May 8.

William L. Patterson will address the students and faculty of Howard University, Washington, D. C., on May 9 and 10.

Other Scottsboro meetings are being held in Norfolk and Richmond Va.; in Baltimore, Philadelphia, Chicago and Boston. A demonstration in the South End of Chicago lasted nearly three hours last week.

* * *

Philadelphia Tag Day Meet May 5.

PHILADELPHIA, May 2.—The I. L. D. here is arranging a tag day for May 5, 6 and 7 to raise funds for the Scottsboro March delegation to Washington. Workers are urged to report to the nearest office of the I.L.D. for boxes and supplies.

* * *

Meeting In Providence May 8

PROVIDENCE, R. I., May 2.—On the day that workers will be massed in Washington to present the Bill of Civil Rights to President Roosevelt and Congress, a Scottsboro mass meeting will be held in Providence.

The meeting, to be held on Monday, May 8, at 7:30 p.m., will take place in Ebenezer Baptist Church, on "A" St. Speakers will include Rev. Williams, of the Olney St. Baptist Church; Eugene Gordon, noted journalist of Boston; John Watkins, of the National Association for the Advancement of Colored People, and Anna Bloch, active in Providence in the Scottsboro campaign. The meeting is being called under the auspices of the Scottsboro branch of the I. L. D.

Another meeting, at which Mrs. Janie Patterson, mother of Haywood Patterson, will speak, will be held on Thursday, May 11, at the Olney St. Baptist Church in Providence.

DALLAS, TEX.
NEWS

APR 28 1933

No Friends of Negroes

The black man in the South ought not to have to contend with the manufactured prejudices which his pretended friends pile up against him while they purport to be acting in his interest. He has prejudice enough to meet as it is. Whatever the justice of the Scottsboro cases, in which negroes are charged with violating two young women who were catching rides on a freight train, it is clear that the defendants have been hurt by efforts ostensibly in their behalf.

The Pittsburgh Courier, a Pennsylvania negro weekly, quotes Attorney Leibowitz as explaining his loss of a jury verdict recently in the Alabama cases:

> If you ever saw those creatures: those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs', whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they can do it.

The Courier sees in that statement reason enough for the withdrawal of Leibowitz from further jury pleading in Alabama. It says that the Communists and National Association for the Advancement of the Colored People have meddled in the cases until a fair trial is all but impossible. "The agencies at work on both sides of the case," comments the Courier, "have lost sight of the boys. The prosecution is mad because the I. L. D. (Communist) long ago sent telegrams to the Judges and to the Governor, attempting to intimidate them, brow-beat them and threaten them. . . . The Scottsboro case was lost when those intimidating telegrams were sent to Alabama. . . . The prosecution went into the courts to defend what it considered the traditions of Alabama, the pride of Alabama, the insults to Alabama intelligence, and not to prosecute nine negroes."

The Courier's appeal to the interloping propagandists to get out of the case is common sense. Its appeal to Alabama officials to ignore them is common justice. Anger and hatred will never bring settlement of racial problems.

BIRMINGHAM, ALA.
NEWS

APR 30 1933

THE SCOTTSBORO CASE

To the Editor The News:

Why all this hullabaloo about the Scottsboro affair? It looks now as if it is likely to cause trouble throughout the South. It should not. It is a sectional matter, and does not brook outside interference. I am neither a Southerner nor a Northerner by birth, but having lived more than 20 years in the South, I believe that I am in a position to form an opinion without being biased by the evils of the Reconstruction period. It is no use trying to explain, either by radio or through the press, to people north of the Mason and Dixon line what the white man's attitude toward the Negro in the South really is, and that that attitude is fundamentally sound. The only way in which a Northerner can get a complete and fair understanding of the relations between the two races in the South is for him to come down here and stay at least two years, and then he would find out that the supremacy of the white race is an absolute necessity, and at the same time he would find out, with very few exceptions, that the lot of our "colored brother" is much more congenial in Dixie land than it is in territory north of the Ohio River and in the Eastern and Central states.

Above all, however, it behooves all right-minded citizens to keep their heads cool and thus demonstrate the fact that justice in Alabama can be and is administered in as fair and equal a manner as it is in any other state. Any criticism that is made for the sole purpose of creating race hatred and prejudice should be treated with the silent contempt which it amply deserves.

901 South 31st St.
HAROLD ATKINSON.

Lynchings-1933
Legal Punishment for Rape.

4227

More Decatur Negroes Bring Testimony in Trial of Scottsboro Boys to Prove Jury Exclusion Policy

Daily Worker 3-31-33

DECATUR, Ala., March 30.—"The most militant solidarity with the Scottsboro defendants is being shown by the Negro workers and farmers of Morgan and surrounding counties, and this solidarity is slowly drawing in the support of white workers and impoverished farmers."

This was the statement made by the official representative of the International Labor Defense as lawyers for the Scottsboro boys brought a succession of witnesses to prove that Negroes are systematically excluded from both grand and petit juries in Morgan county, where Haywood Patterson, one of the Negro boys, is now on trial on a framed-up "rape" charge. The others go on trial later.

The statement by the I.L.D. representative revealing the solidarity with the Scottsboro defendants is shown in a moving way by the fact that Decatur Negroes sent a barber to the jail to shave and give haircuts to the boys. At the same time the Negro families sent over changes of linen to the boys who are now being kept in a jail in Decatur which defense attorney Liebowitz, after a visit yesterday, denounced as "unfit for human habitation."

Negroes Defy Threats

Moreover, if further proof were needed, it is seen in the courage displayed by Negro witnesses in voluntarily appearing in court to expose vicious legal apparatus, which is only one aspect of the whole system of Negro oppression and lynch rule in the South. A number appeared in spite of threats which they had received.

Today 25 such witnesses were in court ready to take the stand, to testify that no Negroes had ever been called for jury service in Morgan county.

Dr. F. J. Sykes, of Decatur, a Negro witness for the defense, presented to the court today a list of 120 Negroes eligible for jury service who had never been called to serve.

Wants Venire Out

Liebowitz, I.L.D. attorney, opened the session by presenting a motion to quash the entire venire of prospective jurors on the ground that no Negroes had been called for jury service—at the same time charging that this is a violation of the rights of the Scottsboro defendants under the fourteenth amendment to the U. S. constitution.

Determined to maintain the pose of impartiality so necessary in perpetrating an effective legal frame-up, Judge Horton reversed his previous action at the first hearing in which he refused to permit the further introduction of evidence regarding Negro exclusion on juries. At the same time he overruled the defense objection to separating Haywood Patterson from the rest of the

aroused merriment from some of the "better" white spectators in the courtroom, the defense attorney shouted: "If snickering or laughing continues, I will demand that the judge clear the court. This is no Roman holiday."

Knight received the surprise of his life when Banks, 55-year-old Negro bill-poster replied at one point: "I refuse to answer your question," when the prosecutor tried to show that Banks could not show conclusively that Negroes were excluded from jury service. At this point the judge once more prevented defense counsel from showing the tremendous difficulties involved in Negroes voting in Morgan County.

Challenges Judges to Question

In addition to Banks, Dr. N. E. Cashin and L. R. Womach, both Negroes and the latter a Decatur preacher, presented an additional list of Negroes qualified for jury service, but all declared that they never knew of a single Negro who has served.

After defense attorney Liebowitz had revealed by questioning that Banks was fully eligible to serve on a jury and had never been called although a voter, he asked that Judge Horton himself examine the witness to determine, if possible, why he was excluded from jury service. The judge, however, refused to do this.

An indication of the great support for the Scottsboro boys among the Negroes of the section is seen in the fact that many local Negroes are voluntarily presenting to the defense names of Negroes eligible for jury duty who would willingly appear in court to testify.

Under sharp questioning by the defense attorney, J. H. Greene, clerk of the circuit court, was compelled to admit that during four years' service he had personally not seen one Negro out of 2,500 jurors.

[illegible]

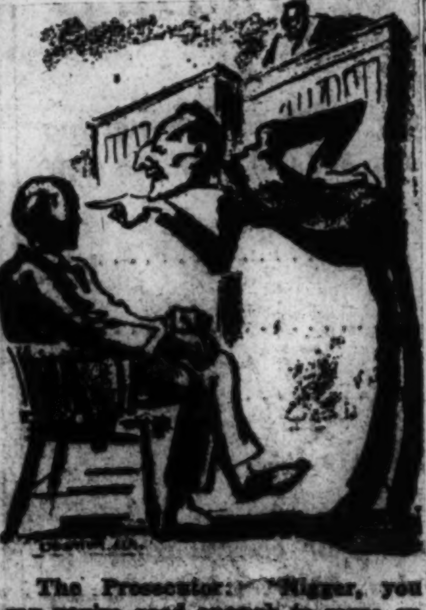
Earlier, Dr. Sykes, a graduate of Harvard University, and a resident of Decatur, who was called by the defense, said that he had "never seen nor heard of a single Negro juror in Morgan county.

Despite interjections by Judge Horton and Prosecutor Knight, Liebowitz declared:

"I want to show that Negroes in order to vote here must pass such an ordeal that proves them fit for jury service."

"No Roman Holiday"

Later in the session when the attempt by Knight to bulldoze and ridicule H. J. Banks, a Negro witness



The Prosecutor: "Nigger, you [illegible] you're good enough to serve on [illegible]"

NEW YORK TIMES
APR 30 1933

SOUTH [illegible]ANGE ITS JURY PROCEDURE

Sentiment Noted in Favor of Occasional Calling of Negro Talesmen.

PENAL REFORMS SOUGHT

Burns, Scottsboro and Crawford Cases Focus Attention on Both Systems.

By VIRGINIUS DABNEY.

Editorial Correspondence, THE NEW YORK TIMES

RICHMOND, April 27.—Action of United States District Judge James A. Lowell of Boston in thwarting the efforts of Virginia and Massachusetts to bring to trial a Negro suspected of a double murder in the Old Dominion, has served to focus public attention once more on the fact that Negroes are seldom called for jury service below the Potomac. It was on the ground that the Negro sought for trial in Virginia would be tried by a jury of whites, and that his trial would therefore be pronounced illegal by the Supreme Court, that Judge Lowell declined to permit his extradition.

Remembering the recent attack on the Southern jury system by defense counsel in the Scottsboro case, and the somewhat less recent action of Governor Moore of New Jersey in refusing to extradite Robert E. Burns to Georgia, because of the allegedly inhuman treatment he would receive on a chain gang there, the South is doing some soul-searching.

Loose Talk Deplored.

Those who view the action of Judge Lowell objectively deplore the abuse which he has received from certain Southern sources. They point out that whereas the Boston jurist apparently went outside his proper province when he attempted to forecast the action of the Virginia authorities and the attitude of the Supreme Court he stated specifically that he had no "doubt the defendant would get a fair trial in Virginia."

Although believing strongly that the district judge erred in refusing to send the Negro George Crawford back to Virginia, they deplore the public expression by a Richmond lawyer of the opinion that among Judge Lowell's ancestors "were plenty of Southern carpetbaggers"; nor do they feel that anything is to be gained through such unrestrained denunciations as that indulged in by Representative Dies of Texas, who stated that the judge displayed "a venom and prejudice unparalleled in the judicial history of this or any other country." These statements from Southerners were matched by Representative Luce of Massachusetts, who said on the House floor that "to send a Negro back to Virginia for trial would be like sending a Jew to Germany."

Negroes Rarely Called.

It is true that Negroes are not often called for jury service in Virginia, except in the Federal courts, but it cannot be assumed that when a Negro is tried in Virginia the jury is certain to be entirely white.

However, the Crawford episode has brought many Virginians and other Southerners to a realization that something probably will have to be done about the Southern jury system. The opinion seems to prevail that the Supreme Court would reverse the latest Scottsboro conviction on the ground that there were no Negroes on the jury, and now the action of Judge Lowell has tended to confirm that view.

The attitude of many thoughtful Southerners toward the situation which has been precipitated by the Scottsboro and Crawford cases is that it would be wise for Southern courts to begin calling Negro jurors from time to time. Some fifteen or twenty years ago this was done in the Richmond Hustings Court, for example, and with satisfactory results. The Richmond News Leader has the following to say of the existing situation:

"Failure to call Negroes for jury service in the South will produce more and more complications as time goes on. The second trial of the Scottsboro case probably has marked an epoch in this respect. Increasingly it will be contended that white juries are prejudiced against Negro prisoners in cases involving alleged crimes against white women. This, in turn, may increase the difficulties of extraditing Negroes who escape into Northern States. To avoid this, the fair and prudent course, in our opinion, is to remove the cause of complaint by using Negro jurors on occasion."

As for the final adjudication of Judge Lowell's action, there is anparent confidence in legal and judicial circles here that the United States Circuit Court of Appeals, to which the decision has been appealed, will bring in a reversal.

Possible Changes Seen.

The more level-headed observers are deploring the abuse that has been indulged in by both sides. There was similar recrimination in connection with the Burns case last December, when the Governor of New Jersey refused to honor extradition papers of the Georgia authorities. Here is another decision which may set a precedent, for any Northern Governor who is convinced that a Southern State is without an up-to-date penal system may feel at liberty hereafter to decline to send a fugitive South to prison.

In the case of Georgia, the iniquities of the prison system were exaggerated, but William B. Cox, secretary of the National Society of Penal Information, testified at the hearing that "there is no State in the Union where the penal system is as bad as it is in Georgia."

One surmises that Mr. Cox knows whereof he speaks when one considers that so loyal a Southerner as George Gordon Battle joined with Clarence Darrow in petitioning Governor Moore not to extradite Burns.

Thus the past five months have seen the Southern penal systems brought sharply into the spotlight, along with the Southern jury systems. It may be that we are about to witness substantial changes in both of them as a result of the recent episodes.

DECRIES RACE BIAS AT NEGROES' TRIAL

Dr. Chalmers, Back From the South, Says Prejudice Rules Social Order There.

5-1-33

FOUND SITUATION TRAGIC

New York

Scottsboro Case Only One of Many, Most of Which Are Never Heard of Here, Pastor Declares.

The Rev. Dr. Allan Knight Chalmers, pastor of the Broadway Tabernacle Congregational Church at Fifty-sixth Street, who has just returned from a tour of the South, commented yesterday in his sermon on the Scottsboro case and deplored the prejudice to which he attributed the recent conviction of one of the Negro defendants.

"The passions and the prejudices of men make them do strange things," he said. "They set them on opposite sides from their real desires and make strange alignments on difficult issues.

"The immediate example of this for us all, made particularly pertinent by my recent trip through the South, is the so-called Scottsboro case. The discouraging thing is that cases fully as important are going on constantly and we never hear anything about them. We use the Scottsboro case today because it is so well known.

"I inquired about it every place I went—Southern white men, Negroes of different classes. Let us grant the fact that my contacts were in the main with those who had inclination to be partisans. Yet over and over again I found myself thinking about the French Revolution. Do you remember in those days how the accusation was enough? The cases were frequent of grudges paid by lodging information with the citizens' committee, and the suspicion was enough.

"We do not rightly understand the difficulties of white and black alike in the South unless we recognize this powerful and oftentimes unrealized influence on their thinking. The greatest tragedy to me in it was to see the faces of the Negroes as they spoke of it. A hopeless acceptance of a fact.

"That is the fundamental issue. A social order has grown up around an experience and a fear and it makes it almost impossible for right-thinking men to do the right, the true thing, even if they see the issue clearly."

COLUMBUS, O.
CITIZEN
APR 24 1933

SOUTHERNERS AND NEGROES

Editor of Citizen:

THE Scottsboro case again discloses the extreme ignorance of the average northerner about the race question in the south. Contrary to what most northerners believe, the southern people do not hate Negroes. In fact, the average southerner is a much better friend of the Negro than the average northerner.

With a tremendous colored population, the south has long found it necessary to separate the white and colored races to prevent race friction. This is simply an honest and intelligent way of handling a social problem, and educated Negro leaders approve and insist upon this separation.

No one knows better than I do that the commission of a vicious crime against a white woman or a child makes the ordinarily good natured southerner's blood boil, and he is altogether too likely to take the law into his own hands. Such crimes endanger to otherwise harmonious relations between the races. For these reasons, the crimes with which the Scottsboro boys are charged are of the most serious nature.

I do not know whether these boys are guilty as charged, but I do know that their "defense" has not been to their best interests. It is unfortunate that a certain organization is using this case merely for publicity. The boys are not Communists, but simply irresponsible youths who got themselves into serious trouble.

The services of any number of skilled attorneys, white and colored are available in Alabama. A "defense" based upon class, sectional and race prejudices, conducted by a lawyer who has not the slightest sympathy with American institutions or social conditions in the south, cannot represent the true interests of the accused in this case; neither can any court, no matter how fair, assure an impartial trial.

Furthermore, southern people, white and colored, resent the meddling of outside agitators in affairs of which they have no real knowledge or interest. When Heywood Broun stops the sale of judgeships, the purchase of juries and witnesses and the "taking for a ride" of state's witnesses, the good people of Alabama will be ready to welcome his advice.—Alabaman.

"BOXCAR HOBOES"

Editor of Citizen:

WHETHER the Scottsboro Negroes are guilty or not, I wouldn't have supposed that southern white "ladies" would lower themselves to become boxcar hoboes. As for the north not knowing how to deal with Negroes, the north does know how to give anyone a fair trial, white or black.—Lucille Williams.

THEORY VS. FACT

Editor of Citizen:

THE statements of "Southron" and "Southern Rebel" are based on pure theory, not fact. At the first trial, about two years ago, Ruby Bates testified under oath that the Negro defendants had assaulted her. At the recent trial she testified, again under oath, that her previous testimony had been a lie. The only thing she proved at both trials was that her testimony was false.

Yet it was her evidence, in the first trial, that convicted the defendants. The district attorney charged that "northern Jew money" had bought her off, before the second trial, but there was no evidence to support this charge. Just another theory.

If the Scottsboro defendants are proved guilty beyond a reasonable doubt, I believe firmly they should be punished, as should any man who commits such a crime as they are charged with.—W. D. M., Delaware, O.

NEGROES IN THE NORTH

Editor of Citizen:

WHAT, asks "Southron," does the north know about how to deal with the Negro? Well, the north knows that the Negro is decidedly human; that in a few brief years of freedom he has made progress that the free white race required centuries to make; that he is entitled to decent respect.

The crime charged against the Scottsboro youth is, in reality, not a crime. The prosecution is exploiting southern hatred of the Negro. Great numbers of southerners have never realized that the Negroes are no longer slaves, and continue to regard them as less than human beings.

I do not uphold my people, or any other people, in wrong, but my sense of justice is strong. I have small respect for people like "Southron" and "Southern Rebel," who ask newspapers to print letters they are afraid to sign with their real names.—William Davis.

REGARDLESS OF COLOR"

Editor of Citizen:

SO the north does not know how to handle Negroes! Well, the north does give men accused of crime a fair trial, regardless of their color. We don't go in mobs, like hounds on the trail of a rabbit, after a man who has committed—or is suspected of having committed—a crime. The Negro, in the north, knows his place and stays in it. If he makes a mistake, we or our fair courts teach him correctly.

The Negro, in the north, has a chance. Knowing that he will be dealt with fairly, he trusts the law. There are no race wars; there are almost no lynchings, legal or illegal.

It is the north, and not the south, it seems to me, that does know how to handle Negroes.—Arden Brown.

SCOTTSBORO PLEA MADE IN CAPITAL

Telegraph

Delegation Accompanied by Girl in Case Visits White House With Petition

5-9-33

Macon Ga.

WASHINGTON, May 8 (AP).—A parade of 3,000 whites and Negroes Monday sought from President Roosevelt and congressional leaders, intervention to free the nine Alabama Negroes convicted of criminal assaults in the renowned Scottsboro case.

In the van of the march was the girl, who after once swearing the men had attacked her, reappeared at a new trial as a surprise witness and reversed her testimony. With her went James Ford, Negro Communist and William L. Petterson, Negro national secretary of the International Labor defense. Along also was Janie Patterson, mother of Haywood Patterson, at whose retrial the girl changed her story. He was convicted again and is for the second time under sentence of death.

At the White House the leaders saw Louis McHenry Howe, presidential secretary. They complained bitterly upon being told the president was too busy conferring with Dr. Hjalmar Schacht, special German envoy, to receive their petitions in person.

Rainey Meets Delegation

They marched then to the capitol. Speaker Rainey saw them.

"We demand congressional action for the unconditional release of the Scottsboro boys," Ford told Rainey. "We present also a bill of rights demanding legislation to guarantee enforcement of the 13th and 14th amendments."

"The petition will be referred to the judiciary committee," Rainey replied. "As for the Scottsboro case, that is a matter for the courts. Congress has no authority to direct the release of men charged with a crime."

The girl said: "The Scottsboro boys are absolutely innocent."

"You testified once they were guilty?" Rainey asked.

"Yes, sir."

"Now you retract?"

"Yes, sir."

"Gesture of Contempt"

"What caused you to change your mind?"

"Well, I didn't want to see innocent boys suffer."

"Because you had perjured yourself?"

"Yes sir, under duress," replied the girl.

Then they called on Vice President Garner, who told them he would refer their petition to the appropriate senate committee.

Although at the White House attaches said the president was making a practice, now that business is so heavy, of referring petitioners to Howe, Patterson as spokesman for the marchers said they regarded Mr. Roosevelt's refusal to see them as a "gesture of contempt."

SCOTTSBORO WRITS SOUGHT TO FREE TWO

Defense Lawyer Says Wright and Williams, as Juveniles, Are 'Incapable of Crime.'

5-6-33

A new plan to obtain the immediate release from jail of two of the nine Negroes awaiting a second trial on a charge of attacking two white girls near Scottsboro, Ala., two years ago was announced yesterday by George W. Chamlee, one of the defense attorneys, upon his arrival here to confer with officials of the International Labor Defense, the Communist organization which is supporting the attempt to save the defendants from the electric chair.

Mr. Chamlee, former attorney general of Chattanooga, Tenn., and the only Southerner associated with the defense at the recent trial of Haywood Patterson in Decatur, Ala., said he was preparing petitions for writs of habeas corpus for Roy Wright and Eugene Williams.

Wright and Williams, both juveniles, are in the Jefferson County jail in Birmingham with their seven co-defendants, for whom the United States Supreme Court ordered new trials. Under the laws of Alabama defendants under 16 must be tried in juvenile court. The fact that Wright and Williams were only 13 years old when arrested rendered them incapable of committing a crime, according to Mr. Chamlee, because they were under the age of "accountability" in Alabama.

Mr. Chamlee said that an amended motion for a new trial for Haywood Patterson would be filed soon. Patterson, the only one of the Negroes to be tried since the United States Supreme Court reversed the verdict of the jury in the original trial in Scottsboro, has been convicted again and sentenced to death.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4228

4228

DECATUR DENTIST SAYS "AIR STILL HOT" IN ALABAMA TOWN

Because he had the courage and honesty to go on the stand at Decatur, Ala., during the Scottsboro boys' trial and testify to the exclusion of Negroes from the jury rolls of the state, Dr. Frank J. Sykes, former Howard University and Baltimore Black Sox star pitcher, shown above on the stand, has been intimidated along with other friends and members of his family who testified "We are still going about our business in the usual manner," Dr. Sykes wrote the Guide this week. He also confirming the burning of crosses recently before his office and the home where the Guide reporters stayed while in Decatur.

"The air here is still a little hot," he adds. It was plenty hot while he was on the stand. This exclusive Journal and Guide and Coouerative Publishers photograph is a most interesting courtroom study. Note the dead aim a deputy sheriff has on the cuspidor and the peculiar look a spectator, at the right with his feet on the rail, is giving Dr. Sykes. Both the white men are sitting in the jury box, which was unoccupied until after the jury was selected following a week's arguments in various defense motions.

THE SCOTTSBORO FUND

Many are obsessed with the idea that the Scottsboro boys must be saved from death and that every legal means must be found in doing so. To wage such a legal battle funds are necessary and in no small amounts. The attitude of the National Association for the Advancement of Colored People in this cause is to be commended. At first it withdrew from the case because officials of the other organization were not in favor of being in co-accord. Noting the present situation and the necessity for increased and immediate funds, the National Association is asking all of its branches and friends to contribute liberally. This request should be heeded. In this action the Association has thrown aside whatever idea of differences there might have been and has united in the one purpose of saving the boys and at the same time settling certain legal grounds that will be far-reaching so far as the standing of the Negro in a certain section of the country is concerned. Grand jury service has been denied the Negro in the South and in but very few places are they permitted in a limited way to serve on the petit jury. The United States Supreme court has already decided that the conviction of a colored man by jury from which his race is denied service is illegal. This is being stressed especially in the Scottsboro case and the question will again be presented to this court after following the usual course. The lawyers for the boys have adroitly planned their action and gathered evidences and admissions from the Alabama officials and the court that will strengthen the jury serving contention. All of our people must become aroused to this momentous question and should respond with sufficient funds to have it finally settled by the Supreme court.

Ministers' Alliance Endorses Scottsboro Defense Fund Move

WASHINGTON. — Following a lively discussion on the merits of maintaining the present defense counsel for the Scottsboro boys, in which members of the Washington Ministers' Interdenominational Alliance took issue with the Rev. Robert W. Brooks, president of the group, that body [illegible] on record this week as endorsing the nation-wide campaign being conducted by the Alpha Phi Alpha fraternity—to raise money for further trials of the boys.

A symposium of ministerial opinion expressed by members of the alliance is as follows:

Bishop E. D. W. Jones: "This cause links the Jew and the Negro. I want the ministers of Washington, not only to endorse, but contribute to this fight. We need to get down into the mainstream with the people."

Rev. Brooks Speaks

The Rev. Robert W. Brooks, president of the alliance: "Let me be understood. If we find it more difficult to get justice for these boys under present auspices, wouldn't it be the better part of wisdom to get better auspices? If these boys die we will have less standing, legally, than before.

"I think these boys are exceedingly unfortunate in having Jewish lawyers, under the auspices of the Communists, to represent them. I believe that the N.A.A.C.P. lawyers could have shown a better diplomacy."

The Rev. H. B. Taylor, pastor of the Fifteenth Street Presbyterian Church: "I believe these boys were fortunate in having Leibowitz because he has forced the South to show its rabid, uncontrolled prejudice as no other, type of lawyer could have done. The white man of the South is capable of the grossest form of prejudice, without provocation. This man has brought this to the attention of the whole world."

The Rev. R. A. Fairley, pastor of Tabor Presbyterian Church: "I believe we should endorse the stand taken by the Alpha Phi Alpha fraternity."

The Rev. A. F. Elmes, pastor of People's Congregational Church: "The issue is the Scottsboro boys. It doesn't make any difference who is behind their defense—Jew. Gentile, red or non-red—let's get behind the cause."

"Reds" Praised

The Rev. T. H. Medford, secretary of the A.M.E. Zion board of foreign missions: "I think we should stand squarely behind whoever is fighting this case. I think the Communists, through Mr. Leibowitz, have done more than anybody else could have done. I do not believe you could have gotten a Southern white man to push the case forward as far as it has gone. Nobody has the courage to do what those reds do."

Scottsboro Committee Tells Why We March

Daily Worker

Ruby Bates and Lester Carter, Star Witnesse at Trial, Speak at N. Y. Meet Friday Eve.

BULLETIN.

A delegation composed of Samuel Patterson of the Carribean Union, Frank Spector and Richard Moore of the International Labor Defense William N. Jones of the Baltimore Afro-American, Dr. Albert Blumberg of John Hopkins, Elinor Mish of Hagerstown, Md., and Louis Colman of the National Committee for the Defense of Political Prisoners, saw Louis Howe, secretary to President Roosevelt, today and requested an appointment with the president. Howe refused to promise an appointment stating that he would decide the matter on the president's yacht Sunday and inform the committee Monday. The committee presented the Bill of Rights.

5-3-33 New York, N.Y.

NEW YORK.—"The struggle for the freedom of the nine innocent Scottsboro boys has spurred the fight for all the rights of the Negro people, the violation of which the Scottsboro case is one of the most drastic expressions."

This is the keynote of a statement just issued by the National Scottsboro Action Committee, contained in a leaflet now being distributed by the hundreds of thousands in Harlem and other centers of the country.

The statement continues:

"On Saturday, the 6th of May, the great Scottsboro March to Washington will start from New York. The marchers of New Jersey, Philadelphia and Baltimore will join the New York contingent and unite in the mighty conference with the delegations from the South and West in Washington.

TO PRESENT DEMANDS.

"The marchers assembled in Washington will convene in a conference to send a delegation to present to the President of the United States and to Congress the demands of the Negro people, the demands of the millions of white and Negro workers of the U. S. A.:

"1.—Immediate unconditional release of the Scottsboro boys.

"2.—The immediate release of Angelo Herndon, the five Tallapoosa share-croppers and Mooney and Billings.

"3.—The real enforcement of the rights of the Negro people, as guaranteed by the 13th, 14th and 15th Ammendments to the U. S. Constitution; abolition of Jim Crowism, of discrimination, peonage, lynching; the exercising of the right to vote, the right to sit on juries.

"LET US MARCH."

"Let us march! Let us build a tremendous movement for the freedom of the Scottsboro boys and at the same time strike a blow for the full rights of the Negro people!

"All those who are ready to take up the struggle for these demands and save the lives of these nine innocent Scottsboro boys, shall register as marchers at one of the following stations:

77 W. 131st St.; 15 W. 126th St.; 119 W. 135th St.; 114 W. 135th St.; 1412 Fifth Ave.; 2249 Seventh Ave.

"All those who do not register through organizations, or at the above mentioned stations and who wish to join the march, paying the $3 fare, shall register at the following offices:

International Labor Defense, District Office, Room 338; 799 Broadway (at 11th Street).

National Scottsboro Action Committee, 119 West 135th Street, Harlem.

All Harlem marchers shall assemble on Saturday, May 6th, at 7 a. m at 114 W. 135th St., where the buses will be stationed. This column will unite at Union Square with the other New York columns.

All organizations—churches, lodges, unions, etc.—participating in the Scottsboro march should immediately notify the National Scottsboro Action Committee, 119 W. 135th St., and should see that their delegates are on hand at the Harlem assembling point at 114 W. 135th St., Saturday, May 6, at 7 a. m. All organizations are to take care of the transportation and food of their marchers.

Those collecting contributions for the Scottsboro march are urged by the Scottsboro National Action Committee to turn them in at once at the headquarters of the Committee. Hundreds of cans, containing donations, have not yet been turned in, it is pointed out, and funds are urgent to defray the expenses of the march.

* * *

Ruby Bates To Speak

NEW YORK,—Ruby Bates, Southern white girl whose dramatic repudiation of her previous charges of rape caused a sensation at the recent retrial of the nine Scottsbro boys in the Scottsboro case at Dectaur, Ala., will address the send-off mass meeting for the "Scottsboro marchers to Washington" next Friday evening at the new St. Nicholas Arena, 66th street and Columbus Avenue, the National Scottsboro Action Committee announced today.

Carter Also Speaks

The Committee which is sponsoring the meeting also reported that among the other speakers at the meeting

would be Lester Carter, who was with Ruby Bates and Victoria Price on the Alabama freight train two years ago which carried the Negro boys whom the girls later accused of assault.

Carter testified at the recent trial that the Negro boys had not molested either girl during the ride.

Joseph Brodsky and Gen. George W. Chamlee, attorneys for the International Labor Defense, which handled the defense of the boys, will tell the meeting the details of the trial which led to the conviction and death sentence of Haywood Patterson, first of the nine youths to be retried, and he will also outline the next steps to be taken in the case.

MR. SPIVAK TAKES EXCEPTION

Courier 5-6-33 Pittsburgh Pa.

MR. JOHN L. SPIVAK, author of that excellent expose of Negro exploitation and persecution in the South, "Georgia Nigger," who recently covered the Patterson trial in Decatur for The Pittsburgh Courier, takes lengthy exception to our editorial in the April 22nd issue on the conduct of the case by the International Labor Defense. He thinks we are wrong in saying there was too much Communist propaganda in connection with the case; holds that the N. A. A. C. P. would have been ineffective in handling it; contends that Attorney Leibowitz was right in denouncing the Southern white jurymen, on the ground that such denunciation will force a change of venue; that the Communist focusing of world attention on the case and on Southern persecution of the Negro generally was helpful to the Negro's cause and that of the accused boys, and insists that the International Labor Defense methods should be lauded and supported.

The Pittsburgh Courier makes no apologies for its stand. We were leading the fight for full citizenship rights for Negroes many years before the Communists came on the scene. We shall continue to do so with unabated vigor. We are probably more familiar with the South and conditions prevailing there than either Mr. Spivak or the I. L. D. We are certainly not opposed to telling the world about the persecution and exploitation of Negroes down South and elsewhere. We have been doing it ever since 1910, but we are opposed to injecting such extraneous issues as the class struggle where it is not only unnecessary, but calculated to unduly prejudice the case. It is difficult enough to get justice for Negroes because they are black without adding the burden of Red propaganda, which only further infuriates those from whom we are trying to get a square deal.

It is true the N. A. A. C. P. MIGHT have been ineffective in handling the Decatur trial, but it is reasonable to suppose that, after handling successfully the Louisville housing segregation case, the Elaine sharecroppers' trial, the 24th Infantry rioters' case, the Texas Primary cases, the Sweet case, the Parker appointment and other memorable cases that have become landmarks in the fight for Negro freedom, it might have done equally well in the Scottsboro case. It certainly has shown good sense in not lugging in extraneous issues. Anybody with the slightest knowledge of legal procedure is wise enough not to make the defense more difficult by arousing deeper hatreds than already exist.

Attorney Leibowitz was entirely wrong in launching his attack on the habits and appearance of Southern white jurymen when eight other lives were in jeopardy. It may be true that his outburst will win a change of venue from Decatur to, perhaps, Birmingham or Mobile, but will the white jurors in any other part of Alabama love Leibowitz any more than those in Decatur, knowing how he indicted ALL Southern whites? Since the trials must be held in Alabama, Leibowitz and his associates are a burden to the boys wherever they are tried.

We doubt that international protests make local juries any more liberal and just. Indeed, this "mass pressure" makes them less willing to listen to reason. Only the other day Superior Judge Ward in San Francisco had to delay the second trial of Tom Mooney because of wild demonstrations outside the courtroom, saying "I will not try this case under these circumstances. These acts preclude giving him justice under such conditions." Denying that the shouters were friends of Mooney, his chief attorney, Frank P. Walsh, stated: "Any man who takes part in such demonstrations is doing Mooney harm, almost fatal harm." Later Mooney expressed his impatience at the demonstrations. What is true in the conduct of a white man's trial is doubly true where Negroes are the defendants. Wild protests and demonstrations were held all over the world in favor of Tom Mooney, Eugene Victor Debs, Big Bill Haywood and Sacco and Vanzetti, but without the slightest effect on the outcome of their cases—and they were white men.

In our recent editorial we stressed the necessity of raising a tremendous Scottsboro defense fund, and again we take occasion to urge Negroes to give liberally to help pay the enormous expenses of these trials. Nevertheless, we would be criminally negligent were we not to insist that the defense be conducted more sanely and the Communists stop their "mass pressure" and "class struggle" propaganda in connection with these cases, if they are sincerely interested in saving the boys.

Lynchings-1933
Legal Punishment for Rape.

Alabama.

4229

JUDICIAL MONSTROSITY

Southern judicial monstrocity has once more been revealed in all its traditional nakedness.

For the second time the electric chair has been decreed for one of the nine Scottsboro boys accused of attacking two white women on a freight train two years ago.

The case will be appealed we are told and it should be.

The verdict as arrived at by the jury at Decatur, Aala., represents a bold travesty on Democracy, but it is all unexpected on the part of intelligent Americans.

What is wanted in Alabama is the blood of the youths whether or not they are guilty of the charges filed against them.

4-13-33

That is as true as the whole trial from its incipiency has been an open mockery of justice and fairplay; a deliberate farce in the eyes of common decency; an impudent slap in the face of the Constitution of the United States.

And yet the state of Alabama, through its officials and press, has had the effrontery to insult the nation with its false declarations as to the high type of justice which it metes out to all its citizens alike. —Stubborn determination to exterminate the Scottsboro youths proves how untrue these statements are.

That the entire nation, (and the whole civilized world for that matter) is interested in the final outcome of this Alabama case is disclosed in press dispatches from all over the land.

As pointed out in these columns last week, not only the unfortunate youths are on trial.

That is only one feature of the notorious one-sided Scottsboro case.

Standing at the bar of justice also in connection with the long drawn out legal battle are the many sins involved in the system in the courts below the Mason-Dixon line.

Out of the battle now being fought against this rotten system by the able defense in the case, might result for Alabama and other sections of the southland a measure of badly needed reform in judicial matters. At least we hope so.

Amidst an atmosphere charged with bigotry, baseless race prejudice, treachery born of ignorance and the burning of firery crosses for the accused youths should hardly be expected in Alabama.

Such, we think, is only obtainable in the United States court.

Indications are that the case will finally be taken to the highest tribunal of the land.

And that is exactly what should be done if the youths are not to be sacrificed to Alabama's altar of hate and legal slaughter.

SOLDIERS ON GUARD AS TRIAL PROCEEDS

4-1-33

By Staff Correspondent.

Monday Morning—

DECATUR, Ala., Mar. 30—With 30 National Guardsmen surrounding the Morgan County courthouse with fixed bayonets, the world-famous Scottsboro case did not open at the scheduled hour because of a misunderstanding which failed to bring in the defendants at the proper time. Court was adjourned until 2 p. m., to await their arrival from the Birmingham jail, where they are now confined.

The Circuit Court, where the nine Negroes are to go on trial again for their lives, was packed to its capacity of 425 seats, when Judge James E. Horton of Athens, Ala., who is to preside, appeared. Attorneys for the defense and the prosecution were ready to start when word came that the defendants had not yet left Birmingham. Court was promptly adjourned until 2 p. m. to await their arrival.

This comparatively large town for this section of the South, seemed to view the forthcoming trial more with curiosity as a good show than with any animosity or realization of the important problems affecting the lives of both Negroes and whites that hinge upon it.

The courthouse square began to fill up shortly after 8 o'clock this morning with the average types frequently seen in small southern towns. Men in baggy store clothes or in overalls, lean, sun dried, and a few Negroes gathered a distance away from the whites, stared morosely at the guardsmen resting on their arms in the open lot facing the square and the county jail.

The soldiers had been ordered by Judge Horton "to maintain order." As the morning wore on the court room became hazy with the smoke of the many men puffing away at cigarettes or pipes. Outside the crowds slowly increased until the whites numbered about 500 and the Negroes about 150. There was no demonstration, most of those outside content to stand around in the warm spring sunshine and wait curiously for the appearance of the defendants.

REIGN OF TERROR STILL ON

4-22-33

BIRMINGHAM, Ala., Apr. 20.—(By ANP)—Local police added two more victims to their long list of killings here last week, when F. Jeffries and Charlie Davis were slain while "resisting arrest."

The killings, which occurred within thirty-six hours of each other, were declared justifiable by County Investigator Evans following the hearings given the slayers. Officer J. M. Maynor, who killed Jeffries, Wednesday night, testified that he and his partner, Patrolman J. M. Early, were told that Jeffries had beaten a woman at 4113 Fourth Alley, South, and went to investigate. They found Jeffries growling around the yard in an "ugly mood" and when they attempted to arrest him, he knocked Early down. Maynor then grappled with him and in the attack, the officer shot Jeffries three times, killing him instantly.

In the case of Davis, who was shot Tuesday night, the slayer, Officer T. M. Scott, declared that he found Davis stealing gasoline from an automobile parked on his beat. He placed him under arrest and was en route to the police station when Davis seized his gun and attempted to wrest it away from him. The officer won the battle for the gun and shot his opponent fatally wounding him. Davis died Thursday morning.

"Green Pastures" Cast Aid Scottsboro Fight

PHILADELPHIA, Pa., Jan. 9.—The entire cast of "Green Pastures" now playing in this city, will participate in a Scottsboro Night Benefit to help to raise funds for the defense of the nine innocent Scottsboro Negro boys facing electrocution in Alabama. The date and place of the affair will be announced later.

Mr. Wheaten, well-known Negro playwright and manager of the show, has expressed his willingness to co-operate with the International Labor Defense to the fullest extent.

Scottsboro collection lists are now being circulated among the famous group of players, all of whom have expressed sympathy and solidarity with the fight to free the Scottsboro boys.

Florence, Ala., Herald
April 14, 1933

Heywood Patterson, first of the nine negroes to face a new trial in the Scottsboro attack case, was found guilty and awaits sentence of death to be passed by Judge Horton next Monday. The jury was out 21 hours before reaching a verdict. The other defendants will be tried later, beginning next Monday.

BALTIMORE TO BE FOCAL POINT OF WASHINGTON MARCH

Baltimore

Local Scottsboro Action Committee Planning Big Con[illegible]

Plans to send a delegation of 5,000 Baltimoreans to Washington, May 8, to join other marchers who will present an equal rights bill and ask release of the Scottsboro boys were made at a meeting here Thu[illegible]

A committee headed by J. Howard Payne, attorney, was named to invite delegates from all local churches, civic, fraternal and social organizations to a conference at the Y.M.C.A., Sunday afternoon, where a complete organization of a Scottsboro Action Committee will be completed.

The meeting will be held at 3:30 p.m. and all organizations are requested to send delegates.

Baltimore will be the focal point for the March. Those in charge plan a powerful demonstration and all rarangements will be made for an effective visit to the White House.

MADISON WIS. TIMES
APRIL 23, 1933

AN APPEAL FOR SCOTTSBORO BOYS

[New York City, Apr. 12.]—On Sunday, April 9 an all-white jury filed into the Decatur court-room. With grins on their faces, they delivered a verdict of legal lynching for Heywood Patterson, first of the nine innocent Negro Scottsboror boys to be tried on framed rape charges.

This was the verdict asked for by Wade Wright, Morgan county solicitor, and Attorney General Thomas E. Knight Jr., of Alabama, who disregarded all the testimony presented and demanded a verdict based solely on sectional, racial and religious prejudice and hatred. The other eight boys were taken suddenly to Birmingham for safekeeping as mobs of farmers jammed the town, lynch-gangs came in from Scottsboro, Huntsville and other sections. Fiery crosses were burned, hardware stores reported they were sold out of ammunition, sold exclusively to whites.

Returning from Alabama, Samuel S. Leibowitz, chief trial counsel, said, "I am not a Communist, but I want to say that had it not been for the International Labor Defense, those nine boys would be in their coffins now, buried back of the county jail."

"This verdict would not hold in any supreme court in the United States," said Gen. George W. Chamlee, Scottsboro counsel and noted Southern attorney. . . .

A lynch verdict, after two years of intense struggle . . . a struggle for nine lives—against denial of elementary human rights to 13 million Negroes. Friends of the Scottsboro boys say, "Now this fight is only beginning." Certainly it needs renewed strength. The appeal from the lynch verdict, preparation of defense of the other boys, must go forward today.

We call on you to send whatever money you can . . . and send it quickly. When you have done that, ask your friends to do the same. Help save nine innocent Negro Scottsboro boys!—**William L. Patterson, National Secretary, International Labor Defense, 80 E. 11th St., N. Y. C.**

Ruby Bates and Lester Carter Get Stormy Ovation at Scottsboro Send-Off in N. Y.

By MOE BRAGIN

Daily Worker

5-8-33

New York

NEW YORK.—More than 5,000 Negro and white workers pack St. Nicholas Arena Friday night for a mighty send-off [illegible] the Scottsboro Marchers to Wash[illegible] [illegible] listen to Ruby Bates [illegible] [illegible] Carter tell their stories of the Scottsboro frame-up. They cheered the [illegible] from Massachusetts [illegible] Island coming in durin[illegible] middle of the meeting. For almost five hours the hall sounds like a great drum pounding the militant beat of [illegible] historic march on Washington, [illegible] fight for the liberation [illegible] the Negro masses.

At 9 o'clock the floor and the galleries are impatient to get started. Ushers with red bands and flaming carnations are rushed [illegible] their feet helping the workers [illegible]. Here is an old [illegible] who says, "The boss class hates this unity more than the devil hates holy water." Near the platform leans a white laundry worker, member of the [illegible]. On the other side of the hall [illegible] workers affiliated with the Needle Trades Industrial Union, [illegible] houseworkers, ex-servicemen, [illegible] worker connected with the [illegible] Farmers Protective Association, whose hands are still raw from [illegible]owing, men and women in sheepskin coats and creased dresses without ties, the sweat of the day's work still wet on many of their faces. They wear tags with these defiant words, "The Scottsboro Boys Shall Not Die. On to Washington." And on the gallery railings are the great demands which strike the eyes like strong bare fists, "We Demand Equal Rights for the Negroes. We Demand the Enforcement of the 13, 14 15th Amendment."

Tell Aim of Meeting

Louise Thompson, secretary of the National Scottsboro Committee of Action, opens the meeting. She stresses the character of the meeting. She shows that this is a fight not only for the lives of the nine boys but for the lives of all the exploited Negro masses, for all black and white workers under the iron heel. And then Leonard Patterson stalks up to the microphone. He is tall and lean as a whipstock. His words crack out. This Scottsboro March, he cries, is not merely a bus ride or a playtoy. This is a most serious mission we are bent on. We go to Washington not to plead, kneel or beg. We come to demand.

A mighty cheer breaks out of more than 5,000 throats. And just then the delegation of Negro and white workers marches in from Massachusetts and Rhode Island. The whole gathering rises as one man to its feet. Through the boom of applause the delegation with its lunchboxes swings up to the platform.

Ovation for Carter.

And then Lester Carter. The enthusiasm is so spontaneous and whistling and stamping and clapping so great that Carter only with difficulty manages to face it. He tells his dramatic story, and concludes:

"These boys are framed and as innocent as any of you men. Friends I have found out there is only one way and that is co-operate and be thousands strong. I am glad I was on the freight. I know if I was shot down to tell the truth and go back down to Decatur, I would do so."

Samuel A. Liebowitz, trial lawyer in Decatur, gets up on the platform. He spikes the old lie that if not for the I.L.D., the Scottsboro Boys would have long been free. He tells dramatically how Attorney General Knight bullyragged the Negro witnesses. He explains that he no longer feels that Judge Horton was fair. "Everyone all over the country knows that Negroes are not allowed to serve on juries in the South. Judge Horton knows that full well, too, but he made no move to have the court admit it."

During Liebowitz's speech, Ruby Bates comes down the aisle. The whole mass meeting surges to its feet. William Patterson, national secretary of the I.L.D., introduces her. "Nineteen years ago a white girl was born in the South. She had schooling for only five years. As a mere child she was sent into the mills where she worked 12, 13 14 hours a day. The ruling class dared to talk to her of white supremacy! But it was only through the nine innocent Negro Scottsboro boys that she found her way back to a decent life. She found the courage and womanhood in a crucial period to take her place in the ranks of the working class."

Ruby Bates Speaks

Ruby Bates is a tall, healthy looking girl. She speaks simply and honestly. She speaks slowly and carefully as if she is searching down deep inside of her for the whole truth. "The Scottsboro boys are innocent. I saw the fight between the Negro and white boys on the freight. I want to say that the Negro boys didn't say a word to either of the two girls, Victoria Price or me. They had the boys tied together with ropes and thrown into a truck after they was arrested. I would be lynched myself if I didn't tell the story that the nine innocent boys had attacked me. I worked in the mills. I got $2.75 for 55 hours' work. I worked at night shift. Eleven hours from 6 at night to 5 in the morning. After the trial, I began to be worried. I read in the papers about the fight the I.L.D. was fighting. So I went back into Decatur where I was born and raised. My life was threatened. But I didn't think of my life. I want to say to you all that I'll go on with the fight for the nine Scottsboro boys."

Gen. Chamlee Cheered

It is about midnight. General George W. Chamlee, gets up to speak. The loudspeaker is out of order. He has a bad cold. His voice is hoarse. His face is pale and drawn. But he has come hundreds of miles from Chattanooga with a message from 500 Negro and white workers. He paces up and down the platform, his voice only above a whisper. Workers stand, so that they can hear him. Others come down from the galleries.

And so this tremendous mass meeting surges to the street. Each Negro worker knows now full well that in William Patterson's words: "If not for the white workers of America and Europe the Scottsboro boys would have been rotting for these two years in the lime pits of Kilby Prison." Again in William Patterson's eloquent words: "It won't be a De Priest or a Booker T. Washington, who was supposed to represent the Negro people, it won't be even a William Patterson, but it will be you representing 1,000 times 1,000 and more that will free yourself from this system." The march to Washington is on.

SCOTTSBORO FUND PUBLISHED BY I L D

Financial Accounting Is Rendered

Daily Worker

NEW YORK.—A financial statement, certified by a public accountant, [illegible] receipts and expenditures by the International Labor Defense in the Scottsboro case, was made public last week by the organization. The accounting covers the first four months of 1933. A more detailed statement of expenditures can be seen by interested parties, at the national office of the I. L. D., Room 430, 799 Broadway.

New York City

5-12-33

The statement shows total receipts of $8,243.40, as against a total expenditure of $8,408.45. A great deal of money has been collected by other organizations for the Scottsboro defense, some of them authorized and many not authorized, William L. Patter[illegible] pointed out in making the state[illegible] [illegible]ublic. Accounting of money collected by many of these organizations has not been made.

Receipts

The I. L. D. received $885.78 as contributions from individuals, the account shows; $908.77 from churches and organizations; $1,079.82 from I. L. D. districts; $4,568.03 from the Scottsboro New Trial Emergency Fund Drive conducted by the I. L. D.; and $801.00 from the National Committee for the Defense of Political Prisoners.

Disbursements

Disbursements show $2,650 spent for attorney's fees and expenses; $923.55 for expenses of investigations and fare, etc. for trial witnesses; $781.21 for publicity, including $297.45 for coverage of the trial; $365.59 for stationery and supplies, $250 for printing of a pamphlet on Scottsboro; $100 for extra copies and special distribution of the special Scottsboro number of the **Labor Defender**; $30.21 for organizational fares; $117.80 for fare and expenses of Mrs Janie Patterson; $919.78 expenses of the New Trial Emergency Fund drive; $253.27 for telegraph tolls; $156.10 for prisoners' relief to the Scottsboro boys; $54.44 for printing o fthe Scottsboro petition; $130 for Scottsboro buttons; $176.71 for special wages in connection with the defense; $31 for the Scottsboro march; $70 as a loan to the Harlem I. L. D. section for Scottsboro activities; General office overhead (Phone, rent, wages, estimated on the basis of 25 per cent of total expenses) $1,378.79.

The statement is certified by the Central Audit Bureau, New York, and signed by Morris Greenbaum of the firm.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4230

Scottsboro Boys Tell Lawyer for I.L.D. Facts of "Fight" in Cell of Birmingham Jail

BIRMINGHAM, Ala., May 19.—The vicious prison conditions and provocative tactics of jail officials in Birmingham County Jail, which resulted in friction between the Scottsboro boys confined there, driven to hysteria by the mistreatment accorded them were revealed here when Attorney Benjamin J. Davis Jr., Negro attorney of Atlanta and one of the International Labor Defense counsel in the Herndon case visited the boys here.

The story of the "fight" between Haywood Patterson and Roy Wright, greatly exaggerated in reports sent out by the warden last week, was told to Attorney Davis by the boys themselves.

"Our tempers got the best of us for just a minute," the boys told Davis.

"We Get Awful Nervous"

"We were talking and kidding about girls we used to know before we were arrested," Patterson said. "We haven't got anything to read and not much to talk about, cooped up like this for more than two years. Before either of us knew what it was all about, Roy hit me with the knife. It didn't amount to nothing. It was an accident."

The knife was slipped into the jail cell where the boys are confined by guards, with the hope that, with the nervousness induced by loneliness and confinement, it might help to frame the boys, Davis said he was convinced. None of the boys could tell exactly where it came from.

"Things like that might happen any time, between no matter how good friends, when they are held in jail so long on frame-up charges," both Patterson and Roy Wright told Davis. "We get awful nervous and irritable in here sometimes."

"The terrific strain of the frame-up ordeal has had that effect upon the boys," Davis said, "but in spite of that they are in excellent spirits in regard to their case.

"I studied their faces carefully. Their chins are up, their eyes bright with confidence, defiance, vigor. Without doubt this has been instilled into them by the world of sympathy with their cause aroused by the I.L.D. They are militant and unafraid.

Montgomery Going Blind

"Olen Montgomery is fast losing his eye sight. He cannot see a match stem in his own hand. When he was first arrested, his glasses were broken by the thugs, and he has had none since. It is impossible for him to read. Protests should be sent at once to the warden of Jefferson County Jail, Birmingham, Ala., denouncing the blinding of the boy by refusal of prison authorities to pay any attention to this, which is a definite medical need.

"The boys are, in my opinion greatly suffering from the food which is pretty bad. Regular Alabama prison fare.

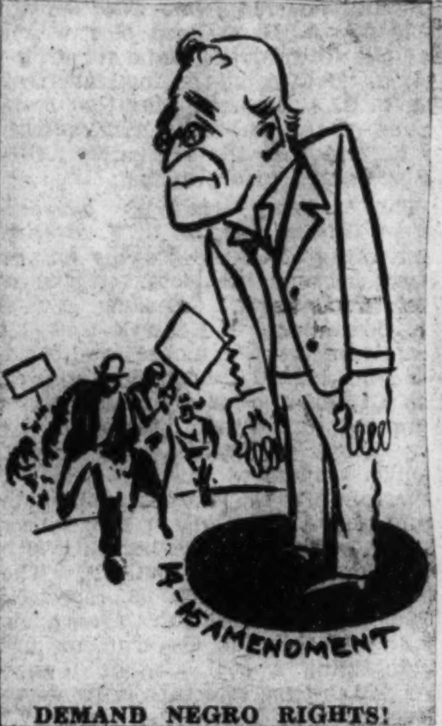
"But the mistreatment of the boys has been to some extent abated, so far as it was carried on directly, both by their militancy and by the world-wide protest. It has been replaced by such 'framing' methods as slipping a knife into the cell, hoping the boys would sometime lose their temper.

"Haywood Patterson is very militant, and understands well the militant policy of the I.L.D. Considering the isolation in which the boys have been kept, their general understanding of militant policy is really exceptional. They are very brave and aggressive.

"Sympathizers should immediately be mobilized to send the boys literature. They will all read and study together. Other things they should be sent are shoes, shirts, overalls tooth paste, cigarettes, and other such necessities."

Appeal by the I. L. D.

The International Labor Defense has called on all workers and sympathizers to send funds both for carrying on the legal and mass campaign of defense of the Scottsboro boys, and for providing the Scottsboro boys with the things necessary to make their prison life bearable. Funds should be sent to the International Labor Defense, Room 430, 80 East 11th St., New York.



DEMAND NEGRO RIGHTS!

Dothan, Ala. Eagle
May 13, 1933

NOTE ON A DEBAUCHERY

The photograph on page 1 of Thursday's Eagle of Ruby Bates leading a parade in Washington linked arm-in-arm with two Negro women, one of whom was "Mrs." Patterson, mother of Haywood Patterson, a 190-pound specimen of the notorious Scottsboro "boys," was indeed interesting. It was to be specific, revolting.

But let The Huntsville Times speak on the subject, for after all, Ruby is a former citizen of that sorrowful community:

That sterling moral crusader and witness extraordinary, Ruby Bates, erstwhile of Huntsville, but who more recently has taken to the platform in the East, in a program of uplift and light and sweetness, as she tells of her fears of the "ruling class" of Scottsboro, was noted yesterday among the van of 3,000 white and Negro marchers on the streets of Washington.

They sought to invade the White House, "gang" President Roosevelt and obtain from him some expression that could be twisted or distorted into an expression of sympathy for the Scottsboro "boys."

They got nowhere, for their committee was politely informed that the President was so busy with national and international business these days that he had no time personally to see delegations of citizens, and that they would have to leave their petition with one of his secretaries.

Their leader left with the statement that he regarded Mr. Roosevelt's refusal to see them as a "gesture of contempt."

With what other than contempt should the President regard such a set of contemptibles?

Ruby, flanked by a Negro communist, the Negro secretary of the International Labor Defense, and the mother of one of the Scottsboro defendants, thereupon descended upon the Capitol to spread their propaganda before Speaker Rainey of the House and Speaker Garner of the Senate. They were rebuffed in each case.

Now that she has become Harlem's darling, set foot in the White House and addressed the speakers of Congress, there is but one wall Ruby has to scale to make her list of "triumphs" complete. That is to invade Fifth avenue's social realms to tell her story of oppression by the "ruling classes" of the South.

That is not at all impossible, for some "parlor pink" will perhaps bob up to give her a tea.

Then on to a vaudeville engagement, where the emoluments should be more lucrative than working in a cotton mill, riding a box car as a hobo, or pursuing her avocation as a "lady of leisure-"

The Times, in another editorial, describes other activities of this ignoble creature who was, unhappily, born in the South:

"Speaking before a mass meeting Friday night at the huge St. Nicholas arena, Ruby Bates opened her address to a mixed audience with these remarks, according to the Associated Press:

"I come from the Sotuh to tell you the truth of the Scottsboro case. Those boys are absolutely innocent. I was on the train when I saw the fight (between Negro and white youths), and I must say the Negro boys did not say a word to the white girls, Victoria Price and myself. x x x x

"I was frightened by the ruling class of Scottsboro. I want to tell you that I was frightened by the ruling class, that if I didn't tell the story about those innocent Scottsboro boys, I'd be lynched myself."

"The former Huntsville gutter snipe repeated her 'triumphs' last night in Washington before a crowd so large that she had to address three separate meetings. She charged that during the Decatur trial she had been threatened with lynching.

"Apparently, being a 'martyr' to the 'cause' of the Scottsboro 'boys' is more profitable than plying the trade she once did in Huntsville.

"Is the nation to be regaled next by her appearance at the White House with Leibowitz and the International Labor Defense crew, seeking to have President Roosevelt intervene in the trial of the Scottsboro case?"

In this connection it is appropriate to reach a few words written to The Birmingham News by a Negro citizen of Tuscaloosa. How different in temperament and good sense is this colored man from the contemptible Leibowitz! Here is the letter:

To the Editor The News:

Since the date of the alleged crime of the famous Scottsboro case, almost every nation has contributed its ideas and demands as to what action the fair state of Alabama should and must take in regard to the same. Please allow me, a colored citizen of Alabama, space in your paper to take a brief review of all efforts and their effects as relates to the Negro not only of Alabama but the entire South.

The propaganda and legal efforts of the International Labor Defense and Communists have only succeeded in contributing a flame to destroy the good will of the white people, the various agencies that have and are working for the advancement and protection of the Negro of the Southland. Northern money, Northern attorneys are not needed to attack the state of Alabama to secure justice for the state's Negro population.

The Negro and all others should drop the idea that Negroes are convicted in our courts solely because they are ignorant and Negroes. When we realize that the judges, lawyers, jurors of the state are fully capable and efficient to determine the innocence or guilt of a defendant, then we will be heading somewhere. The Negro should join hands with all efforts to curb such activities of the Communists and International Labor Defense.

The Southern white man has learned that judgment is the application of the trained intellect to human lives. It is the power to see, to appreciate, and to use the truth in improving the condition of mankind, and I want my colored friends of the South to know that when we learn to fall in line with the above instruction we will then feel some relief and not before.

THOMAS W. WATSON (Col.).
Tuscaloosa, Ala.

A few days ago a Negro who insulted a white girl in a certain Alabama town suddenly disappeared; nobody seems to know what became of him. This is unfortunate, but such action is bound to result from all the sordid Scottsboro affair.

It is common talk that Alabama's increasingly fine record during the past 20 years in the matter of lynchings has been set back possibly 20 years. If this common prediction comes true, it will be terrible—but where lies the direct blame?

It lies at the feet of the I. L. D., the Leibowitzes, the crack-brained Communists and the arrogant and asinine Judge Lowells.

But it all may accomplish some good; perhaps it will demonstrate, eventually, that Alabama is capable of meting justice in her courts without the meddling of outsiders.

New York Evening Journal

MAY 9 1933

I. L. D. Attorneys to Tell of Prejudice, Jury Tampering, in Arguments on June 22

NEW YORK.—When lawyers for the International Labor Defense appear before Judge Horton in Decatur on June 22 to argue for a new trial for Haywood Patterson, Scottsboro boy, they will support their motion with a veritable mountain of evidence showing the prejudical character of the Decatur trial.

At least 20 grounds will be cited by the defense counsel why the lynch verdict against Patterson should be set aside and a new trial granted, it was indicated by the national office of the I.L.D. today. These will include: exclusion of Negroes from the grand and petit juries prejudice and terrorization of defense witness and defense counsel; prejudical errors made in the trial; incitement to violence in the summation of Wade Wright when he made his now famous statement about "buying Alabama justice with Jew money from New York;" and in general that the verdict was against the weight of evidence.

Will Present Affidavits

In support of the motion for a new trial, the I.L.D. will present affidavits of defense lawyers, newspapermen and observers at the trial, proving definitely the charges of prejudice and threats to the lives of the boys, their witnesses and their attorneys.

While the exclusion of Negroes from jury service will be the key point in the demand for the throwing out of the death verdict against Patterson, other issues will also be strongly put forward. Among these will be a charge which created a sensation in the courtroom when first made by Attorney Joseph R. Brodsky—namely, that the jury received and made telephone calls while "deliberating" on the Patterson verdict. This alone, the defense feels is sufficient to warrant the setting aside of the verdict.

Will Describe Terror

In the argument before Judge Horton, the I.L.D. lawyers will review the whole lynch atmosphere which prevailed in Decatur during the trial and show that it was impossible to expect a "fair trial" under these circumstances.

In the event that Horton refuses to grant a new trial, the defense will proceed with its plans to appeal the verdict to the Supreme Court of Alabama.

Take Leading Part in Scottsboro Mass Fight

Mrs. Janie Patterson (left), mother of Haywood Patterson, Negro facing electrocution on frame-up charges, and Ruby Bates (right), chief defense witness in Patterson's trial. Photo taken at recent Rockland Palace meeting [illegible] and [illegible] heard reports of Scottsboro marchers.

NEGRO IS PUT ON TENNESSEE JURY; FIRST SINCE '70'S

Daily Worker

Follows I. L. D. Fight in Scottsboro Case

6-7-33

CHATTANOOGA, Tenn., June 6.—R. C. Hawkins, a retired mail carrier was accepted yesterday as a juror after eleven white men had been selected to hear charges of burglary against a Negro. The defendant was found guilty.

New York

This is the first time that a Negro has been placed on a jury since the Reconstruction period following the Civil War.

Because of the Jim-Crow system prevailing in public places, the jury was not sent out to a restaurant to eat. Instead, meals were brought direct to the jury room by court attendants.

The International Labor Defense in the Scottsboro, Euel Lee and Herndon cases sharply raised the demand for Negroes on the jury.

Alabama's Stink

Roy Wright and Eugene Williams, two of the youngest Scottsboro boys, after being tried, sentenced to death and granted a new trial, have been remanded to the juvenile court.

"Fair and just" (?) Judge James E. Horton admitted under pressure that the boys had been illegally tried and held in jail for two years.

A tardy Alabama justice does now by force what it should have done with alacrity two years ago, because of an oath sworn to do its duty.

The longer the Scottsboro case lasts the worse Alabama's court system stinks.

SCOTTSBORO HEARING SET FOR THURS.

Daily Worker

Protests Force Prison Guards to Cease Abusing Boys

6-21-33

BIRMINGHAM, Ala., June 20.—Faced with a tremendous mass protest of Negro and white workers of all sections of the country, officials of the Birmingham City Prison have been compelled to stop their abusive treatment of the nine Negro Scottsboro boys who are confined there.

George W. Chamlee, chief of the International Labor Defense legal corps in the Scottsboro case, on behalf of the organization went to the jail and demanded the right to see the boys who for some time had been held in isolation and talked to them.

He took up their complaints with the authorities and compelled immediate remedying of the situation.

Although worn out from their more than two years life in prison cells, Chamlee found the boys in good spirits.

Chamlee will appear before Judge James E. Horton at Athens, Ala., 12 miles from Decatur, Thursday, to argue the motion for a new trial for Haywood Patterson, first of the nine boys to be retried recently who was convicted and again sentenced to death after a lynch-trial.

The hearings in juvenile court of Roy Wright and Eugene Williams, the two youngest of the innocent Scottsboro boys, is scheduled for Friday in Decatur before Judge B. L. Malone.

To Cite 20 Grounds for New Patterson Trial

Daily Worker 5-11-33

Lynchings-1933

Legal Punishment for Rape.

4231

Alabama

THE SCOTTSBORO VERDICT

(From The Birmingham Post)

Birmingham Ala.

3-15-33

Once more one of the Scottsboro Negroes is convicted and once more the case begins its journey to the chambers of the United States supreme Court.

The trial which ended yesterday in the death sentence for Haywood Patterson is different in two important aspects from those in which the Negroes were convicted two years ago at Scottsboro. In the new trial no one can deny that the Negro had competent legal defense or that the judge was inexorably fair.

If the high court at Washington reverses the case again, it will be apparently, for one of two reasons. The court could side with the defense in its contention that the accused, because of the exclusion of members of his race from the jury, was deprived of his constitutional guarantee of equal protection of the law. Or it could hold that the speech to the jury of Solicitor Wade Wright of Morgan County was prejudicial and inflammatory.

Wright's harangue to the jury, in which he exhorted them to show "that justice in Alabama cannot be bought and sold with Jew money from New York," was highly uncalled for and unfair. It is the one dark blot in the trial record.

* * *

We cannot find it in ourselves to resent that some persons, part of them in other sections and part of them in the South, have seen fit to contribute to a fund to provide adequate legal defense for the Negroes.

Indeed, we might devoutly wish that some philanthropist would endow a foundation to see that the pettiest thief or the most penniless slayer is given the same able legal defense which is purchased by the wealthiest murderer or the richest embezzler arraigned in our courts.

Or better still, we might do away with private defense lawyers altogether, not a few or them mere tricksters, and provide for every accused person a public defender whose duty it would be to see that each defendant is given the benefit of every vindicating or mitigating fact and nothing more.

The misrepresentation with which the Scottsboro case has been treated by radicals, we of course resent, but that had nothing to do with Solocitor Wright's remark. His stupid echo of Hitlerism will be resented by straight-thinking people everywhere.

Judge James E. Horton very properly instructed the jury to disregard the remark. Attorney General Knight also tried to undo the damage by asking the jury to disregard all sectional and racial angles and to look only to the guilt or innocence of the defendant.

In as trying a situation as could be conceived, Judge Horton conducted himself as the symbol of justice. He allowed himself neither to be swayed by the sentiment of hotheads in his own community nor to be prejudiced by the unfair thrusts of the radical telegrams which rained in upon him.

For simple forcefulness and sincerity, his warning against mob violence and his charge to the jury must take their place among the historic judicial papers of Alabama. His refusal to allow the prosecution to use the testimony of a reprieved murderer is a signal example for some other solicitors who have stooped to the use of stool pigeon testimony and for judges who have permitted it.

The story of Judge Horton's conduct of this trial will reflect credit on the state of Alabama in far places. He would, in our opinion, be an ornament on the highest bench of the state.

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bama Justice

* * *

he "Deal" Is Here

Age

Mercy Defeated

4-15-33

After a twenty-hour deliberation, the jury in the case of Haywood Patterson returned a verdict of guilty and the punishment to be death. Throughout the entire night these exponents of Alabama justice disagreed as to the innocence or guilt of the defendant. In the minds of all of them, I'll wager, he was guilty before the trial began as is the case in 90 per cent of such trials, but contrary to that the law deems a man is innocent until he is proven guilty. The prosecution so completely failed in establishing sufficient proof in his prosecution of the defendant that a complete reversal of court procedure was inaugurated by the furious attack made on the state's star witness.

Regardless of the fact as to whether Ruby Bates was truthful or not in the repudiation of her first testimony, she was an eye witness of the alleged attack and by being so her testimony must be accepted at its face value, which, according to the verdict, was far below par in this last trial. She ceases to be the reincarnation of one of our blessed virgins as was portrayed when first she testified. Instead, she is painted in altogether different colors, a person without morals; an imbecile whose virtue could be purchased at the price of a few attractive clothes or a few dollars, and a prostitute of the lowest order. The two girls were companions and have enjoyed each other's society for some time. Could it be possible for two people whose minds evidently were parallel to possess an altogether different type of character? If Ruby Bates is declared by the prosecution to be a person of notorious character, wouldn't her companion be considered as having a similar reputation? If so, why could the veracity of one's statement be any more acceptable than the other?

It is not the purpose of the prosecution or the jury in this case to see that justice is done as set forth in the constitution but to see that southern tradition in such cases is upheld and to show outsiders that they will tolerate no meddling with the type of justice they deal out to Negroes, especially from Jews and Communists. So the eyes of the world are being opened and southern practices, long established but doubted by most outsiders, will be accepted as true. From every corner of the globe, we hear the cry of "southern justice," "Alabama justice," a cry whose volume is increasing daily and in time will shatter the walls of racial intolerance which surround their shriveled minds. We all know the maxim about "fooling some of the people some of the time," well southern justice won't be able to fool any of the people any of the time before this Scottsboro case is finished.

A move is being made by the Negro newspapers of the country to secure signatures to a protest against this type of justice to be sent to the President. They hope to secure at least one million of these signatures, but instead of one million, make it ten million and let the world know that we have not forgotten our unfortunate brother.

Leibowitz Likened To Sherman, Grant

4-14-33

Montgomery Ala.

NEW YORK, April 13.—(AP)—Introduced by speakers who compared him to Lincoln, [illegible] Sherman and John Brown, Samuel Leibowitz stirred a negro audience in a Harlem Church to frenzied enthusiasm today with a 20-minute address on the Scottsboro case, in which he is defense attorney.

"I promise you, citizens of Harlem," he said in a voice trembling with emotion, "that I will fight with every drop of blood in my body, and with the help of God, that those Scottsboro boys shall be free."

There was a tumultuous demonstration.

Feet beat the floor. Jennie Patterson, mother of Heywood Patterson, whom Leibowitz represented when he was convicted again in Decatur last week, smiled and wept.

"And I say to you now, from this platform, in this house of God, that they will not die," Leibowitz shouted above the roar.

The audience stood in the aisles and on the pews, shouting, nodding and shaking their fists. The Rev. D. Ward Nichols called for order in vain.

Leibowitz, amazed at the demonstration, seized his coat and fled form the platform. The crowd closed in upon him, seizing his hand, touching his clothes.

Leibowitz finally gained his taxicab. He spread his fingers and disclosed red welts on the third and fifth digits, where his diamond ring on the fourth had been pressed against them.

Lawson Goes To Aid Decatur Prosecution

Advertiser

3-15-33

Montgomery Ala.

Assistant Atty. Gen. T. S. Lawson left yesterday for Decatur where he will aid Atty. Gen. Knight in prosecution beginning Monday of Charlie Weems, one of seven negroes originally convicted and sentenced to death for criminally assaulting two young white women near Scottsboro, last March a year ago. Retrial of Weems is set for that date.

The first of the Scottsboro case defendants to be retried was Haywood Patterson, who was again convicted and sentenced to pay the death penalty for the crime of which he was found guilty for the second time. It is understood that the same array of defense counsel will represent Weems that appeared on behalf of Patterson.

THE DECATUR VERDICT.

Times

4-10-33

New York N.Y.

National attention was inevitably fixed upon the second trial of the Negroes convicted of murder in the first so-called "Scottsboro case." That conviction was set aside and a new trial ordered by the Supreme Court of the United States. Its reasons were that local prejudice was so violent and inflamed, and so pronounced even in the criminal proceedings against the accused men, that they did not have a fair trial. Now at Decatur a verdict of guilty, carrying with it a death sentence, has been found in the case of one of the Negroes, tried separately. This result comes as a surprise and a shock to those who had followed the evidence given in court. The case had become of such national importance that THE TIMES sent a competent and trusted and impartial member of its staff to furnish full reports of the trial. These have told their own story from day to day.

The presiding judge bore himself with impartiality, and was evidently anxious to make Alabama justice worthy of the name. His rulings, so far as can be determined at this distance, were correct. His charge to the jury was filled with strong protests against anything like mob law or the spirit of lynching, and of warnings to disregard everything but the evidence in the case. Whether the jury was swayed as much as it should have been by his injunctions to give no weight to the fiery denunciations and appeals to race hatred by the prosecution, it is impossible to say. Although Judge HORTON took the strongest ground against anything like intimidation or threats of violence on the part of the people of the vicinage, it was all too plain that the trial was conducted in an atmosphere intensely prejudiced against the accused Negro. The jurymen deliberated a long time over the tangled evidence and the manifest untrustworthiness of the chief witnesses, both for the prosecution and the defense. But the final verdict was "Guilty," and it is now difficult to see how an appeal could lie to the Supreme Court again, or to any higher power except the Governor. He might see fit, in view of all the circumstances, to commute the death sentence into a term of imprisonment.

Rabbi Goldstein, Temple Beth Or, Leaves Sept. 30

RABBI BENJAMIN GOLDSTEIN

Rabbi Benjamin Goldstein, of Temple Beth-Or, has given notice that he will not stand for reelection as Rabbi of the Congregation after expiration of his term on Sept. 30, it was announced last night by Ernest Mayer, president of the Congregation.

Mr. Mayer said the Rabbi gave no reason for his decision. The Rabbi was present in the home of Mr. Mayer at the time the announcement was made and when asked by The Advertiser if he cared to make any further statement Mr. Goldstein declined.

The Congregation will discuss plans for engaging another Rabbi at a meeting to be held on April 30, Mr. Mayer said.

Rabbi Goldstein has served Temple Beth-Or for more than four years and recently has been active in behalf of the seven negroes in the Scottsboro case. He came to Montgomery from California.

LEIBOWITZ TO RETURN TO ALABAMA CASE

NEW YORK, April 12 (AP)—Samuel Leibowitz, who defended Haywood Patterson in the "Scottsboro case," said today that he would return to the South Monday to continue efforts in defense of the negroes accused of attacking two white women.

"There is [illegible] good deal of criticism," he added in making this announcement. "Because a northern lawyer was called into the case. The reason is very simple. The only way in which this case can be carried to the supreme court is by showing there has been some violation of their federal rights. I have shown such a violation, a violation of the 14th amendment to the constitution in that negroes were excluded from the jury. No southern lawyer would have dared bring up such a point. If he had his practice would have been ruined at the very least. So a northern lawyer was brought in. That explains the whole thing."

HARLEM NEGROES CHEER LEIBOWITZ

Telegraph

Tumultous Demonstration Follows Address by Scottsboro Defense Attorney

4-14-33

NEW YORK, April 13 (AP)—Introduced by speakers who compared him to Lincoln, Grant, Sherman and John Brown, Samuel Leibowitz stirred a Negro audience in a Harlem church to frenzied enthusiasm Thursday, with a 20-minute address on the Scottsboro case, in which he is defense attorney.

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MURDER BY JURY VERDICT

We refrain from lengthy comment on the repeated death sentence of Heywood Patterson the Scottsboro victim of Southern race prejudice. In view of the character of the witnesses, especially the principal one of the flimsy and conflicting testimony of the other witnesses and the positive denial of any attack by the boys upon her or upon the other prostitute, principal witness for the state by the other penitent prostitute this was a black miscarriage of justice. It historically proves that there is positively no chance for justice for Colored persons accused by white persons in the South where the juries are all white. In fact under race domination the white race feel they must deal out injustice and take the most doubtful word of the lowest whites over the word of honest worthy Colored parties, to keep up the domination by always showing the Colored they are inferior to the whites.

3-15-33

Boston Mass.

This is a murder by jury verdict. It should be and will be appealed to the U. S. Supreme Court on the ground no Colored were in the panel for the jury. Let us all support this fight by the I.L.D. to the last stitch and decide that these boys of ours shall not be executed.

Mr. Liebowitz Is Out

Samuel S. Leibowitz, chief of defense counsel for the Scottsboro negroes, has disqualified himself for further participation in the Alabama trials. Safe in Brooklyn, he gave this description of the people of Alabama as a reason why they could condemn these Negroes on the evidence offered:

Montgomery

"If you ever saw those creatures, those bigots, whose mouths are slits in their faces, whose eyes pop out at you like a frog's, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it. When I got back home I felt that I needed a moral, mental and physical bath."

That is Mr. Leibowitz's opinion of the people of Alabama, among whom he proposes to go once more for the trial of the remaining defendants. We say without hesitation that when he appears again, the courts should tell him politely but firmly that he cannot appear in any court in Alabama. 4-16-33

Mr. Leibowitz, if he had an open mind himself, if he were not as narrow in his own way as he pictures the people of Alabama to be in theirs, if he were not so steeped in his own prejudices, would consider what they might be thinking about the fact that fifty-two city blocks of disorder and rioting attended his return to New York. Hand to hand fighting, policemen beaten, men and women yelling themselves hoarse while marching to municipal defiance—how is that any better than Alabama?

We hope a way can yet be found to give these negroes a trial in accordance with justice—that is, to prove them guilty beyond a reasonable doubt or let them go. But it will never be accomplished by prejudice and bigotry from New York slapping in the face bigotry and prejudice in Alabama.—Milwaukee Journal.

PATTERSON'S MISFORTUNE

It was Heywood Patterson's misfortune at Decatur that no lawyers in the case were genuinely concerned with justice for him except the lawyers for the State.

The others were variously concerned with their own professional interests, the economic and political prejudices of the I. L. D. and the Communists and with the old and familiar idea of outsiders that a wall should be run between Negroes and whites in the Southern States.

Same Troops To Guard Weems At Decatur Trial

3-16-33

Montgomery

The force of national guardsmen detailed to aid the sheriff and his deputies in maintaining order during the trial beginning Monday at Decatur of Charlie Weems, the second of the Scottsboro case negro defendants to be tried there, will be the same as that which was on hand during proceedings in the case of the first defendant, Heywood Patterson, it was learned yesterday.

The guardsmen on duty will total 38 officers and men from Troop C, 127th Engineers Squadron, with headquarters at Hartselle. As before, the soldiers will be under command of Capt. Joe Burleson. Following the reconviction and resentencing of Patterson, only a small detachment of guardsmen remained on duty at Decatur to look after military property there.

Boston Denounces Scottsboro Verdict

Guardian

3-15-33

HISTORIC PROTEST FROM HISTORIC CHURCH BRINGS OUTBURST OF APPLAUSE—TROTTER, SIMPSON, MOORE PROTEST

Boston Mass

In Boston's South Meeting House, fulminating point of the American Revolution, on Tuesday night, before a large and enthusiastic mixed audience the Scottsboro-Mooney Defense Committee staged a strong meeting of protest, remarkable for its militant spirit.

Wm. Monroe Trotter declared the verdict of guilty with death sentence for Haywood Patterson in Alabama, in view of the trial, was "murder by Jury Verdict." He declared his support of the I. L. D. in its fight for the boys, who he said "must not die."

Haywood Patterson was never the real issue in the trial at Decatur so far as the inhabitants of Morgan County, Alabama, were concerned. The transcending question was the right of outside participation. Therefore, the Hymn of Hate sung by the prosecution was more musical and imploring to the ears of the jurors than Judge Horten's instructions to banish all bigotry and prejudice or appeals of Mr. Leibowitz for fair play. Swayed by demagoguery, the twelve men "tried and true," gave a pitiful braggadocian exhibition of thumbing noses at the outside world. Law or no law, it was their unsworn duty to express the sentiments of the lyncher and the Ku Klux Klan

Therefore a rotten verdict which stinks to the heavens.

While the jury's verdict finding Patterson guilty is incredible and difficult for the normal-thinking person to understand, it must be remembered that Decatur, Ala., is a decadent community dominated by morons. It is just such moribund spots as this that progress and enlightenment are unwanted and, like eating cancers, hold back the New South in its forward march.

Thank God there is a United States Supreme Court at Washington, D. C. which, on appeal taken by defense counsel, will be given opoprtunity to review this travesty on justice.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4232

Text of Negro Rights Bill to Be Presented to Congress by Scottsboro Marchers

Daily Worker 4-24-33 / New York, N.Y.

NEW YORK.—Following is the text of the "Bill of Civil Rights," to put teeth into enforcement of the 13th, 14th and 15th Amendments to the U. S. Constitution, which are supposed to guarantee the democratic rights of the Negro people.

The bill, drawn up by the National Scottsboro Action Committee, will be presented to Congress by the "Free the Scottsboro Boys" Marchers, who will also demand the immediate, unconditional, and safe release of the nine innocent Negro boys from President Roosevelt

* * *

Section 1. Citation of Title. This title may be referred to as "United States Civil Rights Law."

Section 2. Application. This title shall apply in all states, territories, possessions or colonies of the United States and in the District of Columbia.

Section 3. Elective Franchise. No person shall be deprived of the right to stand for and run as candidate for any office, or to vote at any election or referendum or to enroll with any party by reason of any qualification requirements devised directly or indirectly to exlude voters because of their race or color.

Section 4. Jury Service. No person shall be exluded from service on grand or petit juries in any court of the United States or any State, territory or other jurisdiction where this title is applicable by reason of any qualification requirements devised directly or indirectly to exclude jurors because of their race or color.

Section 5. Schools. No person shall be excluded from any school maintained in whole or in part by public funds by reason of any qualification requirements devised directly or indirectly to exclude pupils because of their race or color, and it shall be unlawful to make any distinctions because of race or color in providing such accommodations, whether the character or separate accommodations be equal in quality or not.

Section 6. Transportation. No person shall be denied accommodations in any train, ship, motor vehicle, trolley car or other public conveyance because of race or color.

Section 7. Hospitality. No person shall be denied admission to any inn, hotel, restaurant, cafe, theatre, music hall, or other place of public amusement, entertainment or lodging because of race or color and it shall be unlawful to make any distinctions because of race or color in providing such admission. Whether the character of the separate accommodations be equal or not.

Section 8. Housing. No person shall be denied the right to own, rent, occupy or otherwise enjoy any home, apartment or other living quarters because of race or color and it shall be unlawful to make any distinctions because of race or color in providing living accommodations whether the character of the separate accommodations be equal or not.

Section 9. Employment. No person shall be denied employment by any person, firm, corporation or political subdivision because of race or color, and it shall be unlawful to make any discrimination whatsoever because of race or color in providing working conditions or in the payment of wages and, or salaries in any gainful employment.

Section 10. Profession. No person shall be directly or indirectly or in any manner whatsoever, denied the right to enter into or pursue any profession service, trade or occupation because of race or color, nor shall any person be discriminated against in the pursuit and or practice of such profession, service, trade or occupation because of race or color.

Section 11. Labor Unions. No person shall be denied membership in any labor organization, union, benefit association or other organization of workers or consumers for mutual betterment because of race or color.

Section 12. Civil Appointments. No person shall be deprived of the right to apply for appointment to any office or position of the United States or of any State or other political subdivision where this title is applicable and of the right to take any examination for any such office or position because of race or color, and it shall be unlawful to refuse to appoint any successful applicant, to any such office or position because of race or color of said applicant.

Section 13. Army and Navy. No person shall be discriminated against in the armed forces of the United States, on land, at sea, or in the air, or in any schools maintained for the training of officers or enlisted men for the several branches of service, because of race or color.

Section 14. Hospitals. No person shall be denied treatment and accommodations in any hospital, clinic or other institution for the treatment of bodily and mental ailments maintained in whole or in part by public funds by reason of any qualifications devised directly or indirectly to exclude persons because of race or color.

Section 15. Peonage. No person shall be held to service or labor against his will, nor shall any person be held to labor or service by reason of any lease, contract or other agreement, or in liquidation of a debt or obligation, whether or not voluntarily incurred or entered into, or by reason of any court to enjoin the performance of work in violation of agreements or to prohibit labor by persons convicted of crime and confined in penal institutions, provided they are paid the prevailing wage scale existing in similar industries. But it shall be unlawful to permit any private persons to employ such convict labor directly or indirectly or to make any arrangements whereby they shall have any control over such convicts by the payment of their fines or by any other device whatsoever.

Section 16. Right to Bear Arms. No person shall be deprived of the right to bear arms in self defense or to keep such arms in his home because of race or color.

Section 17. Jurisdiction of Proceedings. The district courts of the United States shall have, concurrently with the courts of the several states, cognizance of all crimes and offenses against and violations of the preceding sections, regardless of the amount in controversy or diversity of citizenship.

Section 18. Offenses. Any person who shall violate any of the provisions of any of the sections of this title numbered 3 to 15 inclusive, or who, having a duty of selection of any person as juror, employee, officer or otherwise under any of said sections, and who shall exclude or fail to select any person because of race or color, or who shall conspire with any other person to prevent anyone from exercising the rights and privileges granted by said sections shall, upon conviction thereof be guilty of a misdemeanor and be fined not less than $500.00 nor more than $5,000, any may also, in the discretion of the court, be imprisoned for not more than one year.

Section 19. Civil Penalties. Any person injured by the deprivation of any of the rights and privileges granted by sections of this title numbered 3 to 15 inclusive shall have a right of action for damages or an injunction against the person responsible therefor or in lieu thereof, and in addition to the penalties provided in Section 18 thereof may recover the sum of $500.00 for each violation of any of such provisions, to be recovered in an action of debt, with full costs.

Section 20. Lynching. If any state or governmental subdivision thereof fails, neglects or refuses to provide and maintain protection to the life or person of any individual within its jurisdiction against a mob or riotous assemblage or against any state or municipal officer charged with the duty, or one who has the power or authority as such officer, to protect the life or person of any individual that may be injured or put to death by any mob or riotous assemblage, such state or refusal be deemed to have denied to such person equal protection of the law of the state, and such state or the governmental subdivision thereof wherein said act shall have occurred or by whom such state or municipal officer shall be retained shall forfeit $10,000 which sum may be recovered by an action therefor in the name of the United States against such state or subdivision thereof for the use of the family if any, of the person so put to death. If he had no family, then his dependent parents, if any.

Section 21. Duties of Officers. The district attorney marshals, deputy marshals and commissioners of the United States are hereby required to institute proceedings against any person who shall violate any of the provisions of Sections 3 to 20, hereof inclusive and any district attorney, commissioner, marshal or other officer who shall willfully fail to institute and prosecute the proceedings herein required or who shall refuse to receive or execute any process duly issued in any such proceeding shall be liable to a fine in the sum of $1,000 for the benefit of the party aggrieved thereby, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than $1,000 nor more than $5,000, and may also, in the discretion of the court, be imprisoned for not more than one year. Judgment for the penalty in favor of the party aggrieved or a judgment upon an indictment shall be a bar to either prosecution respectively.

Section 22. Aid of Armed Forces. It shall be lawful for the President of the United States or such person as he may empower for that purpose to employ such part of the land, naval or air forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding sections or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title.

Section 23. Speedy Trial. Whenever the President has reason to believe that offenses have been, or are likely to be committed against the provisions of this title within any judicial district it shall be lawful for him, in his discretion, to direct that any United States judge, district attorney, commissioner and/ or marshal shall attend at such place and for such time as he may designate for the purpose of the more speedy arrest and trial of persons so charged.

Section 24. Review of Proceedings. All cases arising under this title shall be directly reviewable by the United States Supreme Court without regard to the sum in controversy.

Section 25. Limitations. No person shall be prosecuted for any offense hereunder unless the indictment is found or the information filed within five years next after the commission of the crime and a like period of limitation shall apply to any proceeding to recover a penalty or in any civil action for damages or an injunction.

Section 26. Severability. Each of the sections numbered 3 to 20 inclusive shall for all purposes be deemed separate laws and all the other provisions of this title shall apply separately to each of them and the effectiveness of no section hereof shall be deemed affected by the invalidity of any other section or part thereof.

Section 27. Laws Repealed. Sections 31, 32, 44, 45, 56, of Title 8 are hereby repealed.

Section 28. Laws Continued. Sections 41, 42, 43, 47, 48, 50, 51, 52, 53 are hereby reenacted and numbered respectively 27, 28, 29, 30, 31, 32, 33, 34, 35 (in each case where the word "section" appears it shall be deemed amended to read "any of the sectio of this t

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Every Crime in the South Is Hung Onto Defenseless Negroes

Daily Worker

4-24-33

(By a Sharecropper Correspondent.)

New York

TALLAPOOSA COUNTY, Ala. — I am a farmer, 46 years old. I was in my home town week before last, talking to a lawyer about the white man that killed his wife. He said the white folks wanted to take three Negroes without any evidence at all, and mob them. He said when the crowd of 45 men got to this white man, he told them that the Communist Negroes did it. So they wanted the Negroes, and all that saved them was the sheriff told them that was his business and he would run it. He sent for track dogs. Then they found who really did it.

This lawyer also said Communists were all right. Everything was together but the farmer, and it was time that they were getting into a unior

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NEGRO VETS AND SCOTTSBORO CASE

Daily Worker

4-26-33

In the last imperialist war 400,000 Negro workers, who were called upon to fight "to end all wars" and "make the world safe for democracy," were subjected to the worst form of Jim-Crow persecution by the military authorities. Immediately after the U.S. entered the war, 13 Negro soldiers of the 24th Infantry were legally massacred by U. S. Court Martial because they had been driven to protest against the fiendish Jim-Crow persecution of the military and civil authorities. (During the war there occurred more than a hundred lynchings of Negroes in the United States, many of these Negro soldiers in uniform.)

New York

After the war the Negro veterans were further separated from the white veterans. They were Jim-Crowed in the vocational training schools; denied admittance into Federal Administration, except as menials; their disability compensation was either very low or cut off within a short period after the war. Thousands of veterans, especially Negroes, were hounded by officials, framed up and thrown into hospitals for the insane and into prisons.

Tens of thousands of Negro veterans in need of medical attention in the South were either forced to accept treatment in Jim-Crow wards of white hospitals or were forced to wait for months to get treatment in the Jim-Crow hospital at Tuskegee, Ala. The dependents of Negro veterans are often gyped by various officials, death compensation checks as well as other allowances being withheld for months or denied altogether.

(The Negro Gold Star Mothers were rewarded for their supreme sacrifices by being Jim-Crowed on their trip to France to visit the graves of their sons. They were transported by the government to France on leaky cattle boats.)

Many Negro veterans have fallen victim to the present wave of lynching and lynch frame-ups. The most notorious case is that of **Willie Peterson, tubercular Negro veteran,** who contracted tuberculosis because the Veterans' Bureau failed to certify him for treatment and compensation. Peterson was framed-up in Birmingham, Ala., in August, 1931, on a murder charge, a raw frame-up for a crime of which he is innocent.

Following the frame-up against Peterson, white veterans who defended him in Alabama were horsewhipped in prison. In Florida, Al McBride, a white war veteran, was sentenced to 10 years in prison for organizing tobacco factory workers.

These attacks upon the Negro war veterans are part of the attack upon the Negro people as a whole. This is shown clearly in the frame-up of Haywood Patterson, one of the nine Scottsboro boys who has been sentenced to death in the electric chair.

The Workers' Ex-Servicemen's League has from the very start supported the fight, which is led by the International Labor Defense, for the release of the nine Scottsboro boys. The Workers' Ex-Servicemen's League has as one of its principles "No Jim-Crowing or any kind of discrimination against Negro war veterans."

Action to Take.

In order to actively support the fight for the release of the Scottsboro boys, Willie Peterson and all other victims of the lynch gangs the National Headquarters of the Workers' Ex-Servicemen's League recommends to all posts of the W. E. S. L. the following action:

. That they approach the Negro Posts of the American Legion, Veterans of Foreign Wars, etc., with the proposal for a united front in defense of the Scottsboro boys.

2. In order to give the greatest of strength to this defense, work must be carried on with the Scottsboro Defense Committees.

3. Posts should immediately start the work of mobilizing Negro and white veterans for the Scottsboro March to Washington which takes place May 8. These veterans should stay in Washington and report to the Veterans' National Liaison Committee, Room 210-11, Maryland Building, 14 and H Sts., Washington D. C.

SCOTTSBORO CONFERENCE SETS MAY 8 AS DATE OF THE WASHINGTON MARCH

Daily Worker

4-24-33

New York N. Y.

200 Delegates in United Front Session Put Off March to Allow for Larger Numbers

New York Delegation Will Leave May 6; Other Details of Plan Remain Unchanged

NEW YORK.—Postponement of the Free-the-Scottsboro-Boys March to Washington until May 8, to give opportunity for better organization and larger numbers to participate, was voted Sunday afternoon by the Scottsboro Emergency Conference at its second meeting, in Imperial Lodge Hall in Harlem.

More than 200 delegates of organizations of every sort, including churches and ministerial alliances, the International Labor Defense, Conference for Progressive Labor Action, the Communist Party, the Universal Negro Improvement Association, the N. A. A. C. P., the Elks, the Masons, and many other organizations, took part in the conference.

Leave New York May 6

Under the new plan, the New York march contingent will leave here May 6. Other plans, with changed dates, stand as previously announced.

Attempts to disrupt the United Front by Lovestonite agents in the conference, who harangued from the floor against making a united front with ministers, were defeated by overwhelming vote on a motion to include in the conference delegates from the Ministerial Alliance, and from other groups.

Samuel Patterson, chairman of the Action Committee, and representative of the Carribean Association, put a stop to other attempts to disrupt by putting forward a "new organization" to replace the International Labor Defense.

"The I.L.D. is the only organization in America," he said, "that can defend the Scottsboro boys as they should be defended."

In his main report, in which he put forward the proposal of the National Action Committee for a postponement of the Washington march to May 8, William L. Patterson, national secretary of the I.L.D., and a member of the Committee, stressed that within the ranks of the United Front are persons in close relationship with the lynchers of the South, who pretend to be friends of the Scottsboro boys.

"We can't lose sight of the fact that the Scottsboro case cannot be fought on the evidence alone," he said. "The Decatur verdict proved that if it ever needed proving.

NORTHAMPTON M. GAZETTE
APRIL 21, 1933

NEGRO ATTORNEY WILL SPEAK SUNDAY NIGHT

Benjamin Davis, Jr., Will Tell of Scottsboro Case, in Place of Miss Thompson

.Miss Louise Thompson, secretary of the National Committee for the Defense of Political Prisoners, who was to speak at the mass meeting to be held in Carnegie hall Sunday evening at 8 o'clock on the Scottsboro case, telegraphed this morning that she would be unable to come because she has just been appointed secretary to the National Scottsboro Action committee, a union committee of various organizations working on the case, and holding its first meeting in New York on Sunday.

In her place the local citizens' committee has secured an able speaker in the person of Benjamin Davis, Jr., an outstanding Negro attorney now defending Angelo Herndon, whose case is attracting wide attention. This is the case of a Negro boy sentenced to 20 years in a chain gang on what is termed a "revived slave law."

Attorney Davis is a graduate of Amherst college, 1925, and Harvard Law school, 1928. His father is editor of the Atlanta Independent and for ten years has been national committeeman from Georgia. For the past 25 years he has been a delegate-at-large to the Republican National convention. Benjamin Davis, Jr., has taken a deep interest in the Scottsboro case and is reported to be an excellent speaker.

Rev. S. Ralph Harlow, professor of religion and Biblical literature at Smith college, and chairman of the local citizens' committee arranging the meeting Sunday evening, will also speak on the Scottsboro case.

Appreciate Gazette Editorial

The citizens' committee stated this morning that it appreciates the spirit of the ediorial in yesterday's Gazette. The aim of the committee, it is stated, is to keep this meeting free from all political and sectional propaganda of any sort. The committee's desire is to lay before the citizens of Northampton the facts in the world-famous Scottsboro case, which is bound to attract increasing attention, as the lives of eight young men are at stake and the justice of their trial is being seriously questioned.

The committee feels that intelligent and loyal American citizens will want to know the facts, and they will be presented by Atty. Davis and Mr. Harlow as they find them, giving, among other things, to Northampton people a statement as to what leading editors of southern newspapers are writing on the case. Mr. Davis will present the legal aspects of the case and will explain what steps need to be taken to protect the rights of these Negro boys.

Lynchings-1933
Legal Punishment for Rape.

Alabama

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SAYS MORGAN COUNTY HAS QUALIFIED NEGROES JURORS—Dr. Frank Sykes, colored dentist, in the witness chair at Decatur, Alabama, testifies that no Negroes, although qualified to serve, had been called for jury service in Morgan county. His testimony was one of the highlights of the second Scottsboro case in which Haywood Patterson was found guilty Sunday, April 9. Sykes was a former baseball pitcher on the Baltimore Black Sox club. Chief Defense Counsel Samuel S. Leibowitz had Sykes' admission placed in the records along with the testimony of nine other Negroes showing that colored were barred from jury service in Morgan county.

Brewton, Ala., Standard
April 20, 1933

Leibowitz vs. Knight

Much criticism that is wholly deserved has been heaped upon Samuel Leibowitz, the New York lawyer defending the negroes in the Scottsboro case recently tried at Decatur, for his published statements on the outcome of the trial and the uncalled for comment that he is quoted as making which reflects on the jurors who found the negro, Haywood Patterson, guilty and imposed on him the death penalty. Leibowitz came to Alabama for the purpose of stirring up all the hatred that he could for himself and his negro clients and he has succeeded remarkably. The New Yorker is no fool; quite the contrary. He knew that if he could get things in a big enough mess he could probably find ample grounds for the reversal of any conviction that the state might get in the cases. And he not only played his hand well in the Patterson trial but by his comment on the verdict in that case caused the remaining defendants to secure an indefinite postponement of their trials, the continuance being granted by the judge of his own motion.

Leibowitz cares nothing for what the people of Alabama and the south may think of him. He clearly displayed that when before the trial he attacked the jury system of the state because the jury boxes contained the names of no negroes. But he is vitally interested in the acquittal of the negro rapists and is willing to sacrifice to that cause any good feeling that might have been borne to him in this section. Every lawyer knows that it is possible to make himself highly obnoxious to the court and juries by continually quibbling over technical and frivolous points and at the same time stay within the rights of himself and his client. This is exactly what Leibowitz appears to have done and his efforts may bear fruit when the Patterson case is carried to the higher courts.

But while we are placing just condemnation on Mr. Leibowitz it should not be forgotten that the State of Alabama contributed in a large measure to the sensationalism and general disgust that resulted from the trial in the person of Attorney General Thomas E. Knight, Jr. who went up to take charge of the prosecution of the cases. Considering what should be the dignity of his high office his conduct at Decatur is hardly less reprehensible than that of Leibowitz. It is well known that Mr. Knight loves publicity like a debutante likes orchids and he is never happier than when his likeness is reproduced on the front page of some daily newspaper in connection with some opinion that his office has rendered or some statement he has issued.

With a table in the court room surrounded by a group of newspaper writers representing the great news agencies and several correspondents of the big New York newspapers, it was more than the Attorney General could stand. He played every bet for all possible front page space and he succeeded in making of himself the kind of animal that once spoke to Balaam as he rode with the princes of Moab. Were he capable of such to begin with the sight of the scribes and visions of his photographs adorning Page 1 of the metropolitan dailies dispelled any possibility of Mr. Knight's conducting the trial in an orderly and dignified manner. Newspaper accounts of the trial stated that at one point in the proceedings the Attorney General actually applauded and made ejaculations of delight when a witness testified to something that the prosecutor was evidently not expecting and that was in favor of the state's case. Picture, if you can, the sight of an Attorney General with any regard for the dignity of his office or the orderly enforcement of the law clapping his hands in support of a statement from the witness stand. Shades of Thomas C. McLellan!

If the International Labor Defense League is really anxious for the Scottsboro negroes to have a fair trial, let them keep Mr. Leibowitz in New York and if the governor of Alabama is of the same frame of mind, let him keep Mr. Knight in Montgomery. Send the cases to any county in Alabama and give the negroes two lawyers from the local bar there who know negroes and who know the juries. Then allow the regular prosecuting officers of the circuit to handle the cases for the state without any interference from the Attorney General's office. There would be no need for any armed guards around the court house and it would not require a week to try one of the cases. Under such circumstances we would be willing to leave it to Mr. Leibowitz himself to pass upon the fairness and justice of whatever verdict might be rendered.

Just so long as Mr. Knight injects himself by authority of his office into the Scottsboro cases, just that long will the people of Alabama wait for a dignified and orderly trial of the negroes involved. And so long as there is a newspaper representative in the court room the present Attorney General may be depended upon to exercise his authority and take charge of the prosecution. Where the reporters are, there will Tom be also.

MANCHESTER, CONN.
HERALD
APR 8 - 1933

THAT SCOTTSBORO CASE.

On Wednesday an Alabama mol vas ribbing itself up to the point o ynching the eight Negroes when un lergoing a second trial for an al eged attack at Scottsboro on tw white girls and having once beer entenced to death for the crime Only the very firm attitude taken y the trial judge, who insisted that he prisoners be protected even if heriffs' officers and guardsmen had to shoot to kill, in all probability prevented the carrying out of the ynching plan.

On Thursday, just as the trial was about to terminate, there appeared in court one of the two girls upposed to have been attacked. She had been missing a long time. In court she told the judge and jury that there was no truth in the story she had previously told about being attacked by the prisoners. She had been in New York, she said, had gone to see Dr. Harry Emerson Fosdick there and confessed to him that she had lied. Dr. Fosdick sent her to a clergyman in Birmingham, Ala., and the clergyman sent her to Decatur, where the trial was going on, in charge of a woman settlement worker.

Since the girl's latest story is pretty well confirmed by evidence already brought out in the case there is hardly a possible doubt of the innocence of these eight young men who have twice narrowly escaped death, first at the hands of a biase jury after an unfair trial and se ondly at the hands of a typic Southern mob impatient of any fai ness extended to an accused Negro

Even after the girl's confession court the prosecutor, instead acknowledging that he had been de ceived, immediately prepared to sti further fight for the conviction the prisoners.

The South as a whole hates to le go its grip on a Negro, innocent guilty, whom there is a chance hang.

COLUMBUS O CITIZEN
APRIL 10, 1933

THE SCOTTSBORO VERDICT

THE conviction of Haywood Patterson, first of the Negro defendants in the second trials of the Scottsboro cases, will be appealed. It should be.

Among other things prejudicial to a fair trial, the defense attorney was able to show that the jury law apparently was administered to exclude Negroes from the panel for this case. On more than one occasion during the trial the state attorneys conducted themselves in such a way as to prevent orderly and judicious consideration of evidence by the jury.

In repudiating her testimony at the earlier trial, Ruby Bates last Thursday swore that the other girl in the case, Victoria Price, had framed the Negro youths. Lester Carter, a white friend of the two girls, confirmed the testimony of Ruby Bates.

To execute boys on the discredited evidence of a woman of Victoria Price's character, and following a trial in which racial discrimination seemed to operate in the jury panel, would be unthinkable.

Just as the chief justice of Alabama dissented from the first Scottsboro conviction, and just as the United States Supreme Court threw out that conviction as a violation of the 14th amendment of the Constitution which prohibits states from depriving "any person of life, liberty or property without due process of law," so the Decatur verdict yesterday appears certain to be set aside by a higher court.

ROCHESTER N Y TIMES UNION
APRIL 11 1933

An Outrageous Verdict

Upon evidence which could have been convincing to no one save the thoroughly prejudiced, twelve citizens of Alabama have voted to send a fellow human creature to the electric chair.

For, "gentlemen" of Alabama, there is no difference in the sight of God and his ultimate justice between a white skin and a black one . . . like it or not the Negro is your fellow human creature!

Regardless of medical testimony, regardless of the recantation of her previous story by one conscience-torn witness, regardless of a mass of evidence sufficient to have raised doubts in the minds of any impartial individual, the first of the nine Negroes on trial in Decatur, Ala., for the alleged rape of two white women hoboes, has been sentenced to death.

The trial was unusually fair. It was evident the judicial system of Alabama felt the eyes of the nation were upon it. Judge Horton, who presided, did so with a high sense of impartiality, the sole consolation the white race can draw from this depressing drama.

The prosecution on the other hand descended to every inflammatory and despicable trick in its repertoire. The recanting witness had been "bought by Jew money," the defense was the work of Communists, etc., etc., ad nauseam. The result might have been expected and once again proves that to accuse a Negro of a sexual offense against a white woman in the South is to convict him, regardless of evidence.

The people of Alabama have been described as resentful of the intrusion into the case of "foreigners." Much was said of "New York Jews" by the prosecution. Yet the fact remains that the case of these unhappy and unfortunate Negro boys is not one which solely concerns the state of Alabama . . . for, perhaps unfortunately, Alabama is a part of the United States and to the foreigner, to world opinion, this is, alas, a sample of American justice.

One can only hope that the higher courts, perhaps the Supreme Court of the United States, which has intervened once in the case, will intervene again to prevent this black disgrace to all decency and justice.

N. Y. SUN
APR 20 1933

URGES MERCY FOR SCOTTSBORO NEGRO

National Civic Group Lays Plea Before Gov. Miller.

A plea for commutation of the death sentence imposed on Heywood Patterson, one of the Negro defendants in the so-called Scottsboro case, is contained in a letter addressed to Gov. Miller of Alabama by the executive council of the National Civic Federation, the text of which was made public here today.

The letter is signed by Matthew Woll, acting president of the federation. The other members of the executive council are Howard E. Coffin, Samuel McRoberts, Ralph M. Easley, Ellis Searles, James W. Gerard, John Hays Hammond, William R. Willcox, Archibald E. Stevenson, Joseph P. Ryan, Maude Wetmore, Gertrude Beeks Easley and Mrs. Coffin Van Rensselaer.

"The executive council of the National Civic Federation does not pretend to pass upon the guilt or innocence of the defendant," the letter states in part: "It is, however, deeply concerned for the good name of American justice.

"Together with Americans almost everywhere, it is shocked by the harshness of the penal code of your State permitting the imposition of capital punishment for a crime which, however abhorrent, is treated with less severity in practically every other civilized jurisdiction.

"In addition, the circumstances attending the trial, involving the injection of alien influences and the raising of social prejudices, create the impression that the jury could hardly escape being influenced by considerations other than the cold facts of the case.

"Under these circumstances we urge you, in the interest of justice, to commute the sentence of Haywood Patterson to life imprisonment pending a thorough and searching investigation on your part into his guilt or innocence."

Opp, Ala., News
April 13, 1933

From the racket we hear about there being no Negroes on the jury in the trial of the seven Negro youths at Decatur where they are being retried in accordance with a majority opinion of the United States supreme court, there is going to be trouble in the South over the question of all white juries. This case will in all probability be taken up to the United States supreme court on this point, since there are no Nergoes on the jury, and the high court of this country will be asked to pass on this point. If the court holds that this trial is illegal on account of there being no Negroes on the jury, then it will mean that every case tried in the South will be illegal unless there are Negroes on the jury. So in the event the Negroes are again convicted and given the death sentence, and the high court of the United States hands down an opinion that it is illegal on that account, then in every court in the South there will have to be some Negroes in order that the case will stand before the highest court of the land.

GAZETTE
Gloucester Va
APR 18 1933

It is impossible to believe that the Negro youth, whom a Decatur, Ala., jury sentenced to death Saturday after haggling for 21 hours in the jury room, would have been adjudged guilty had he been white. The so-called "Scottsboro cases" reek of race prejudice. In that atmosphere seven hapless colored youths seem destined for death on the testimony of a prostitute, contradicted by a female companion who admits that she perjured herself in the first trial. The Supreme Court of the United States upset the first convictions and remanded the cases for retrial. It is extremely doubtful, however, if a fair trial is possible in the Kuklux-infested region where the alleged crimes were committed. It will be a shameful disgrace not alone to Alabama but to the whole country, if the legal murder of seven men because their skins are black is permitted in the ironic name of Justice.

Lynchings-1933
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Cartersville, Ga., Herald
April 20, 1933

THE SCOTTSBORO CASE

It looks like the Scottsboro case will continue to give us something to talk about for several months to come. Judge James Horton has indefinitely postponed trial of the negroes because of the recent action of defense counsel.

The International Labor Defense, which is atking a great interest in the defense of the accused negroes, has done much more to hurt the cause than they have to help it, and the sooner they cease their activities in the case and get out of the way, it will be just that much sooner that the accused get a fair and impartial trial.

Samuel Liebowitz, chief of the defense, upon returning to New York, launched an attach upon jurors in the case describing them as "those creatures, those bigots, whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice." It was upon this statement by Liebowitz that the trials were indefinitely postponed.

The Chattanooga News, edited by George F. Milton, says concerning the unusual turn of this case:

"It is quite obvicus that Mr. Liebowitz is more fanatically devoted to "warring on the ruling class" than he is on defending seven ignorant Negroes accused of assult. The I. L. D. has made a radical holiday at the expense of the Negroes ever since taking charge. It crowded out the true friends of the Negroes, members of their own race who sought to provide for them an adequate defense. We happen to know that the service of the leading criminal lawyer of Birmingham was offered to the Negroes, but the I. L. D. had taken out its mortgage on their lives.

"The I. L. D. made no concessions to Alabama pride. It made no use of capable Southern lawyers, students of Southern psychology, who would have pitched the defense on actual evidence instead of radical propaganda.

"From the start, the I. L. D. built up the case as a cause celebre, soliciting funds from Northern sources. It was not a trial of Negroes for rape, but the I. L. D. lost sight of the nature of the case entirely and purposely made it appear that innocent people were being rescued from biased, unfair Southern courts, and that the Negroes were being lynched by America's perverted social conscience.

"The result of the entire affair has been to create an emotional atmosphere which made postponements of the trials highly advisable."

Our hat is off to Judge Horton, who acted so wisely in postponing the cases. If the court had continued with them, it is evident that the defendants would have received less consideration than the remarks of Liebowitz

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Columbia, S. C. Record
April 20, 1933

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WITHOUT COMPLICATIONS.

Alabama may take pride anew in its Judg ames E. Horton, whose conduct of the first he Scottsboro retrials has already won him the praise of persons throughout the country.

His action in continuing all others of the trials ndefinitely—there are seven of the defendants yet o be retried—was the only way left if they were ot to be the mockery of justice that the defense attorneys make the first trial out to be. For it ad become finally impossible for the negroes to get a fair trial at Decatur and to blame for this fact is not Southern prejudice but the foolish bitterness or bitter foolishness of the man who was their chief of counsel.

Concerning the Alabama jury—which was probably much like juries in New York and South Carolina—that convicted Haywood Patterson, first of the negroes to face retail, the New York Herald-Tribune quoted Samuel L. Leibowitz, New York attorney, as saying:

"If you ever saw those creatures, those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it."

This statement, reeking of prejudice, was obviously calculated to arouse animosity and resentment. It left the jurors who would have tried the other defendants in no position to give them a fair trial and Judge Horton puts the fact mildly enough when he declared that the accused negroes would be the victims of this statement.

"His leading attorney," the judge said of the second of the defendants called for trial, "would be a millstone about his neck."

It is a pity that it should so often turn out this way, but Mr. Leibowitz is not the first intervening gentleman to talk about justice and maybe intend to promote it while actually hindering his own case. If the Scottsboro negroes are to be given a fair and impartial trial Alabama citizens must give it to them and at least one Alabama citizen—Judge Horton—has done more to insure it than any New York attorney could. If the lynching spirit in the South—it has its counterpart in the North—is to be defeated the men and women of the South who have been striving toward this end must accomplish it. Their job is difficult enough without imported complications.

Asheville, N. C., Times
April 18, 1933

Properly Postponed

AT DECATUR, ALABAMA, yesterday Judge Horton, trial judge in the famous Scottsboro case, indefinitely postponed the remaining cases because of the reported statement of Samuel Liebowitz of the International Labor Defense about the jury which convicted the Negro Patterson of criminal assault.

As Judge Horton properly held, the publication of the chief defense counsel's bitter tirade, whether he was correctly quoted or not, makes a fair and impartial trial impossible. Liebowitz would became, as Judge Horton put it, a millstone around the neck of any defendant he represented in the case.

Thus once more the trial of these defendants is disclosed not as a judicial search for facts and an effort to administer justice, but a contest in the exhibition of unrestrained emotion and bitted prejudice.

In the first trial before Judge Horton the prosecutor for the state asserted in his address to the jury that one of the women witnesses repudiating her former testimony had been "bought by Jew money."

Both the women were of the underworld and at least one of them was guilty of perjury. Both of them gave evidence against the Negroes in the first trial.

The conscience of Alabama itself must be aghast at a conviction obtained in part by such exhortations and by such evidence. The Supreme Court of Alabama ought to reverse the conviction and all eight defendants should be tried at some time when the present atmosphere of excitement and violent denunciation on both sides has cleared.

This would also be a good time for the International Labor Defense to withdraw from the Scottsboro cases. Whatever service it may have originally rendered the Negroes is now lamentably counter balanced by the damage inflicted by the Liebowitz attack upon the jury in the Patterson case.

Moultrie, Ga., Observer
April 15, 1933

The famous rape case at Scottsboro, Alabama, has been to the United States supreme court one time and will probably go again. This time it will go on the question of the rights of negroes to have representation on our juries. Attorneys Leibowits of New York, employed by communists of his city, will present the question to the higher court. It is not likely that there will be any decision by the higher court that will effect the jury commissioners in their privilege to put such names in the jury boxes as they choose to put in. The court may decide that the negro has a legal right to serve on juries when he is regularly chosen for that service. The principle of selectivity in choosing jurors is not at stake.

Wilmington, N. C. Morning Star
April 11, 1933

JUDGING UNDER DIFFICULTIES

If ever an American trial judge faced trying situation it was the gentleman presiding over the Scottsboro attack trial, which ended Sunday with conviction of the defendant.

In addition to the normal racial prejudices that prevail when white and black are mixed in affairs of this kind, the court had to contend with other prejudices aroused by the injection of an alien element into the situation by the International Labor defense, and finally by personal exchanges between opposing counsel that had no place in a court of justice.

Despite these handicaps, the charge of the court to jury was remarkably clear, and fair to the point of perfection. Indeed, no juris

could have defined more intelligently or more dispassionately the rights of the accused or have stressed more plainly that color, creed and social standing are not questions for jury consideration.

Something of the same elements entered into North Carolina's famous communist murder trials at Charlotte, with the exception that no racial differences were involved. On that occasion Judge BARNHILL, the presiding judge, did an excellent job just as his Alabama prototype has in the Scottsboro affair.

BOSTON, MASS.
TRAVELER

MAR 24 1933

Attempt to Enforce 14th Amendment

TEN young Negroes, mostly boys, were riding in a gondola freight car loaded with stone down in Alabama. Two young whites, in overalls, were in the car. The two young whites, in overalls, were girls. All were stealing a ride.

Something atrocious happened to the two white girls. Hence the much-talked-of Scottsboro case. Nine of the Negroes were sentenced to death, by an Alabama jury, all whites. The United States supreme court set aside the death sentences and ordered a new trial.

Counsel for the Negroes irritates Alabamans by stirring up the 14th amendment which says, among other things, that no good citizen, whatever his color, shall be deprived of his right to serve on a jury. Alabama is quite carefree about its attitude towards Negroes on juries. In fact, Alabama is quite brazen about keeping Negroes off juries.

The states that have the greatest scorn for the 14th amendment made the 18th amendment the holiest part of the constitution.

Nine young Negroes down in Alabama do not know what it is all about, but over them wages a great battle, in which the august gentlemen of the mighty supreme court have participated—on the side of the Negroes.

Of the guilt or innocence of the defendants we have no opinion. But we have an opinion about what chance a Negro has when accused by a southern white woman. With the legal punishment we have no quarrel. Our insistence is that the prosecution make sure it gets the right men to punish. Sometimes even the rural chivalry is rather careless in picking its victim.

Chapel Hill N.C.
Apr 14

A Disgraceful Verdict

Reasonable men the country over knew that the first trial of the Negroes in Scottsboro, Alabama, was grossly unfair. There was a howling mob about the courthouse, and the atmosphere was charged with a blind and unreasoning race prejudice. Thanks to a decision of the United States Supreme Court, a re-trial was obtained; and now again a jury lost to all sense of decency has disgraced the state of Alabama by bringing in a verdict of guilty.

The two women whom the Negro boys were accused of assaulting have been proved to be disreputable characters. "Remember," said Judge Horton in his charge, "both these women were of the underworld." One of them, Ruby Bates, made a complete recantation, confessing that her testimony against the Negroes in the original trial had been false from beginning to end.

"The judge practically directed the jury to bring in a verdict of acquittal," says the Raleigh *Times*, "on account of the established incredibility of the chief witnesses for the state. Yet, in spite of all this, a besotted jury once more convicted and recommended the death penalty . . . Judicial murder by Alabama will somehow be prevented in the end, but the decree by a fanatical jury will leave a most sour taste on the tongue of all those who look for justice in the courts."

That the appeal of the prosecution was not to justice but to race hatred is made plain by the words of the prosecuting attorney, Wade Wright. "Are you gentlemen," he asked the jury, "going to allow Jew money from New York to buy and sell justice in Alabama?"

Public opinion in America is indignant at the persecution of Jews by Hitler and his hordes, but no manifestation of race prejudice in Germany has been as outrageous as this verdict in Alabama.

Lynchings-1933

Legal Punishment for Rape.

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MERIDEN, CONN.
RECORD

APR 12 1933

The Decatur Trial

Again the necessity for different procedure in southern courts has been demonstrated. While the outcome of the trial of Haywood Patterson, the 19 year old Negro accused of attacking a white girl hobo, was not entirely unexpected, it leaves much to be desired in the way of justice. He was found guilty and condemned to death.

Because of the international character which the case has assumed and of future effects, details are timely. It was two years ago that the events transpired which have led to conditions arousing such concern as to transform certain towns in Alabama into veritable armed camps. Racial hatreds have developed the results of which cannot yet be fully estimated.

The trouble originated on a freight train running between Chattanooga and Memphis, Tenn. On this train were two white hobo women, a dozen Negroes and seven white men hoboes. The whites and the blacks became involved in a fight and the latter forced the former off the train.

The white hoboes flashed word of their battle with the Negroes to Paint Rock, where an armed posse of between sixty and seventy-five countrymen stopped the train, arrested nine of the Negroes and took two women into custody as material witnesses. At Paint Rock the girls charged that they had been criminally assaulted by the Negroes.

Judge A. E. Hawkins, at Scootsboro, convened a special session of the grand jury, and while the town seethed with excitement and open threats of lynching, the Negroes were indicted jointly and severally. Within two weeks they were tried, and all but one, Roy Wright, then 13 years old, were convicted.

We have already outlined in these columns how the International Labor Defense, a Communist adjunct, took up the case and appealed. The supreme court of Alabama affirmed the original verdicts and sentences. The United States supreme court, however, reversed the decisions and ordered new trial on the ground that the first were unfair, because the Negroes were not adequately represented by counsel.

A change of venue was granted as it was contended an impartial trial at Scottsboro would be impossible. Throughout the trial at Decatur it was obvious that racial antipathies would play a part of such importance as to lead to possible injustice on both sides.

The defendants alleged that defense counsel had been threatened. In his plea for his client Samuel Leibowitz, prominent criminal lawyer of New York, condemned the exhibitions of racial hatred and scored the exclusion of Negroes from jury service. He dramatically produced one of the white girls who had previously alleged she was attacked and she repudiated her statement.

In arguing the state's case to the jury the county solicitor, Wade Wright, urged the 12 men to demonstrate that "Jew money from New York can't buy and sell Alabama."

It was known that the Communists were organizing Negroes and using the Scottsboro case for that purpose.

The word went abroad that the case was being used as a wedge toward effecting social equality for the Negro in the South, and no amount of argument from Mr. Leibowitz, who disclaimed the role of reformer and crusader, could counteract that belief.

Judge Horton's address to the jury was characterized by a sane plea for judgment based on the evidence without bias in any direction. He urged breadth of vision and justice divorced from all racial or religious bigotry. That his address was appreciated by the defense was evidenced when, after the verdict was rendered, Mr. Leibowitz walked up to the bench, grasped Judge Horton's hand and said: "I am taking back to New York with me a picture of one of the finest jurists I have ever met."

Of his plans for the future Leibowitz gave the public an idea when he said:—

> "Will we appeal this case? Most assuredly; up to the highest court of our land that once before hurled this mess back into the laps of the bigots, and we'll continue to fight until hell freezes over, not only to save nine innocent men, but to uphold the good name of our country to the rest of the world on the plane where every decent citizen feels it rightly belongs."

The whole miserable business which has aroused racial and religious and political antagonisms of serious proportions, could have been avoided had archaic court methods not been in vogue in the small towns where the Negroes were tried.

The spirit, if not the letter of lynch law, was obvious. The wish was father to the thought when the particular crime of which the Negroes were accused was considered.

Had each man been given a trial with proper counsel, there would have been no excuse for intervention by the Communist contingent. Because the men were railroaded, and because the community whipped itself into a state of mind where no other methods would have been approved, the South fell into the trap which the International Defense welcomed.

Communists took immediate advantage of the wedge and split open a wound which it will be difficult to heal.

It begins to look as if a blunder in court procedure has saddled the country with another case which from a molehill has developed into a mountain, through which it will be difficult and dangerous to tunnel.

Montgomery. Ala. Advertiser
April 19, 1933

HE PREFERS ALABAMA

Editor, The Advertiser:

I do not pretend to pass judgment on the notorious Scottsboro case. Let the case be judged according to the laws of the State in which it occurred. But it seems to me that the undue outside interference is misguided, impudent, and at the end it will do more harm to the negroes than good. With all these, however, I am not at present concerned. The opportunist lawyer of the Negroes has made some derisive remarks regarding the people of Alabama. He has done so from a safe distance; when he had the opportunity of expressing his views of the people of Alabama in Alabama itself. But he put approximately one thousand miles between himself and the subjects of his highly diverting pronunciamento, before he gave to a waiting world his valuable opinions of the people of this state.

Why the delay? I do not doubt, that if confronted with this fact of conveniently delayed personal judgment, he would say that he intended all the time to tell the people of Alabama what he thought of them, but somehow he forgot until he crossed Brooklyn Bridge, and when he saw the men with beautiful eyes, beautiful lips, beautiful chins—chins sans tobacco juice but dripping with garlic juice—only then he remembered the bewhiskered, bigots with frog's eyes.

"When I got home," says Attorney Liebowitz, "I needed a moral, mental, and physical bath."

Alas and alack! I too have lived in Brooklyn and I know whereof I am speaking. I too, have been subjected to indignities in the subways that even mules would resent.

Six millions of them in the "City of Dreadful Necessity" where, to use Ben de Carseras's simile—"A how do you do, is not the conventional, interested greeting of the State of your mind and body, but is meant as an inquiry as to the size of your bank account."

It seems to me I have the qualifications to be an impartial judge regarding the merits and demerits of Alabama and New York City, for I belong to neither. Consequently I am not biased toward either. I have lived seven years in New York, and six years in Alabama.

In retrospect, I often wonder how I escaped committing murder when a knee was put against my back and I was shoved into those atrocities known as subway trains, where the stench of human bodies in the Summer time is such that I need not go into.

Wonderful New York, enlightened center of freedom, where at the time I lived there, it had signs in the windows of some of its restaurants—"for whites only." Where it is not safe to go to extreme East or West sides without being cracked on the head. Where, one night having been arrested for the sweet vice of gambling, I was thrown into jail with 20 others. It was in this same jail that an accommodating policeman, for five dollars, let us out of our cells so that—"You boys play all you want,—when I knock at the door, put them dice away and run to your cells." Where the arresting detectives, the police captain, the bondsman, and the judge the following morning, make things "easy" for you for $125.00. Oh! Mr. Seabury, where were you when they were taking my dollars?

Such is the place to which Mr. Leibowitz has returned for his diversified baths.

I prefer Alabama. GEORGE BARBIER
546 South McDonough, Montgomery, Ala.

DAILY NEWS
APR 1 1 1933

Defying the Constitution

THE second conviction by an Alabama jury of Heywood Patterson, the first of the seven Negroes to whom the upreme court of the United States granted a new trial, on the charge of attacking two white girls, thrusts the famous Scottsboro cases more prominently than ever into the arena of national controversy.

Rivaling the Mooney-Billings and the Sacco-Vanetti cases in the degree of public interest, the Scottsboro trials present for determination entirely different questions.

In both the former cases, popular opinion was divided because of the alleged insufficiency of circumstantial evidence presented and because the accused were alleged to have communistic leanings.

It is the fourteenth amendment to the United States constitution that is on trial in Albama. This amendment specifically provides that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . . nor deny to any person within its jurisdiction the equal protection of the laws."

Under the selective jury system prevailing in Alabama as in other southern states, Negroes are banned from the jury roll. In last week's trial, transferred from Scottsboro to Decatur, a neighboring county seat, Negroes were once more prevented from serving on the jury, thus depriving the defendants of their constitutional rights.

New strength for the defense at the second trial was presented in the confession by one of the girls alleged to have been attacked that in the first trial she had falsely accused the defendants. This time she made a full and frank detraction, but evidently it had no effect upon the jury, which brought in a verdict of guilty, fixing the death penalty.

One may well conclude that the Alabamans are more concerned in emphasizing their domination over the Negro than in any question of the guilt or innocence of the accused.

No doubt the case will go back again to the supreme court and there is little doubt that the verdict will again be annulled.

Alabama is one of the states that has frequently made a mockery of justice. At the top of the illiteracy percentage column and one of the noisiest shouters for the strict observance of the constitution—notably the eighteenth amendment—Alabama openly flouts the amendment which defines citizenship, guarantees justice to all and is recognized as one of the traditional bulwarks of our form of government.

Atlanta, Ga. Constitution
April 19, 1933

THE SCOTTSBORO CASES.

In view of the inflammatory statements made in New York by Samuel Liebowitz, leading attorney for the defense in the Scottsboro trials, the action of Judge Horton in indefinitely postponing the hearing of the remaining trials is the only wise course.

The injection of Liebowitz in the trial of the Patterson negro and the tactics employed by him have made matters worse, instead of increasing the chances of acquittal for the seven negroes whose cases are still to be heard.

His unwise and prejudicial utterances reveal, in the opinion of the Chicago Tribune, the real motive behind the assumption of the defense of the Scottsboro cases by the Civil Liberties Union. "Only a very ingenuous observer of these proceedings could miss their intent," believes this influential northern newspaper. "Pretending to be a defense of innocent individuals from injustice and oppression and an assertion of civil guaranties, the objective aimed at was the disparagement of American courts and the American social conscience."

The Tribune points out that "the attorney brought from New York by the International Labor Defense could not have been as tactless as he has been save intentionally. The very fact that he was chosen in place of counsel known and respected in the region in which the trial was to be held was evidence of lack of good faith, of a sincere concern for the fate of the defendant. In and out of court his words and actions have appeared to an impartial observer studiously provocative of local feeling, and the inference must be that he intended not to win his case but deliberately to lose it, to make sure of a martyr for his cause and an excuse for more propaganda."

The same position is assumed by the Louisville Courier-Journal, which holds that "the attorney for the defense added fuel to the flames by a senseless and bombastic remark made when the verdict was read, accusing the jury of 'spitting on the tomb of the immortal emancipator' by judging Patterson guilty."

This outstanding southern newspaper also feels that "in the interest of justice, it would be a vast improvement if a southern lawyer could be retained for the defense of the negroes, instead of Liebowitz."

Told of the postponement, Attorney Liebowitz issued a statement in New York in which, while expressing respect for Judge Horton, he refers to "the baying pack and the wolves of bigotry."

Such statements tend to make extremely difficult the meting out of fair and impartial justice in the remaining cases should the same counsel be presented for the defense. Certainly it is to be hoped that when they are held that, for the sake of the defendants and that there may be no more cause for justifiable resentment upon the part of the people of Alabama, the defense will be represented by lawyers whose conduct will not be such as to make their task all the more difficult.

Columbus, Miss., Dispatch
April 11, 1933

THE DECATUR CASE

THE jury in the Scottsboro case brought in a verdict of guilty against the negro Patterson who with six other negroes, is charged with an attack on two white girls.

One Samuel Leibowitz, of New York, representing a liberal and some sort of Communist gang in the East, came down to defend the negroes.

He was bitter in his comment on the verdict of the jury, saying it was an act of bigots.

Coming from a radical element that has caused nothing but trouble in this country for years, and a gang that would scuttle the Republic and turn it over to the Reds, a lot of misguided and unbalanced sentimentalists who know nothing whatever about race problems come down here and attempt to tell the people of the South—the negro's greatest friend on this earth—how to run their affairs and maintain that amity and relationship between the races that is essential to peace and harmony.

The Scottsboro case has run the gauntlet of all of the courts of the land.

Now it has come back to the original court jurisdiction and the original verdict has been sustained.

Further expense, trouble and agitation of the case is unwarranted and the decree of the Decatur court should be allowed to stand.

The negroes have had every safeguard and every protection which the law allows, and they were entitled to it.

Now the law should be allowed to take its course without further resort to technical evasion and selfish and slushy sentimental designs to defeat the established justice of the courts.

Raleigh, N. C. News and Observer
April 20, 1933

PREJUDICE BEGETS PREJUDICE.

Lynchburg News.

If the Negroes accused in the so-called Scottsboro case have not received justice, as seems probable, the reason is to be found in prejudice, racial, religious and sectional. That is deplorable. It has been deplored so much and so vigorously that more words would appear to be futile. The remedy now being sought in a higher court is the only remedy.

It would not be wholly unprofitable, however, to consider the following statement made by Samuel S. Liebowitz, employed by the International Labor Defense to conduct the case for the Negroes:

> If you ever saw those creatures, those bigots, whose mouths are slits in their faces, whose eyes pop out at you like a frog's, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it. When I got back home I felt that I needed a moral, mental and physical bath.

He is talking about the people of a section of the State of Alabama—talking thus about them, of course, after leaving the vicinity and putting a safe distance between him and them.

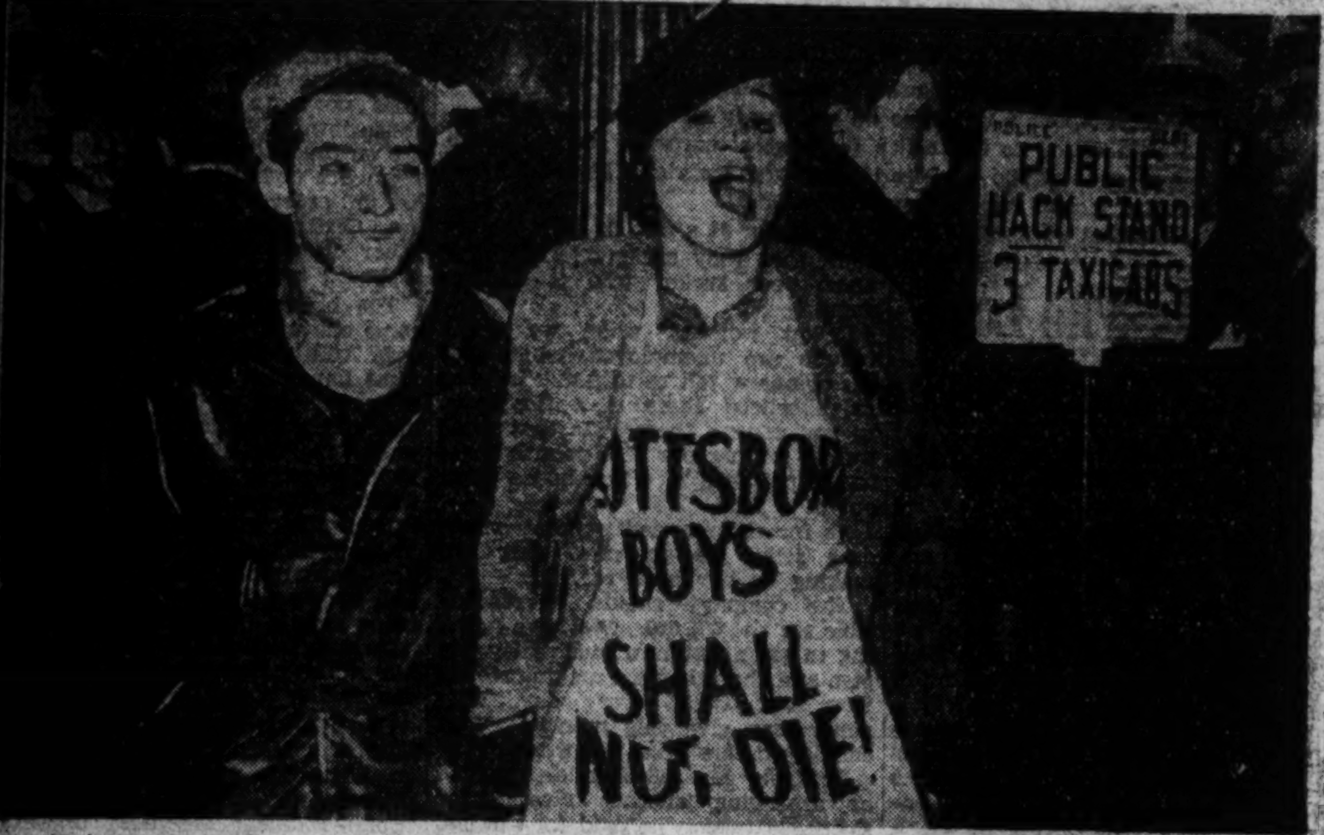
The statement requires no comment, excep perhaps, to point out that all the prejudice wa not on one side, that prejudice begat prejudice that Attorney Liebowitz was probably father o some of that shown by the jury, and that if the purpose of The International Labor Defense is to see that justice is done, rather than to spread propaganda, it will find another attorney for the Negroes yet to be tried.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4236

Chains Defy Police in Scottsboro Protest



These four members of the Young Communist League chained themselves to a lamp post in the Times Square area Saturday in order to exercise their constitutional rights of free speech in protesting the infamous Decatur lynch verdict against Heywood Patterson, one of the innocent Scottsboro boys.

The four young workers are Shirley Cooperman, Ben Secundy, Jack Rosenberg and Bill Friedman. They were arrested by the police, who brutally beat them up while filing the chains.

They were taken to the 53rd Street Night Court, where the judge refused to give them an immediate hearing and ordered them held in jail. Their hearing takes place this morning, at 10 o'clock, in the 54rd Street Court, between 8th and 9th Avenues. Every worker, every opponent of lynching, every supporter of free speech, is urged to pack the court in a mighty demonstration to prevent the railroading of these workers to prison.

Daily Worker
12-5-33
New York

Action, Still More Organized Action, to Save the Scottsboro Boys!

THE Decatur lynch court, having "disposed" of Heywood Patterson, is rushing Clarence Norris, another of the nine innocent Scottsboro boys, to a similar lynch verdict.

The ruling class of America has issued a brutal challenge to the Negro masses and the entire working-class. The workers, black and white, must answer this challenge!

Last Saturday's demonstration in Harlem, organized by the Young Communist League, was a striking example of the correct, immediate reaction of the Y.C.L. in organizing and giving leadership to the outburst of protest against the sentence of death passed upon Patterson.

Tens of thousands of workers have given their answer in militant protest demonstrations in scores of cities and towns during the past few days. But this is not enough. There must be more action and still more action!

* * * *

THE Scottsboro boys have so far been saved from death for over two years by the determination of the masses of toilers throughout the world that they shall not die. The lynch courts and the capitalist class behind them now hope to rush through the trials with such speed as to bottle up and prevent any protest. The demonstration of Saturday in New York is proof that where the Communist Party and Y.C.L. organized the immediate protest, the workers responded in masses. These demonstrations are proof that if the Communist Party, in every district and unit lives up to its responsibility, a tremendous wave of protest can be immediately developed, despite the speed of the trials.

The task of mobilizating the toiling masses against the fascist lynch terror lies first of all with the Communist Party, revolutionary leader and vanguard of the oppressed masses of all races. The Communist Party in every district, section and unit must see that the message of militant struggle against the lynchers is carried into every shop, into every neighborhood into every rural district. Mobilize the workers in the revolutionary unions, in the reformist A. F. of L. unions,

Members of the A. F. of L. and other unions, and all organizations where workers gather, should be brought into the united front against lynching, against the lynch verdict.

The International Labor Defense, which has led the fight for the freedom of the Scottsboro boys, has a special responsibility in the mobilization for Saturday's demonstrations.

* * * *

SUNDAY'S emergency conference in New York City decided to set aside next Saturday, December 9, as a day of nation-wide mass protest against the Scottsboro lynch verdicts. Hundreds of thousands of workers must be brought out in protest on Saturday. The united front must be broadened. Neighborhood, shop, and unemployed demonstrations of all workers and all organizations must be mobilized. Organize the protest in your shop and neighborhood!

The Scottsboro lynch verdict and the frame up trial are aimed to serve the same purpose as the greatly increased wave of lynching against Negroes. The Patterson verdict is a part of the growing fascist attacks of the employers and their courts and government upon the entire working class.

Hold mobilization meetings in every section to prepare Saturday's demonstrations.

Hurl into the face of the lynchers the million-throated roar: THE SCOTTSBORO BOYS SHALL NOT DIE!

Daily Worker
12-5-33
New York

ALABAMA'S WHITE WOMANHOOD

"WE all have a passion," said Attorney General Thomas E. Knight of Alabama in summing up for the State in the third trial of Heywood Patterson, one of the Scottsboro boys, in Decatur last week, "and that is a passion for protecting the womanhood of the State of Alabama, and when we do protect the womanhood of the State, it doesn't lie in the mouth of any man to tell you what's best for your Commonwealth."

As usual with white Southern "gentlemen," Attorney General Knight was romancing. In the first place, Alabama has never shown any passion for protecting the womanhood of its black women. Thousands of them have been raped by white men and the law officers have merely winked. Hundreds of thousands of its black women have not been protected from illiteracy, misinformation, ignorance, ruthless economic exploitation and brutal persecution.

In the second place, Alabama has shown no great passion to protect its white womanhood from terrific economic exploitation and brutalizing living conditions. The lives of Victoria Price, Ruby Bates and scores of thousands of their kind are living witness to that. In order to attract Northern business firms to Alabama, the merchant-manufacturing oligarchy, through its Chambers of Commerce, has held up the attractively low wage scale of its women workers, which until recently averaged about six dollars a week. It remained for the NRA codes enforced from Washington increase the weekly wages of women mill slaves from $6 to $14 a week. Living conditions of the white and black proletariat of Alabama are still deplorable and the habitations of these workers are worse than those of the average African native.

Under the circumstances, we wonder what Attorney General Knight is talking about when he refers to Alabama's "passion for protecting womanhood."

[illegible] 12-9-33
[illegible]

Daily Worker 12-9-33

Ruby Bates, From Sick Bed, Defends Southern Workers

Anxious to Return to Struggle, She Criticizes Leibowitz for Attack on South's Toilers

New York

NEW YORK.—From her hospital bed where she is rapidly recovering from a major operation, and has been declared out of danger by the physician in charge, Ruby Bates, [illegible] defense witness in the April trial of Heywood Patterson, in a letter addressed to the working class of the workers and sent to the International Labor Defense for forwarding, joined today with Lester Carter in criticism of slurs upon the white workers of the South made by Samuel S. Leibowitz, I. L. D. defense attorney in the case.

"I have just read the statement made by Lester Carter, and published in the Daily Worker, about the things Attorney Leibowitz said at the Decatur trial," she writes.

"When Leibowitz made that statement, he was including me too, and all Southern workers. He charged us with being just 'hoboes.' We were hoboes, in a sense, but that is no reason for Leibowitz to attack the whole white southern working class.

"Lester Carter and myself were not on this freight train because we wanted to be hoboes. It was the capitalist system that caused us to be on that freight train.

"Lester Carter had no job. I had had a job, but what pay was I getting?—$2.75 a week! This is why we were on this freight train, because we had no money, nothing to live on, and no other way to go.

"Since the trial of Heywood Patterson in April, I have come into the ranks of the working class, consciously, and I have begun to help in the fight to free the nine innocent boys.

"I was born and raised in the South, and I know that race hatred is not born into the minds of the white workers. It is taught and scared into the minds of the poor white people.

"I am going to fight with the workers of the entire world until I die.

"I will go back to Decatur or any other place where the Scottsboro boys are tried, until they are set free.

"I know that when the Scottsboro boys are set free the workers of the world will be happy, and friends, I will be the happiest of all to see them free.

"I am not able to be in the fight just now, but soon I will be where I was a few months ago. I am now getting stronger every day.

"Workers, the Scottsboro boys must be freed. They are depending on us to free them. So while I am ill, and cannot do so much as I want to do toward their freedom. I call on you workers to put yourself stronger in the fight. Take your place and mine too.

"Don't let the Scottsboro boys die.

Yours truly,
RUBY BATES."

State To Wind Up Norris Case

Trump Cards Slated Today As Last 2 Prosecution Witnesses Take Stand

Advertiser
Montgomery
Ala.
12-4-33

DECATUR, Ala., Dec. 3.—Trump cards will be played tomorrow in the trial of Clarence Norris, second of the seven negro defendants in the Scottsboro case to face a Morgan County jury on charges growing out of an alleged attack on two white women in 1931.

Norris was brought to trial on a charge of attacking Mrs. Victoria Price, Huntsville mill worker, whom the State alleges was attacked with Ruby Bates by a group of negroes aboard a Southern Railway freight train in Jackson County on March 25, 1931. The trials are being held here under a change of venue.

On adjournment of court yesterday afternoon the State had only two more witnesses to offer, Orvel Gilley, the "wandering poet" of Albertville, Ala., and Luther Morris, a Jackson County farmer.

Gilley was the State's principal corroborating witness and testified that he witnessed the attacks during the trial of Heywood Patterson, convicted and his punishment fixed at death, for a third time last Friday.

In the Patterson trial, the State for the first time offered Gilley as a witness to corroborate Mrs. Price's story. In the first trials in Scottsboro, Ala., in April, 1931, within three weeks after the alleged crime, Ruby Bates was the corroborating witness.

Although the Bates girl now is recovering from an operation in a New York hospital, the defense will through written interrogatories offer her repudiation of her Scottsboro testimony in Norris's defense.

The Bates girl, last February, disappeared from her home at Huntsville, and no trace of her was found until she made a dramatic appearance in the court room here last April just as the defense prepared to close in the second trial of Patterson.

Previous testimony that she was attacked was repudiated and the girl charged Mrs. Price, her companion on a hobo trip to Chattanooga, had made up the story to keep from being arrested.

Mrs. Price from the stand had seven times reiterated that she was attacked, and yesterday retold the sordid story and identified Norris as one of her attackers.

The direct and cross-examination of Mrs. Price yesterday was slightly more than two hours against more than four hours on her previous appearances in the two Patterson trials here.

Atty.-Gen. Thomas E. Knight, Jr., directing the State's prosecution, and Samuel S. Leibowitz, chief of counsel retained by the International Labor Defense in behalf of the negro, sparred for points from each others witnesses yesterday.

Leibowitz sought to discredit the testimony of previous witnesses through questioning of W. [illegible] Branum, who on direct examination [illegible] a woman sink to the ground," on the opposite side of the train from him. Under cross-examination by Leibowitz, Branum fixed his position several cars nearer the engine of the train at Paint Rock, Ala., where the arrests were made than where other witnesses had testified they saw Mrs. Price leave the train.

Knight shot at the testimony of Percy Ricks, negro fireman on the train that he had seen two negroes taken from an empty near an oil tank car a little past midway of the long freight, by establishing through R. S. Turner, conductor of the train called by the defense, that the only two empties on the freight were back within five cars of the caboose.

Sam Mitchell, negro farm hand, called by the State to testify that he had seen the fight between a group of negroes and whites aboard a gondola car as the train passed within two miles of Stevenson, on cross-examination had testified that he saw some negro boys riding in the doors of empty box cars.

Through the Norris and Patterson trials, witnesses have been asked to demonstrate their testimony regarding their positions on the train, on a miniature freight set up on a platform before the jury, the train, painted in loud colors has been dubbed "The Scottsboro Special."

Norris with Patterson and six others was convicted in Jackson County in April, 1931, at Scottsboro, but the United States Supreme Court set the sentences of death aside on seven of them after the Alabama Supreme Court had held the eighth was a juvenile, but affirmed the other sentences.

Last March, Judge A. E. Hawkins, who passed the original death sentences granted a change of venue and designated Morgan Circuit Court for the new trials.

It appeared doubtful that any of the other negroes would be called to trial until next year. Five more are in the jurisdiction of the Morgan Circuit Court and two are in custody of the Morgan County Juvenile Court.

Chattanooga
12-4-33

New Republic
12-13-33
New York
Vol 77
No. 993

THE first trials of the Scottsboro cases were conducted amidst such glaring injustices to the defendants that the United States Supreme Court set aside the verdicts. In the second trial, Judge Horton, who presided, also set aside the verdict of guilty after only one of the defendants had been tried, on the ground that the decision of the jury was a palpable miscarriage of justice. When the new series of trials began a fortnight ago at Decatur, Alabama, every honest and intelligent Southerner must have hoped with all his heart that this time the trials would be conducted in such a way that there could be no question of the fairness of the proceeding and that the honor of the South in a question of justice to Negroes charged with a serious crime, which has been so seriously questioned throughout the world, would be vindicated. Unhappily, the conduct and result of the first case have given exactly the opposite result.

JUDGE Callahan, who supplanted Judge Horton in presiding at the new trials, has seemed singularly insensitive to the fact that the eyes of the world were upon him. He swept aside evidence tending to support the view that the general feeling in and around Decatur was such as to make a fair trial almost impossible. He refused to permit the introduction of vitally important evidence showing that the two young women (one of whom has denied that there was any attack) had spent the preceding night in a hobo jungle with two young white men. He flatly asserted from the bench that no Southern white woman, however degraded, would voluntarily have sex relations with a Negro. His attitude toward the chief defense counsel, Samuel Leibowitz, can only be described as one of half-concealed hostility. His mental bias was strikingly revealed when, in charging the jury, he forgot to instruct them how to bring in any verdict except one of guilt. Under the circumstances, it is not surprising that the jury should once again have shut its eyes to the evidence and sentenced the defendant to death. It will be no surprise if similar verdicts are found in the cases of the other Negroes. Appeals will of course be taken; and it seems reasonable to believe that the miscarriage of justice is again sufficiently obvious to bring the question before the United States Supreme Court. But the real tragedy in the case is still Alabama's.

Lynchings-1933
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Alabama

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MARCHTODAY IN HARLEM; MEET SUNDAY

Daily Worker

City's Workers Plan Huge Scottsboro Protests

12-2-33

NEW YORK.—David Schriftman, International Labor Defense attorney, just returned from the Decatur trial of the Scottsboro boys, will report on the trial at a monster protest meeting Sunday evening at Rockland Palace, 155th Street and 8th Avenue, 8 p.m.

New York

Lincoln Steffens, prominent author and member of the National Committee for the Defense of Political Prisoners, Richard B. Moore, General Secretary of the League of Struggle for Negro Rights, William Fitzgerald of the Harlem Section of the International Labor Defense, James W. Ford, Harlem Section Organizer of the Communist Party and John Moore, Tallapoosa County, Ala., sharecropper, will be among the speakers.

The giant protest meeting will be preceded by a huge demonstration this afternoon in Harlem, beginning at 2 o'clock, from 131st Street and Lenox Ave. The parade and demonstration, called by the Young Communist League, is supported by scores of organizations throughout the city whose members will attend in a body with their banners and slogans.

The two protest actions will climax a week of open air protest meetings in Harlem, whose working-class population is seething with indignation over the lynch preparations by the Decatur court, the charge of Judge Callahan to the jury telling them how to convict Haywood Patterson the lynching of Lloyd Warner in Missouri this week and the release two days ago by Eastern Shore judges of the four arrested leaders of the mob which lynched George Armwood on October 18.

Thousands of white workers will show their solidarity with the Negro masses by taking part in to-day's parade and to-morrow's mass meeting at the Rockland Palace.

PATTERSON POINTED TO BY WITNESS

Huntsville Mill Worker Describes Attack In 15-Minute Testimony

MINIATURE TRAIN SET UP IN COURT

Leibowitz Is Frequently Interrupted By Judge In Cross-Examining

BY T. M. DAVENPORT

DECATUR, Ala., Nov. 27—(AP)—Pointing to Heywood Patterson, Mrs. Victoria Price late Monday afternoon identified him as one of six Negroes who allegedly attacked her aboard a Southern Railway freight train in Jackson County on March 25, 1931, and then faced a rigid cross-examination of two hours and 50 minutes.

The crowd leaned forward as on direct examination Mrs. Price swung her arm toward Patterson, who was hunched forward with his chair tilted against the wall, and said, "That defendant over there, Heywood Patterson, was one of them," and nodded her head in his direction.

Birmingham Post 11-28-33

Patterson, twice convicted and sentenced to death for the alleged attack, is the first of seven Negroes in the Scottsboro case brought to trial at the special session of the Morgan County Circuit Court. Six other defendants, all of whom have been sentenced to death once for the alleged crime, face trial here in the coming weeks, and two others are in custody of the Juvenile Court of this county.

Leibowitz Cross-Examines

Samuel S. Leibowitz, chief of counsel retained for the Negroes by the International Labor Defense, subjected Mrs. Price to cross-examination.

The New York attorney, in his cross-examination, dwelt at length on the movements of Mrs. Price and Ruby Bates, her companion on the hobo trip who has repudiated her testimony in the original trials, on the freight train from the time they boarded it in the yards at Chattanooga, Tenn., until they climbed out of the gondola car at Paint Rock.

Mrs. Price's direct testimony completed her story of the attack in 15 minutes, and her voice carried throughout the courtroom in which there was not a vacant seat.

After two and a half hours of examination, Leibowitz asked Judge W. W. Callahan to recess, saying, "Judge I'm tired and cannot go on. I've been on my feet all day."

"Tomorrow I think I'll ask you to take a seat, so you won't get tired," Judge Callahan said. "You wore yourself out running up and down the train getting all excited."

The train referred to was a miniature freight train in circus colors, Leibowitz had mounted before the jury to demonstrate movements of witnesses and principals on the train.

Judge Callahan frequently interrupted Leibowitz in his cross-examination to shut him off, but the attorney generally worked back to the point at issue again. Several times, the judge cautioned both attorney and witness about arguing.

During the cross-examination, Mrs. Price several times showed heat in her answers and was visibly fighting for control.

Her eyes flashed several times and once as she referred to a previous statement, Leibowitz retorted, "I didn't ask you for your statements, you have made plenty of them here."

As court recessed, Judge Callahan warned Bailiff Aaron Walters, not to permit any photographs of them adding, "Some man tried that project on me this morning, and there wasn't a deputy near."

The judge also ordered that strict watch be kept to prevent the jurors from conversing with outsiders or discussing the case before they retire to deliberate on a verdict.

"You must not under any consideration talk to anyone on the telephone," Judge Callahan instructed the jury. "If some member of the family wants to tell you something, let them tell it to the bailiff."

Birmingham Age-Herald 12-?-33

The codefendants have been tried only once, and then were sentenced to death, but the United States Supreme Court set the verdicts aside. Last Spring, Patterson was retried here and again given a death sentence, but Judge James E. Horton, who presided, set the verdict aside.

Mrs. Price, dressed in a blue dress, a black hat with a short veil and a bright scarf draped over her shoulders, told the story of the alleged attack upon herself and Ruby Bates, who now is in a New York hospital in serious condition from an operation, under direct examination by Solicitor H. G. Bailey, of Boaz.

Her voice did not falter as she told the details of the story.

Tells Of Incidents On Train

The woman told of boarding the train at Chattanooga, Tenn., with the Bates girl, who in the last trial repudiated her original story of the attacks, and at Stevenson, Ala., of moving from an oil tank car to a gondola or coal car.

Patterson, Mrs. Price said, led the group of Negroes into the car and ordered the seven white youths in there with them to jump out. All except one of the white youths, she testified, were forced from the train. She identified the youth remaining, as Orvel Gilley, who was frequently mentioned in the last trials and probably will follow Mrs. Price to the stand.

After the fight, she said the Negroes, 12 of them, attacked her and the Bates girl and that Patterson said he was going to "make us his women."

She told of getting off the train when it was stopped at Paint Rock, Ala., where a posse arrested nine of the Negroes, two of whom are in the custody of the Morgan County Juvenile Court, and the others are facing retrial here.

Just before Mrs. Price took the stand, the "Scottsboro Special," a miniature train used in the trials last Spring, was assembled on a platform before the jury. Samuel S. Leibowitz, of New York, chief counsel retained by the International Labor Defense, informed the court he would use it in cross examination of Mrs. Price.

"It is just adding flirts and frills," said Judge W. W. Callahan, presiding, who had been seeking to speed up proceedings throughout the day, "but I guess it will be all right." Later the courtroom roared as he said, "Looks like Santa Claus has come here."

The jury that was finally accepted after searching examinations of each venireman by the defense attorneys consists of 10 farmers, a merchant, and a truck driver, and only one of them is from Decatur.

The jury personnel is:, Hickory O. Bridges, farmer; Elbert M. Cobb, farmer; Gladstone G. Isby, farmer; Edward H. Nelson, Decatur, truck driver; Avery Roberts, farmer; Claude J. Roberts, farmer; John H. Russell, farmer; John Holbrooks, farmer; Homer Johnson, farmer; Ditchler Johnston, farmer; Floyd H. Lyle, farmer, and Homer Summerford, merchant.

During the qualification of the venire of 100, 32 were excused for various reasons, 21 had fixed opinions, 12 objected to capital punishment, and 23 were struck in selecting the 12 for the trial.

Leibowitz Asks Delay

Just before the jury was struck, Leibowitz informed the court that the defense was not ready, due to the condition of the Bates girl preventing taking her depositions by a commissioner before Wednesday.

Judge Callahan overruled any motion for delay and said if the testimony could be obtained by Wednesday it could be offered, otherwise it woul not be.

The jurist previously had signified that he believed the case could be completed in three days.

Leibowitz noted an exception, and with other preliminaries cleared away, Mrs. Price was called to the stand.

Scottsboro Protests

NEW YORK. — Mass Scottsboro protest rally in Union Square tomorrow, 1 p. m.

Protest meeting tomorrow, 12 noon, Seventh St. and Avenue A. March from there to Union Square.

Demonstration today, auspices of Y. C. L., Howard and Dean St., Crown Heights, Brooklyn, at 7 p. m. Mass meeting to follow at 1717 Atlantic Ave.

Mass meeting, [illegible] Prolet Club, 197 Humboldt St., near Meserole, Brooklyn, Sunday, at [illegible]

Daily Worker
New York
12-9-33

Protest demonstration and parade tonight, [illegible] p. m. at Wilkins and Intervale Ave., Bronx. March to Washington and Claremont Parkway, thence to Ambassador Hall, Third Ave. and Claremont Parkway for a mass meeting.

Scottsboro protest meeting, tonight, at 8:30 at Jackson Workers Club, 785 Westchester Ave., Bronx.

Protest rally tonight, St. Philips Parish House 215 W. 133rd St., Harlem.

CHICAGO. — Scottsboro protest parade, Saturday, 4 P. M., beginning at 43rd and Indiana Ave. and march to Savoy Ballroom, 47th and and Southpark Ave. for a mass meeting.

PITTSBURGH.—Scottsboro protest parade Saturday, Dec. 16, Centre Ave. Y. M. C. A. to Bedford Park.

BOSTON. — Demonstration Sunday, 3 p. m. Douglass Square, Hammond and Tremont Sts., South End.

LYNN. — Meeting Lasters Hall, Monday, Dec. 11.

PHILADELPHIA.—Special meeting of Cleaners and Dyers Local 18233, Sunday, Dec. 10, 2 p. m., at Garrick Hall, 507 South Eight St., to protest Scottsboro decision.

Taking Them to the Lynch Court

A group of officers taking the Scottsboro boys from their cells in the Decatur jail to the courtroom, where District Attorney Knight and Judge Callahan are attempting to railroad them to execution.

Concord, N. C. Tribune
December 6, 1933.

LAW'S DELAY ONE CAUSE OF LYNCHINGS.

One of the reasons why there is so little resentment against lynchings in certain quarters is because of the slowness of the courts. If punishment for wrongdoing were certain and sure, there would be no cause for lynchings. It is when an outraged populace, feeling that the courts are powerless to act, take the law into their hands, that we have lynchings.

The Hickory Record cites the Scottsboro case as typical of this line of reasoning.

"For a third time," says The Record, "a death verdict has been returned against Heywood Patterson, 21-year-old negro for an alleged assault on a white woman, at Scottsboro, Ala., in 1931.

"Regardless of what the people of the country at large may think concerning the affair, few persons would argue that it should be necessary to try a case three times and then perhaps prolong the procedure by another appeal.

"The case has been submitted to three different juries and each time the verdict of guilty has been brought back.

"If a mob had taken the accused negroes out and hanged them following the alleged attack, the press of the land would have voiced the indignation of law-abiding citizens. We should stop to consider, now that a third verdict of guilty has been returned in the case, with further delays probable, that here is an instance upon which those guilty of mob violence justify their rash acts.

"Courts must be made to function with greater expedition if we are to stamp out the disposition of people to take the punishment of certain criminals into their own hands. It will do little good to denounce lynching unless we are able to convince the masses that the courts are dependable agencies in the meting out of justice through the imposition of proper penalties for capital crimes."

Nashville, Tenn. Tennessean
December 4, 1933

The Scottsboro Case.

The Scottsboro case, in which the negro, Heywood Patterson, was sentenced to death Friday afternoon for the third time, provides an outstanding example of the manner in which the justice machinery in this country is often all but snowed under by tactics of delay.

Patterson and his companions are charged with attacking two white girls on a freight train March 25, 1931, lacking only four months of being three years ago. In fairness to every person concerned, for the sake of orderly processes of justice and to avoid waste of time and money to the state, the cases against these negroes should have been disposed of long ago Even now, after two years and eight months the end is not in sight. Patterson's attorney's have announced they would file a motion for a new trial, and if denied, would proceed to a higher court and eventually to the United States Supreme Court if necessary to obtain a new trial. And Patterson's companions have yet to face hearing in the lower courts.

Many factors have entered into the Scottsboro case to confuse the issue, whether the negroes are guilty of attacking these two girls as charged. The flaming of racial prejudice, the intercession of the International Labor Defense, the resentment against the northern attorneys sent to Alabama by it, radical influences, which have grasped upon the Scottsboro case to make a "cause celebre," the repudiation by one of the alleged assault victims of the testimony she had given against the negro defendants—all these have tended to obscure the issue of innocence or guilt of the negroes, and the many delays have only given additional time for the injection of more extraneous matters into the public discussion of the trials and has made it increasingly difficult to keep the case on the single issue at stake.

WILMINGTON, N. C.
STAR

NOV 29 1933

A WISE JUDGE

Business of commending Judge CALLAHAN, of Alabama.

By expediting the trials of two negroes under indictment in the famous Scottsboro case, he has robbed lawyers imported by radical societies from staging a show that while doubtless of tremendous personal advantage to them is not conducive to judicial dignity and nct in keeping with the sane ideas of justice.

We would not venture to risk an opinion as to what may happen after this trial—Alabama was overruled in the first—but whatever the result Judge CALLAHAN deserves the thanks of all and sundry citizens of all states who believe in keeping the courtroom a place of dignity, unruffled by prejudice and unsullied by dramatics.

Tuscumbia, Ala., Reporter
December 7, 1933

SCOTTSBORO NEGROES GIVEN A CONTINUANCE

Trials of the remainder of the defendants in the "Scottsboro Case" on charges of attacking a white woman, Monday were postponed indefinitely at Decatur by Judge W. W. Callahan at the request of the defense counsel. The postponement was granted while the jury was deliberating the case of Clarence Norris, the second of the negroes to be tried at Decatur. Heywood Patterson, another of the seven negroes, was found guilty and sentenced to die in the electric chair.

Lynchings-1933

Legal Punishment for Rape

Alabama

4238

SCOTTSBORO TRIAL TAKES NEW TURN

Defense of the Second Negro Elicits Contradictions From State's Witnesses.

SCENE OF ATTACK SHIFTED

Times

By Impugning Veracity of the Accuser, Leibowitz Hopes for Acquittal of Norris.

12-3-33

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., Dec. 2.—The defense adopted new tactics today as the State opened its case against Clarence Norris, one of the nine Scottsboro Negroes, seeking to prove from the testimony of State witnesses that Victoria Price or the farmers called to corroborate her charge of criminal attack were lying.

New York

Under cross-examination by Samuel S. Leibowitz before Judge W. W. Callahan two of the State's witnesses located the place at which they saw Mrs. Price in a faint at a point 520 feet from the spot at which she says she swooned in alighting from a gondola car of a freight train.

The other witnesses for the State admitted under cross-examination that they saw three Negroes in an empty bor-car near the end of the train, far from the gondola in which black and white hoboes staged a free-for-all and in which Mrs. Price says she and Ruby Bates were attacked.

Contradicting the Accuser.

Lee Adams and Tom Dobbins, Jackson County farmers called by Attorney General Thomas E. Knight Jr. to bolster up Mrs Price's story, retold in court for the eighth time this morning, admitted that they distinguished no woman in the freight car in which they saw white men and Negroes fighting.

Dobbins and his plow-hand, Sam Mitchell, also testified that they saw "darkies" standing in the open door of an empty box car far behind the one in which they saw the Negroes and a gang of white hoboes who were thrown off the train, "rassling and tussling."

W. W. Hill, station agent at Paint Rock, where a posse stopped the train, and W. E. Branum, a member of the posse, were the State's witnesses who contradicted Victoria Price regarding the spot at which she fainted upon leaving the train.

Percy Ricks, Negro fireman of the train, called out of turn in order that he might return to his job, testified for the defense that he saw Victoria Price and Ruby Bates running back and forth alongside the train as though they were as anxious to escape as the nine Negroes who subsequently were rounded up and "carried to jail," in Scottsboro.

The defense has contended all along that the case grew out of the Price girl's fear of an arrest for vagrancy or some other offense and that the condition in which doctors found the young women at Scottsboro could be accounted for by their conduct in the hobo jungle at Chattanooga the night before.

Judge Criticized in Press.

At the third trial of Heywood Patterson, who was convicted yesterday and condemned to death, Judge Callahan refused to admit any testimony regarding the relationship among the two girls and Lester Carter and Orville Gilley, two of the white hoboes who appeared to testify at his trial, the former for the defense and the latter for the State.

The judge, who announced this morning that he would go through the formality of sentencing Patterson to death in the electric chair at Kilby Prison at the conclusion of the Norris trial, was criticized today by The Birmingham Post in an editorial headed "A Questionable Trial." The editorial said in part:

"The record of this trial, when it comes to review by the United States Supreme Court, will not be a favorable commentary on Alabama judicial procedure.

'Blame rests on those responsible for removing Judge Horton from trial of the cases. This blame apparently is borne either by Chief Justice John C. Anderson alone, or by him and his associates on the Alabama supreme court bench."

Bars Preachers and Barbers.

Before adjourning the trial until Monday morning, Judge Callahan cautioned the jurors against listening to barber shop gossip and forbade them to attend church services tomorrow.

"There's no way of telling in advance what a preacher is going to say than there is about a barber," he said.

The question of the jurors' beards was brought up by a bailiff at the close of the day's session. Remarking that while Alabamians "may go barefoot, they shave occasionally," Judge Callahan at first gave permission for them to visit a barber shop provided there was none there but the barber. Then he rescinded his permission, asserting that there was "no way to keep a barber quiet short of killing him."

"Where are we going to get razors?" one of the jurors inquired.

"I don't care whether you buy them or borrow them, but you'll have to shave yourselves or shave one another," the judge replied.

Pistol Confuses Mrs. Price.

Victoria Price was the State's first witness at the opening of the trial of another one of the Negroes whom the United States Supreme Court saved from the electric chair on the ground that their first trials at Scottsboro were unfair.

She repeated her story briefly in direct examination, pointing out the fifteenth car of a toy freight train as a replica of the one from which she alighted when it was stopped by the posse at Paint Rock. Bruised and beaten, she said, she fainted on the spot and could not possibly have tried to get away.

One of the Negroes hit her on the head with the butt end of a pistol, she asserted, describing it as of .45 or .38 calibre. Mr. Leibowitz borrowed a pistol from one of the deputies and handed it to her. She could not tell the butt from the muzzle and admitted she knew nothing about firearms except what she had "been told."

Frequently she turned her eyes toward Mr. Knight before answering the defense lawyer's questions. Mr. Leibowitz at last protested, asking the witness if she were "looking for signals." Judge Callahan flared up, declaring that he would not allow "such tactics" in his court room.

Witness Crosses Testimony.

Arthur Woodall, a storekeeper at Stevenson, was called by the State to testify that he had taken a knife and "a fifty-cent piece" from Norris when the Negroes were rounded up. He admitted under cross-examination that he had testified before Judge James E. Horton at Patterson's trial last Spring that he could not say from which of the Negroes he had taken the knife and money.

"Were you yourself in the Scottsboro court house as a defendant charged with murder since this case started?" asked Mr. Leibowitz. This question brought another denunciation from the bench, but not before Woodall had answered the question affirmatively.

John Simmons, chief deputy sheriff of Jackson County, of which Scottsboro is the seat, said he had seen Woodall take the knife and the coin from Norris. In the jail, the night of his arrest, Simmons said, Norris had denied his guilt, but had "accused all the others."

Liebowitz and Judge Clash.

Mr. Liebowitz protested that such testimoony was inadmissible, but Judge Callahan refused to hear him on the legal issues involved and allowed it to stand. When the New York lawyer tried to amplify his point, Judge Callahan bounced in his chair, became red in the face and shouted:

"That's enough, Mr. Liebowitz! Don't say another word; not one word."

"Except," snapped Mr. Liebowitz, biting his lips.

"You're entitled to that, but that's all you are entitled to," Judge Callahan retorted.

Despite the seeming rebuffs from the bench, Mr. Leibowitz had succeeded during the day in establishing apparently friendly relations with one or two of the jurors who returned the smiles he gave them and followed with interest his explanations of photographs introduced to prove that Victoria Price could not have been in two places at once.

At the close of the session, Mr. Leibowitz asserted that he proposed to prove "mathematically out of the mouths of the State's own witnesses that this whole case was a contemptible frame-up by those two girls." For the first time since the International Labor Defense brought him into the Scottsboro case, he said, he was hopeful of obtaining a jury verdict of "not guilty."

BROOKLYN, N. Y.
TIMES UNION
DEC 5 1933

SCOTTSBORO JURY CONSIDERS FATE OF SECOND YOUTH

First of Seven Defendants Faces Sentence of Death as New Verdict Nears.

By BEN COTHRAN

(United Press Staff Correspondent)

Decatur, Ala., Dec. 5.—The third Morgan County jury to hear evidence in retrials of the Scottsboro defendants began its deliberation today.

The fate of Clarence Norris, on trial for his life the second time as one of a group of colored youths accused of attacking two white women aboard a freight train near Scottsboro, Ala., March 25, 1931 was put in the hands of the jury last night.

The jurors were instructed to wait until court convened today to begin deliberations. They entered the jury room at 8:25 A. M.

Death Sentence Today

Judge W. W. Callahan planned to pass sentence today on Heywood Patterson, who was found guilty and given the death penalty for the third time last week.

Patterson and Norris are two of seven youths granted new trials by the United States Supreme Court.

The new hearings opened in Morgan County Circuit Court last spring on a change of venue from Scottsboro. Patterson was convicted again, but granted another new trial, this time on the grounds of insufficient evidence, by Judge James E. Horton who postponed second trials for Norris and the other defendants and excused himself from hearing them.

Additional postponement of the five cases still awaiting retrial until consummation of an appeal from Patterson's third conviction was expected to be announced today.

Samuel S. Leibowitz, chief of defense counsel, who was rebuked yesday by Judge Callahan for conduct indicating lack of respect for the Court, tentatively planned to leave today, for his home in New York.

Thirteen Exceptions

Judge Callahan's charge to the Norris jury was much the same as that given to the jury that convicted Patterson last week.

Leibowitz made 13 exceptions to the judge's charge. In granting some of these, Judge Callahan expanded his instructions to include, that Mrs. Victoria Price, one of the alleged attack victims, was an interested witness as prosecutrix; that under the law a juror must stand his ground even if all others oppose him; that jurors are not duty bound to reach an egreement, and defined a reasonable doubt.

The judge refused a defense request to tell the jurors that the past conduct of the prosecutrix should be considered, holding that the question of the previous chastity of the women allegedly assaulted was "wholly immaterial."

Asking for an acquittal in the

defense argument to the jury, Leibowitz termed the charges "a contemptible frame-up by two bums to send men to the electric chair just because they are black" and told the jurors they should "stop this mockery of justice."

New York Times

DEC 5 1933

NEGRO'S CASE GOES TO ALABAMA JURY

Second Scottsboro Trial Ends With Judge Amending Charge on Demand of Defense.

COLOR LINE DISAVOWED

But Callahan Cites New York Law in Barring Evidence About Woman Accuser.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., Dec. 4.—The second of the Scottsboro cases went to the jury tonight after a dramatic scene in which Judge W. W. Callahan, at the insistence of Samuel S. Leibowitz, chief of defense counsel, amended and emended the charge he had just delivered.

Informed that the general exception entered to Judge Callahan's charge to the jury which convicted Heywood Patterson would be valueless on appeal under Alabama law, Mr. Leibowitz entered thirteen specific exceptions to the charge delivered in the trial of Clarence Norris.

It was 6:17 P. M. when the long session ended, and, at the request of the jurors, consideration of the evidence on which Attorney General Thomas E. Knight Jr. asked the death penalty for the Negro defendant accused of attacking Victoria Price was deferred until tomorrow morning.

At that time also the sentence of death which the jury's verdict against Patterson makes mandatory upon the trial judge will be pronounced, and the trials of the five other Negroes now in the jail here will be postponed until another term of court. Both sides are understood to feel that further trials pending appeals would be a needless expense.

Judge Disavows Color Line.

Judge Callahan's charge to the jury today differed in only one important respect from the one which he gave to the Patterson jury on Thursday. This afternoon he failed to tell the twelve white jurors that when a white woman charges she has been ravished by a Negro "the presumption is great" that she did not yield willingly. Instead he said:

"The law forbids rape, and the law is made for all and intended to protect all, and it will protect all womankind, regardless of their standing in society or their past acts or station in life or their race or color. And I'm not raising the color line either; I'm telling you the law."

As he said this Judge Callahan peered over his spectacles at the representatives of Northern newspapers.

He proceeded to explain to the jury the forms of the verdict they might return—guilty with a sentence of death or guilty with a term in prison of not less than ten years. He paused a moment and added:

"Gentlemen, that is about all on the law."

Mr. Leibowitz arose from his chair and it seemed for a moment that Judge Callahan again was going to forget to instruct the jury on the form of their verdict if they should decide to acquit.

But Judge Callahan explained that he had merely finished giving "the State's side of it" and that if the jurors were not convinced of the Negro's guilt "beyond a reasonable doubt" they should write the following words on a piece of paper and sign it:

"We, the jury, find the defendant not guilty."

Tilt of Judge and Defense.

It was after this that Mr. Leibowitz announced that he intended to offer several specific exceptions to the charge. Judge Callahan, who earlier in the day had sent the jury out while he reprimanded the New York attorney for what he termed disrespectful conduct, left the bench and sat in the witness chair.

Then began in the almost empty courtroom a battle of wits which lasted nearly half an hour with Mr. Leibowitz pressing the judge almost as though he were a hostile witness. Some of the lawyer's demands the court granted. Others he declined to grant and some he granted in such manner that Mr. Leibowitz took exceptions.

The first four of the defense attorney's exceptions were directed to that part of the charge in which Judge Callahan had told the jury that the past conduct and character of the complaining witness, in this case Victoria Price, was immaterial and irrelevant when "consent" was not the defense."

"What I said was that it was wholly out of place in establishing or tending to establish her consent," the judge declared. "Of course her conduct may shed light on what credence is to be given to her testimony."

Accuser "An Interested Witness."

Judge Callahan, who had charged the jury that the defendant, who in this trial did not take the stand, was "an interested party," then was asked to inform the jury that the status of Victoria Price was also that of an interested witness.

"That's not the way to make that request," replied the judge. "It's not a legal request but I will say, regardless of the way in which you tried to get it done, that the fact that she is the prosecutrix does make her an interested witness."

Mr. Leibowitz then asked Judge Callahan to revise his charge and instruct the jurors that in the case of a witness who has been shown to have testified falsely about any material fact, the jury may disregard all his testimony.

"I decline to do that in the manner in which it is put," replied the judge, who had instructed the jury that they might decide for themselves which parts of a witness's testimony they would believe and which they would cast aside.

"Exception!" snapped Mr. Leibowitz.

As to "Reasonable Doubt."

Mr. Leibowitz proceeded to his next exception:

"I now ask your honor to charge this jury that if any among them have a reasonable doubt after a consideration of the evidence, it is his duty under the law to stand his ground until and unless that doubt can be removed by logical, reasonable argument based on evidence."

"The law doesn't require me to do it," the judge said. "However, there can't be a verdict unless all twelve agree. Each man has a right to his own honest convictions."

Urged by Mr. Leibowitz to direct the jury that they were "under no legal duty to agree" if the honest opinion of even one man was arrayed against the other eleven, the judge responded: "I think I have already done that." Mr. Leibowitz noted another exception.

In his charge Judge Callahan reminded the jurors that the case was not a suit between Victoria Price and Clarence Norris but an action between the State of Alabama and a defendant charged with a crime "against the peace and dignity" of the Commonwealth.

Asserting that, as the defense had raised no claim of "consent" by the prosecuting witness, the issue of her reputation could not be brought up, the Judge said:

"The rule is that prior unchastity is inadmissible as a defense. The question of chastity or unchastity is a wholly immaterial issue in the case.

"That, gentlemen, is the law of Alabama. It is also the law of Connecticut, Massachusetts, Michigan, Ohio, Vermont and New York."

As he pronounced the name of the Empire State, from which come all the lawyers associated with the defense, except G. W. Chamlee of Chattanooga, Tenn., Judge Callahan allowed his voice to rise and he cast a challenging look at Mr. Leibowitz.

Regardless of his race or color, or condition in life, Judge Callahan said, the defendant was entitled to a fair trial.

Bates Deposition Admitted.

Mr. Leibowitz made the closing argument for the defense after Wade Wright, the circuit solicitor, and Attorney General Knight had demanded the death penalty for Norris. The summations began after Lester Carter, a white hobo who was thrown off the train before the alleged attack took place, had testified and after the deposition of Ruby Bates had been read to the jury.

The Bates girl's assertion that the Negroes did not molest her or the twice-married Price woman was allowed to go into the record along with her admission that at the first trial in Scottsboro she had testified they had.

All details of what went on in the hobo jungle in Chattanooga, where the defense contends the two girls spent the night with Orville Gilley, a State witness, and Carter, were barred.

In his charge Judge Callahan said that the deposition of Miss Bates, taken in a New York hospital, must be given the same weight as though she had appeared in court as she did last Spring at Patterson's second trial.

Mr. Wright, opening the argument for the prosecution, urged the jury to "have in mind that this crime could have happened to any woman, even though she were riding in a parlor car instead of a box car."

Plea of Mr. Leibowitz.

Mr. Leibowitz spent about an hour trying to convince the jury that his client should be acquitted on the evidence, citing the points on which Mrs. Price had been trapped in untruths and in variances from the testimony of other State witnesses.

He spent most of his time, however, trying to overcome the bitter local prejudice against him and the International Labor Defense, a Communist organization, which brought him, a Democrat, into the case.

He sometimes wondered, he said, why the whole country should be aroused over "a contemptible frame-up by two bums," and he declared that was all that was left of the State's case with the "blah-blah," the "hurrahs for Jackson County and Morgan County," eliminated.

"Aren't we all American citizens?" he asked.

Referring to the occupants of the press seats, Mr. Leibowitz told the jurors that the "eyes of the world" were upon them. Then he concluded:

"If you have a reasonable doubt, hold out. Stand your ground, show you are a man, a red-blooded he-man—a Southern gentleman, ready to do justice even to this lowly, insignificant worm of a Negro boy. If the State had showed his guilt, I'd be the first to say hang him. But the State has failed to do this. Its case smells to heaven. We've had enough of this expense, enough opprobrium upon this State of Alabama. Let's end it now."

Deposition Took Seven Hours.

Miss Ruby Bates told yesterday how she talked for seven hours last Tuesday giving her deposition in the Scottsboro case. Recuperating from a major operation in a city hospital, she is out of danger now, but when she gave her deposition she was still dangerously weak, according to Dr. Louis Drosin, her physician.

She got word of the conviction of Heywood Patterson last week about an hour after the verdict was announced.

"It struck me bad when I heard it," she said last night. "He's not guilty. Why should he be punished for something he's not guilty of? I never saw any of those boys until I went to Scottsboro. That's the only time I saw Heywood Patterson. I hope they all go free."

RALEIGH, N. C.
NEWS OBSERVER

DEC 2 1933

JUSTICE FOR ALL OR NONE

Judge Callahan in his charge to the jurors in the trial of Haywood Patterson in the famous Scottsboro case in Decatur, Alabama, on Thanksgiving Day stated the doctrine of the equality of all men, black and white, before the law in terms worthy of remembrance. Unfortunately the new verdict of guilty brought in by the Alabama jury after more than a day of deliberation will arouse a widespread wonder as to whether they heard him or acted upon the fundamental doctrine which he gave them. He said:

> Something has been said through this case in argument, about the defendant's being a Negro.
>
> I would be ashamed of you if that is to enter into your consideration for search for truth in this case. No man is worthy to be in a jury box that would reach the guilt or innocence of a man on any such contemptible grounds.
>
> Before the law of Alabama and before the law of this nation, men stand on equal rights, as far as the law is concerned. He is entitled to expect and receive the administration of the law in that manner and no other.
>
> Whenever it is administered in any other way, the law has failed, and when the law fails, eventually the government will fail.

No doctrine is more fundamental to our civilization than that all men regardless of creed or color or wealth or place are equal before the law. Once that doctrine is invaded to destroy the equality before the law of any men than the hope of all others to secure impartial justice in our courts is gravely threatened. Only tyranny or anarchy can prevail where all men are not granted equality in the quest for justice.

Lynchings-1933

Legal Punishment for Rape

Alabama

4239

4239

4239

Ruby Tells Judge, "They Didn't Do It!"

Planet 12-9-33 Richmond Va.

New York—From her hospital bed where she lies convalescing after a major operation, Ruby Bates, important Scottsboro defense witness who was unable because of her illness to appear in the Decatur court, and whose deposition Judge Callahan refused to wait for the court to receive, has written to Attorney-General Knight and to Callahan, repeating her statement of the innocent of the boys.

Ruby's letter, written the day after she went through the dangerous and grueling ordeal of questions and answers for five hours to make her deposition of testimony in defense of the Scottsboro boys, follows:

"New York City,
"November 29, 1933.

'Attorney-General Knight.
"Judge Callahan,
"Decatur, Ala.

"I hope the statement that I made yesterday is clear enough for the court. If I had been in better condition I could have made the statement much better.

"Mr. Knight and Judge, in this statement I did not tell every little thing that happen during this trip because it would have taken too long and my physical condition would not allow me to.

"Mr. Knight, I am a Southern girl, and I would say if these boys had committed this crime of which they are charged, I would say hang them, but they did not commit this crime.

"I hope the jury will believe my statement, as I cannot appear there.

"It is not because I came up here that I changed my testimony, but I changed it because the nine Negroes did not commit this crime. They are innocent boys.

"If these nine lives are taken by electric, nine lives are taken because they are innocent, not because they are guilty, for they did not rape Victoria Price or myself.

"I will tell this any place, any time. I wish to say again that in the statement taken by Mr. Applebaum yesterday is not every little thing that happened during this trip.

"I hope the court of my home town will believe my statement.

"This letter is written in the person of myself. There is no one that has ask me to write this. Neither is there anyone present in my ward. I again say the nine boys are innocent.

(Signed) "RUBY BATES.

"P. S.—I write this as a witness who cannot appear."

The Scottsboro Verdict

Courier 12-16-33

For the third time one of the seven defendants in Scottsboro's cause celebre has been convicted. For the third time he has been sentenced to death.

The defendant had all the benefit of brilliant legal counsel and financial aid from sources outside of Alabama. Between now and the time set for execution he will have, apparently, all the benefit of the delays provided by the law's red tape.

About all that the Scottsboro case has demonstrated is that it is often a long time between a verdict of guilty and fulfillment of the court's sentence.

By this time it would seem that those who have gone to such pains to defeat justice in Alabama would be convinced that the first verdict in the Scottsboro case was correct.

But for the meddlesome interference of agencies outside the state the case of the seven Scottsboro defendants would have been disposed of in the usual manner long ago. It now appears that it will be one of those interminable things which ultimately results in the original point of dispute being entirely lost sight of.

The most extraordinary phase of the Scottsboro affair is the patience of Alabama courts and of Alabama citizens. None will ever be able to charge that there was hasty action.

All Sections of Country Report Big Mass Actions Against Lynch Verdict

Demonstrations In Many Cities This Saturday

Daily Worker 12-5-33

NEW YORK.—Needle trades workers will hold a Scottsboro protest demonstration at noon today on 36th St. between Eighth and Ninth Aves. The meeting will be addressed by Richard B. Moore, General Secretary of the League of Struggle for Negro Rights; James W. Ford, leader of the Communist Party in Harlem; Charles Alexander, Ben Gold, leader of the union, and William Fitzgerald, Harlem organizer of the International Labor Defense.

* * *

NEW YORK.—A Scottsboro protest meeting will be held Wednesday night at the A. M. E. Zion Church, 2986 West Second St., Coney Island, under the auspices of the Women's Council, supported by the congregation. Speakers include Greenberg of the International Labor Defense and Clara Shavelson of the Council.

* * *

PHILADELPHIA, Dec. 4.—A huge protest demonstration against the Decatur lynch verdict will be held this Thursday afternoon at 5 o'clock at Broad and South Sts. Scottsboro Tag Days are being organized for Dec. 9 and 10. The streets and sidewalks are painted with slogans demanding the release of the Scottsboro boys. Banners, with slogans, were raised over several schools today by the Young Pioneers.

The Mass Emergency Conference held last Sunday with nearly 400 delegates present, representing hundreds of churches and organizations, Negro and white, declared to organize a series of neighborhood meetings and demonstrations here.

The local Garveyites are holding a meeting on Dec. 7, and will turn over all proceeds to the International Labor Defense for the Scottsboro defense.

* * *

DEMONSTRATION SATURDAY IN CHICAGO

CHICAGO, Dec. 4.—A huge protest demonstration on the South Side will be held this coming Saturday, National Day of Struggle Against Lynching.

The parade will begin at four o'clock at 43rd and Indiana. An emergency anti-lynching conference has been arranged for next Thursday at five o'clock at the Lincoln Center, 700 Oakwood Blvd All organizations are being urged to send delegates. The conference will elect a delegation to visit the Mayor and Congressman De Priest to demand they state their position on the growing lynch wave against the Negro masses and on the Decatur lynch verdict.

* * *

Conference Sunday In Rockford

ROCKFORD, Ill., Dec. 4—A Scottsboro anti-lynching conference will be held here next Sunday, Dec. 10, at three o'clock at 1015 Third Ave., with many organizations participating. The conference is called by the Engdahl Branch of the International Labor Defense, which is urging all organizations to elect two delegates to it.

* * *

Atlantic City Meet Protests Lynch Verdict

ATLANTIC CITY, Dec. 4—A huge Scottsboro protest rally was held last night in the Waltz Dream Arena, N. Ohio Ave. The meeting was addressed by Raymond G. Robison of the Equal Rights League, F. D. Griffin of the International Labor Defense, Gladys Stoner of the National Students' League, William Vincent Mullen, Philadelphia attorney of the I. L. D.; Leonard Patterson of the League of Struggle for Negro Rights, with A. J. Jones as chairman and Robert R. Nelson as master of ceremonies. The meeting adopted resolutions demanding the release of the Scottsboro boys and opposing the proposed Jim Crow municipal pool.

* * *

PROVIDENCE, R. I., Dec. 4.—The Rhode Island Section of the Communist Party yesterday wired a protest to Judge Callahan against the Decatur verdict.

* * *

BOSTON, Dec. 4.—Local 11 of the International Association of Projectionists and Sound Engineers of North America today sent a protest resolution to Governor Ritchie of Maryland, condemning his demagogic actions in going through the motions of arresting the lynchers of George Armwood and then dropping all attempts to prosecute the lynchers. The resolution pledges the support of the organization to the struggles of the Negro masses against lynching and Jim Crow oppression.

New York American

DEC 2 1933

SCOTTSBORO

NEGRO GUILTY, GIVEN DEATH

Counsel at Once Takes Step Toward U. S. Supreme Court Appeal; Norris Jury Ready

DECATUR, Ala., Dec. 1 (AP).—The third verdict of death was returned today against Heywood Patterson, 21-year-old Negro, one of seven defendants in the "Scottsboro case," for an attack on a white woman who was hoboing on a freight train.

In a hushed courtroom, Walter Green, clerk, read the verdict:

"We, the jury, find the defendant guilty as charged, and fix his punishment at death."

The Negro, who twice before has heard identical words read in his case, appeared unmoved.

He was tried on a charge of attacking Mrs. Victoria Price aboard a Southern freight train on March 25, 1931.

There was not the slightest sign of a demonstration.

The jury had deliberated for 25 hours and 10 minutes.

NEW JURY READY.

Judge Callahan was preparing to swear in a jury, just selected for the trial of Clarence Norris, second of the defendants to be called on charges of attacking Mrs. Price, a Huntsville mill worker, when the jury reported.

Samuel S. Leibowitz of New York, chief of defense counsel announced he would file a motion for a new trial which, if denied, would be a step toward the United States Supreme Court.

The fight against the first death sentences imposed on Patterson and his co-defendants was carried to the Supreme Court after the Alabama Supreme Court had affirmed the decision of the Jackson County Circuit Court.

It was after the U. S. Supreme Court had held that the Negroes did not have the benefit of adequate counsel that a change of venue from Jackson County to Morgan was granted.

SAME TESTIMONY LIKELY.

Testimony in the Norris trial was expected to be largely the same as that in the Patterson trial since each side has called the same witnesses.

The defense, however, has interrogatories from Ruby Bates, who was the companion of Mrs. Price on the hobo trip and who last Spring made a sensational appearance in Patterson's second trial to repudiate her former testimony. She denied she was molested by the defendant.

The jury sworn tonight for the trial of Norris, like the one that convicted Patterson, consists largely of farmers.

William L. Patterson, national secretary of the International Labor Defense, last night assailed as a "legal lynch verdict" the conviction of Heywood Patterson. He said:

"The verdict, after a trial in which W. W. Callahan acted as an open provocator, is not surprising. His charge to the jury was an open proclamation that there is no justice in American courts for Negroes. The class conscious white workers and the Negro masses will not accept this verdict of the rulers of America."

ACCUSER RENAMES SCOTTSBORO NEGRO

New York Times

11-28-33

But Victoria Price Is Hazy on Details and Sometimes Defies Defense Counsel.

New York, N.Y.

JUDGE LIMITS QUERIES

He Asks 'Respect' for Witness Under Fire Before Jury of Middle-Aged Farmers.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., Nov. 27.—Before a jury of middle-aged farmers chosen today to try Heywood Patterson for his life, Victoria Price repeated her charge that he attacked her, but about the details she was hazy and alternately apologetic and defiant.

Attorney General Thomas E. Knight Jr. made few objections to the relentless cross-examination of Samuel S. Leibowitz, chief of defense counsel, but Judge W. W. Callahan, who is presiding over the retrials of the so-called Scottsboro cases, lived up to the traditions of Southern chivalry.

Once when the New York attorney asked the only remaining complaining witness in the case whether she had not removed the overalls she says were torn from her by the Negroes, Judge Callahan warned him to "treat the lady with more respect."

The restrictions imposed by the rural jurist, whose witticisms often turned court-room laughs against the International Labor Defense lawyers from New York, left off the record many essentials of the defense offered last Spring before Judge James E. Horton, but the record was dotted with scores of exceptions which may prove valuable when and if the case is reviewed again before a higher court.

Judge Holds Limits Aid Defense.

For instance, the court forbade Mr. Leibowitz to press the witness regarding who accompanied her and Ruby Yates on their hitch-hiking expedition to Chattanooga on March 24, 1931.

He stuck to this ruling even after Mr. Leibowitz explained that he was trying to prove that the nine accused Negroes were not to blame for the condition in which doctors found the girls after they were removed from a Southern Railway freight train by a posse at Paint Rock on the afternoon of March 25.

"The more I shut you off the better shape you're in," the judge remarked once when Mr. Leibowitz protested against the limitations imposed upon his cross-examination of the woman's past life and associations.

At the last trial Lester Carter, one of seven white hoboes the Price woman says were hurled off the train "before the attack began," testified that he and Orville Gilley, another Nordic knight of the road, spent the night before the arrest of the Negroes in a hobo jungle near the railroad yards in Chattanooga. Although Gilley waited in court today to testify for the State, all questions by Mr. Leibowitz about the "hobo jungle" were taboo.

Within the narrow limits laid down by Judge Callahan, Mr. Leibowitz led the witness, dressed in a blue chiffon dress with many bangles, into more than a dozen contraditions of her earlier testimony.

Sometimes she would just look helplessly toward the prosecution table. Occasionally she made faces at Mr. Leibowitz and made argumentative or evasive replies to his questions. Most often she fell back upon the excuse that the lapse of time had made it impossible for her to "be positive."

Difficulties in Picking Jurors.

The selection of the jury took from 8:30 A. M. until 3 P. M. One hundred talesmen were examined by the defense and prosecution. The panel contained the son of a man who sat on the jury which convicted Patterson here last Spring, many with fixed opinions and a few with objections to capital punishment.

One man said he had no faith in circumstantial evidence and was excused after flunking tests prepared by Judge Callahan.

"Let's see if he knowns what it is," proposed the judge. "Suppose you went down to four cornfield—if you had a cornfield—and you were to see some ears of corn lying on the ground destroyed and suppose that near where you saw the ears of corn you saw tracks and suppose you knew those tracks to be the tracks of a hog. Would't that cause you to know that a hog got the corn?"

"Yes, but I wouldn't know it for sure," he answered.

"Well, let's try again," said Judge Callahan. "Suppose you were put in a dark house and kept there until you lost track of the day and the week and a man who said he had just come from the outside and there wasn't a cloud in the sky, and then he passed out and another came in and said it was noonday. Would you need any further evidence to know the sun was shining?"

"I'd have to take his word for it," the talesman said, looking far from satisfied.

The judge tried it again, asking the prospective juror if he followed the tracks of a man to a cabin with a tenant wearing the same size shoes resided would not convince him that the tracks were made by the man who lived there.

"There might be two men with the same size feet," insisted the skeptic, who was excused.

Jury as Fi ally Selected.

At the conclusion of the examination of the talesmen thirty-two had been excused at their own request, twelve had been cast out by the State because of conscientious scruples against the death penalty and twenty by the defense for holding fixed opinions about the guilt or innocence of the defendant.

Thirty-six remained in the box. The defense struck sixteen of these from the list and the State disposed peremptorily of eight others. The twelve remaining were:

HICKORY O. BRIDGES of Danville, a farmer.
ELBERT M. COBB of Eva, a farmer.
GLADSTONE J. ISELY of Hartselle, a farmer.
EDWARD H. NELSON of Decatur, a truck driver.
AVERY ROBERTS of Decatur, a painter.
CLAUDE J. ROBERTS of Somerville, a farmer.
JOHN H. RUSSELL of Decatur, a farmer.
JOHN HALBROOKS of Somerville, a farmer.
HOMER JOHNSON of Somerville, a farmer.
DITCHLER JOHNSTON of Somerville, a farmer.
FLOYD H. LYLE of Somerville, a farmer.
HOMER SUMMERFORD of Flakville, a merchant.

Only three of the present jurors are town-dwellers. Last Spring there were only about that many farmers on the jury, whose verdict of guilty was reversed by Judge Horton. All the others were residents of small towns.

[illegible] was sworn and warned not to discuss the case among themselves, with outsiders or even speak with members of their families by telephone as some members of last Spring's jury admitted they had done. Judge Callahan said they must not read newspapers until the trial was over.

Then all the witnesses for the State and the defense were sworn at once, seventeen white witnesses including the determined-looking Victoria Price for the prosecution and one lone Negro for the defense facing each other with upraised hands before the bar of justice.

Toy Train Intrigues Court.

With that done, Mr. Leibowitz, with the assistance of grinning deputies, began assembling his toy replica of the freight train on which the attack is alleged to have taken place.

Judge Callahan began bouncing up and down on the bench. He wanted to know if the record showed the train to be an exact replica of the original. Assured that it was, he said he didn't see much sense in it because everyone knew "the difference between engines, box cars and cabooses."

Mr. Leibowitz said he had only about half a dozen cars to put in place, and Judge Callahan, fidgeting and looking at his watch, said to go ahead, adding that he supposed a "few more flicks and frills may be all right." A moment later he said:

"I hope you'll get this done before Christmas because Santa Claus is going to get all that anyway."

At last it was done. Wade Wright, Circuit Solicitor of Morgan County, opened for the prosecution by reading the indictment charging Patterson with "forcibly ravishing Victoria Price against the peace and dignity of the State." A moment later she appeared in person to tell the judge and jury as much about it as she could remember.

H. G. Bailey, Circuit Solicitor of Jackson County, who prosecuted the trials at Scottsboro, led her through her direct examination, which lasted less than ten minutes. He did not press her about any details other than those immediately connected with the essential fact set forth in the indictment.

Cross-examination disclosedt hat Victoria Price was the Huntsville equivalent of a Lucy Stoner. Although twice married and once divorced, she never had used any but her maiden name, adding the title of the married state.

The name of her first husband, she said, was Henry Presley. Judge Callahan informed her she need not tell whether he divorced her or vice versa. She was still married to Ennis McLendon, she said, but was not living with him now and was not quite sure of the date when they were married in the Huntsville City Hall.

She was 25 years old, she said, and with her nondescript blond hair tightly curled in ringlets, her face powdered and her lips just faintly rouged she seemed nearer that age than he did last Spring. Then she appeared in court in a frayed sweater and a wrinkled [illegible] her hair was straggling and unkempt.

"Do you know Leslie Carter?" snapped Mr. Leibowitz.

"I wasn't acquainted with him at that time," she said.

"Did you know Jack Tiller?"

"Yes, I did."

"Wasn't he your boy friend?"

"Sort of ."

"And he was a married man?"

"Yes, sir, but he wasn't living with his wife."

Led U to Events in Case.

After Judge Callahan had forbidden the witness to answer the defense lawyer's questions about what had happened between her and Tiller and Orville Gilley, and between Ruby Bates and Lester Carter on the night before the alleged attack, Mr. Leibowitz asked if she ever had been convicted of "lewdness, drunkenness and vagrancy." Judge Callahan barred her answering.

Mr. Leibowitz then demanded to know whether she ever had been convicted of any crimes involving "moral turpitude." She complained that she did not know the meaning of the words. After they were explained in more simple terms, she said she had not.

Prevented from asking more about Victoria Price's acquaintance with a mysterious Chattanoogan identified only as "Red," Mr. Leibowitz took the witness over the events upon the train and there he fared better, although Judge Callahan frequently urged him to "get on to something else."

Discrepancies in Testimony.

Today Victoria Price said she thought it was Patterson who tried to hurl her off the train. At Scottsboro the record showed she had said it was Clarence Norris, who is awaiting a new trial with five other Negroes.

She said this afternoon that she knew nothing about firearms. Mr. Leibowitz reminded her that she had testified before that the weapon in Patterson's hand was a 45 calibre automatic and she said that to the best of her recollection that was so. The lawyer then read from the record of the Scottsboro case showing that she had said then that it was a .38 calibre pistol.

The other contradictions were of a similar nature, having to do with the number of times she was struck, the extent of her injuries and the actions of the Negroes and the white men whom they threw off the train. Twice the witness showed signs of agitation bordering upon panic.

The fencing continued until long after dark. At 6:15 Mr. Liebowitz asked the court to declared a recess, saying he was fagged out.

"That's too bad," said Judge Callahan, ordering him to go into training for night sessions beginning tomorrow night. At 6:25 court was recessed until tomorrow.

Fosdick and Horton Called.

At the request of the State a subpoena was issued for the Rev. Dr. Harry Emerson Fosdick, pastor of the Riverside Church in New York City. It was to him that [illegible]

[illegible] went for guidance, she said, when her conscience troubled her over the false testimony she said she gave at the first trial.

The defense countered late in the day by demanding a subpoena for Judge Horton, when Judge Callahan refused to concede that Mr. Leibowitz was reading correctly from the record of last Spring's trial.

Ruby Bates Still Very Ill.

Louis Colman, of the International Labor Defense, said yesterday that Ruby Bates, defense witness in the Scottsboro case, was "not yet out of danger" following a major operation in a local hospital on Friday. Julius Applebaum, the lawyer commissioned to take her deposition, said that he had not seen her yet, but Mr. Colman said he understood that if her deposition was not available for the Patterson trial her previous testimony could

Lynchings - 1933

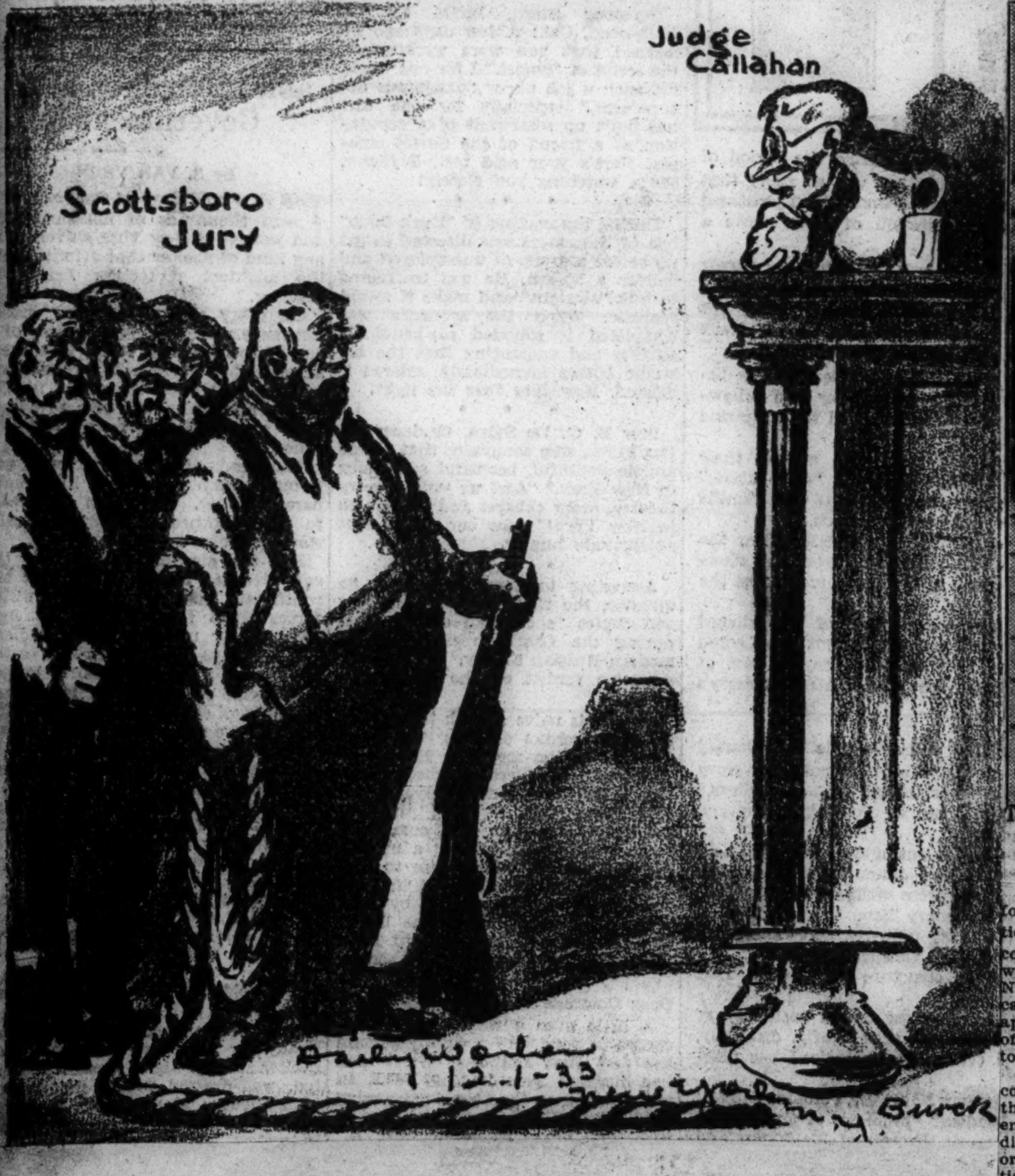
Legal Punishment for Rape

Alabama

4241

Judge Callahan:—"I Instruct You to Bring in a Verdict in Accordance With the Laws of Alabama!"
Jury:—"We Git You, Judge"

—By Burck



Daily Worker 12-1-33

Scottsboro Case Defense Charges Jury List Fraud

This photograph shows the seven defendants in the famous Scottsboro case. They are leaving the Morgan county jail for the courtroom. The Negroes are accused of attacking two white women in Jackson county, Ala. (Associated Press photo.)

DECATUR, Ala., Nov. 24 (AP)—A formal charge of fraud in preparation of the jury roll in Jackson county from which the grand jury was drawn that indicted the seven Negro defendants in the "Scottsboro case" [illegible] today was added to the application of "systematic exclusion of Negroes" on the defense motion to quash the indictments.

Samuel S. Leibowitz, chief of counsel retained for the Negroes by the International Labor Defense entered the fraud charge as an additional ground just before the record of testimony on a similar motion in the cases last spring were read.

"I desire to add to the grounds pending," he said, "the aditional ground that there was fraud in the compilation of the jury roll from which the grand jury was purportedly drawn and therefore the indictments are null and void."

The defense last Monday on arraignment of the seven Negoes who are facing new trials entered a motion to quash the indictments on the ground that "systematic exclusion of Negroes from the jury rolls, solely because of their race and color" violated their constitutional rights.

The Negroes are charged with mass attacks on two white girls aboard a Southern railway freight train as it rolled through Jackson county March 25, 1931. The United States Supreme court set aside death sentences imposed at Scottsboro April 9, 1931, and under a change of venue last March the cases were moved here.

Telegraph
Macon, Ga.
11-25-33

The slowly moving examination of the jury roll was interrupted this afternoon by Judge W. W. Callahan presiding, to arraign Clarence Norris and set his trial for Nov. 30. Norris was arraigned and the motion to quash the venire, the same as that entered when Heywood Patterson was arraigned Monday, was entered. Judge Callahan then fixed the date of the trial.

When Leibowitz demurred at the early date set for Norris, Judge Callahan said, "I am going to move with speed Monday morning." He added that he expected the Patterson trial, set for next Monday, to be completed either Wednesday night or Thursday morning.

The arrignment was the only break in the monotonous turnings of pages of the big book in which the qualified jurors are enrolled with J. E. Moody, member of the present jury commission of Jackson county, on the stand most of the day completing his identification of the persons inscribed on the roll whom he knew personally.

EIBOWITZ PROTEST BARS 'CONFESSIONS'

Times

udge Rules Out Jail Talk of Scottsboro Negroes to Newspaper Men.

11-30-33

RGUMENTS ARE LIMITED

New York,

ourt Gives Each Side Two Hours to Address Jury in Patterson Case.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., Nov. 29.—An issue which has plagued the State of Alabama for nearly three years was rgued again today before a Morgan County jury which tomorrow will be asked to decide whether Heywood Patterson, a Negro, shall live or die.

That issue is whether Victoria Price and Ruby Bates were attacked by nine Negroes on a freight train on March 25, 1931, or whether the whole Scottsboro case was a frame-up concocted by white hoboes of both sexes to avoid arrest for vagrancy.

Circuit Judge W. W. Callahan, who is presiding at Patterson's third trial, sat with his feet upon the bench while opposing lawyers harangued the twelve jurors, sitting stolidly and outwardly emotionless through flights of eloquence.

Wade Wright, solicitor of this county, which inherited the case from Jackson County after the United States Supreme Court sent it back for a new trial, roared at the jurors to remember that a white woman had sworn that she was criminally assaulted by the Negroes and to forget all else.

H. G. Bailey, who prosecuted the Negroes originally at Scottsboro, suavely asked for a verdict on the evidence and urged the jurors to weigh the plausibility of the defense charge that "citizens of their neighboring county" had helped to "frame the Negroes."

The long court day ended with Samuel S. Leibowitz, in the part of a stranger in a strange land handicapped by unfamiliarity with its customs, pleading "as man to man" to choose whether to believe the contradictory testimony of "a white girl tramp" or that of Dr. H. H. Bridges, "a reputable local physician." One or the other had committed perjury, he said.

Negro Listens Intently.

Outside the courtroom, beyond earshot of the harsh things that were said about her, Victoria Price sat upon a high stool peering through the doorway with Jack Tiller, her present "boy friend," looking over her shoulder.

Patterson, a glimmer of everlasting hope in his almost expressionless face, listened more intently than at any other time since his trial opened.

At the prosecution table making notes sat the young Attorney General, Thomas E. Knight Jr., who expects to run for Lieutenant Governor when his present term expires. Now and then he smiled broadly as the New York attorney, better dressed than any other man in the courtroom, tried to convince the jury that the "city slicker" had been outmanoeuvred and outgeneraled by local talent.

Mr. Knight will have the last word tomorrow after G. W. Chamlee, an associate of Mr. Leibowitz, concludes the summation for the defense. After that Judge Callahan will charge the jury, send them out to begin their deliberations and begin selecting a new one to try Clarence Norris, another Negro defendant in the famous case.

Defense Wins a Point.

Just before the final arguments began, the defense won its first important victory in the legal fencing which has marked the case, when Judge Callahan refused to permit Major Joe Stearns, who commanded the National Guard detail assigned to the trials at Scottsboro, to tell the jury of an alleged confession by the Negroes while they were in the jail.

With the jury temporarily excused, Major Stearns denied that one of his men had bayonetted Roy Wright, 12-year-old defendant, or knocked out his front teeth. Nor had he asked Patterson or the other Negroes "where they wanted their bodies sent," he testified.

He admitted that he had not warned the Negroes when he took an Associated Press reporter to their cells that anything they said might be used against them. Although the alleged confession was kept from the jury's ears, the testimony which Patterson gave at his first trial at Scottsboro, accusing all but three of the nine Negroes under arrest, was allowed to remain in the record.

The defense did not fare so well in the morning session when Lester Carter, a white hobo, who was thrown from the train after a battle with the Negroes, took the stand. He was the star witness for the defense at Patterson's trial before Judge James E. Horton here last Spring.

Judge Rules Out Evidence.

This morning, however, Carter left the witness stand without having contributed much more than some expert testimony about the proper way to board and alight from a moving freight train.

Not a word of the graphic description he gave last Spring, of the romantic night he and Orville Gilley spent with the two girls in the hobo jungle near the freight yards in Chattanooga was permitted to creep onto the record of this trial.

Judge Callahan held it was immaterial where the girls spent the night before the alleged attack, or with whom they had been.

The defense merely asked the stenographer to add a few more exceptions to the court's ruling and proceeded in an attempt to show that the farmers who described the fight aboard the freight train as it rolled through Northern Alabama could not have seen as much as they declared.

Judge Callahan at one point in Carter's examination by Mr. Leibowitz remarked that it appeared to him like a "vicious attempt to put improper evidence before the jury."

Mr. Leibowitz immediately asked for a mistrial but was overruled.

Judge Callahan refused to wait for the promised appearance of a medical expert called by the defense and ordered the lawyers to proceed with their arguments, allotting two hours to each side.

Oversteps the Evidence.

Wade Wright, who urged last Spring's jury to show that Alabama justice was beyond the reach of "Jew money from New York," kept sectionalism out this time, but in his enthusiasm overstepped the evidence and had to apologize for saying that the Negroes tried "to choke Gilley to death."

In a voice that was heard in the halls of the Court House and on the lawn outside, Mr. Wright asked for the death penalty and ridiculed the central point of the defense.

"You can figger for yourself," he said, "how much Gilley and Victoria Price, that illiterate girl, knew about the Mann Act. I'd hate to say how old I was or how big I was before I ever heard of it. I'd hate to say how long I'd practiced law before I was familiar with the substance of that there law."

The State had provided corroboration for the Price woman's story, he said. It was contained in the testimony of "old brother Hill," the station agent at Paint Rock, who helped round up the Negroes, and in the testimony of white farmers along the railway who saw the girls "a'fixin to get out and being drug back."

Mr. Bailey, while urging the jury to "make the punishment fit the crime," said that Carter had "been breathing the atmosphere of that great metropolis" (New York) before he appeared to tell his story in court.

State Witnesses Attacked.

Mr. Leibowitz attacked the character of Victoria Price. She had lied about the reason why she went to Chattanooga, he asserted, and her story that she and Ruby Bates had started back to their homes in Huntsville without male escorts had been proved false by the State's own witness, Gilley.

The two girls, Gilley and even Carter who had appeared for the defense, Mr. Leibowitz said to the jury, were "bums," "loafers," "scum," upon whose word neither side could rely.

"Victoria Price," he said, "had told one story on one occasion and another whenever it suited her convenience. Even now, after it had been told seven times, it was so fantastic that if you came upon it in fiction you would toss the book away."

He attacked the State for failing to call Dr. Bridges, the physician who examined the girls less than two hours after they were taken from the train.

"What do you think of a prosecution which hides evidence like that?" he demanded, declaring that the State's case was "rotten from start to finish."

NEW YORK [illegible] WORLD
Telegram
DEC 2 1933

JUSTICE DENIED.

CONVICTION of one of the Scottsboro defendants in the third trial yesterday would seem even more terrible but for the hope that the United States Supreme Court will set aside the verdict as it did in the first trial. In the second trial the trial Judge himself threw out the verdict.

It is unthinkable that these Negro boys shall be executed on contradictory and discredited evidence. There was never anything but the flimsiest case against them. Since one of the two girls confessed that her earlier testimony was a lie, there has been no real case.

Judge Callahan's charge to this jury was so unfair that he even failed to tell the jurors how they might acquit until the defense counsel protested. The State's Attorney confessed that his own speech to the jury was "an appeal to passion."

It was a partisan trial drawn on the color line. Justice was denied by race [illegible]

Brooklyn, N. Y. Eagle
DEC 4 1933

Borough Workers' Unit Wires Judge To Free Negroes

Telegraphic protests to Judge W. W. Callahan and President Roosevelt demanding freedom for the Scottsboro defendants were forwarded last night by members of the Engdahl-Scottsboro branch of the International Labor Defense who met at 777 Gates Ave.

Both telegrams declared the opinion of "100 workers" for the immediate release of the defendants and the message to President Roosevelt urged him to "take immediate action against the Decatur lynch verdict."

Charge Class Rule

Robert Campbell, organizer of the branch, reviewed the action taken by the recent Baltimore Anti-Lynch Conference, in which a demand was made for the right of Negroes to carry arms for self-defense in terrorized districts.

Referring to the Scottsboro case, Campbell said, "This case is a direct outcome of imperialist class rule intending to terrorize into submission the oppressed Negro nation We as a workers' organization can expect no justice from the capitalists and their courts. Governor Rolph's statement in regard to the California lynching is an open sanction of lynch rule by State authorities."

Lynchings-1933

Legal Punishment for Rape.

Alabama

4242

NOTORIOUS LOS ANGELES "RED SQUAD" SUED FOR DESTROYING SCOTTSBORO BOYS PAINTINGS

$5,000 DAMAGE SUIT IS OUTGROWTH OF CAPT. WM. F. "RED" HYNES' RAID ON JOHN REED CLUB AND BLOC OF PAINTERS STUDIO FEB. 11

Witness to Raid Testifies That White Legionnaires Assisted Hynes Squad in Deliberate Destruction of Valuable Works of Art

LOS ANGELES, Calif., July 27.—(By Loren Miller for ANP)—Echoes of the world famous Scottsboro case were heard in a Los Angeles court room last week as Superior Judge J. A. Smith heard testimony in a law suit purporting to show that the notorious Los Angeles Red Squad, led by its captain, Wm. F. (Red) Hynes, destroyed paintings of the boys valued by the plaintiffs, the John Reed club and the Bloc of Painters, at more than $5000. The city is a co-defendant with Hynes.

The suit grew out of a raid staged last February 11 by Hynes and his men, assisted by white American Legionaires, of the John Reed club house, 1743 North New Hampshire avenue, where the paintings were on exhibition. A playlet, "Dawn in Manchuria," was being given at the time. The audience was driven out of the hall after which the plaintiffs charge the pictures were damaged.

Supporting their charge of police vandalism the plaintiffs exhibited pictures of the frescoes showing that some person or persons had deliberately poged holes thru each of the figures on a picture representing the nine boys and Mrs. Ada Wright. Another picture depicting a Negro boy with his head in a noose also drew the wrath of the vandals while still others depicting unity of whites and Negroes were badly damaged.

Connecting Capt. Hynes and his men with this amazing destruction, Harry Buchanan, attendant at the club house, testified that he was hidden in a closet through fear of the officers and saw them deliberately and systematically destroy the works of art.

Called to testify on behalf of the defendants, Capt. Paul Hoffman, white Legionaire, who betrayed his southern antecedents in a saft accented drawl, called the pictures portraying Negro exploitation and oppression "coarse, destructive, anti-social and uncouth," but insisted that he did not see the police destroy the pictures although he was present on the night in question. Hoffman also branded the John Reed club, of which Langston Hughes and other famous Negro writers are members, as a "bunch of renegades."

The pictures in question were painted by the Bloc of Painters, a group that works by using natural paints on wet plaster. After the work thus executed has dried it is very hard and well nigh imperishable.

Witnesses for the plaintiff gave it as their opinion that the work was of great artistic value and supported the contention that $5,000 damages was not an unusual sum.

[illegible]

SPECIAL TERM NOT LIKELY, JUDGE SAYS

Scottsboro Cases Probably Will Be Heard In Regular Fall Session

Advertiser

Montgomery Ala.

ATHENS, ALA., July 24.—(Special)—Judge James E. Horton said today that unless a special term of Morgan Circuit Court is called, an October date will be set for further trials in the Scottsboro case.

Returning from his vacation, Judge Horton said he would be occupied the next five or six weeks with other cases and that he had not had time to consider a special term for the trial of the nine negroes charged with attacking two white women.

Judge Horton said he had an open date on his calendar in September when the trials could be held on the docket of the regular Fall session.

Unless Chief Justice John C. Anderson, at Montgomery, designates another judge to sit in on the trials, Judge Horton said he would preside.

The jurist presided at the trial of Heywood Patterson, first of the defendants to be retried at Decatur last April under order of the United States Supreme Court.

Patterson was convicted a second time and again sentenced to death but last month Judge Horton set aside the jury's verdict and granted his motion for a new trial, holding in a lengthy opinion that "evidence in the case greatly preponderates in favor of the defendants."

The nine negroes are charged with attacking Mrs. Victoria Price and Ruby Bates, cotton mill workers, aboard a Southern Railway freight train in Jackson County, March 25, 1931, as the girls were hoboing their way to their home at Huntsville, Ala., from Chattanooga.

Seven of the negroes originally were convicted and sentenced to death at Scottsboor, while two were held to be juveniles.

Attorney General Silent On Judge Horton's Action

Advised yesterday of a press dispatch to the effect Judge James E. Horton of the Morgan Circuit Court has announced he will sit at retrial of the seven negro defendants in the "Scottsboro case," unless another judge is designated to preside by Chief Justice John C. Anderson, of the Alabama Supreme Court, Atty. Gen. Knight stated he had "no comment to make at this time."

Reports emanating from a reliable source were widely current some weeks ago that Judge Horton would very likely recuse himself in retrial of these cases, and that under all the circumstances he probably would do so. These reports persisted and were neither denied nor confirmed by Judge Horton, whose first expression on the subject was made public yesterday.

Although Atty. Gen. Knight has said nothing that would indicate his plans, it is believed he will move to have the trials of the negroes held some time in August or early in September, as official business will require his presence in Washington, D. C., in October.

During that month, action brought by the State of Alabama challenging the validity of the Hawes-Cooper Act of Congress giving to the States authority to prohibit shipment interstate of convict made goods, will be submitted to the U. S. Supreme Court. The Attorney General will represent the State in the case before that tribunal.

Tarrant, Ala., Standard
July 21, 1933

NEGROES' RELEASE SOUGHT

A move to raise $40,000 in bond pledges to obtain the release from jail of the nine Negroes held in the Scottsboro attack case, was launched here Tuesday by George W. Chamlee International Labor Defense League lawyer.

Chamlee exhibited a copy of a petition which he expects to place in circulation to secure the names of bondsmen.

All of the Negroes, two of them from Chattanooga, were under death sentences for alleged attack on two white girls in a freight car near Scottsboro, Ala., until previous convictions were reversed by the United States Supreme Court. They have beenconfined for more than two years and are at present in theBirmingham jail.

Chamlee said the court had fixed no bond for the negroes and that he does not know if it would be accepted if it is raised.

Cordele, Ga. Dispatch
July 21, 1933

A plan to raise a $40,000 bond for the Scottsboro negroes is foolish. The negroes do not know enough to care much what happens in that regard and they have no idea at all what the fuss is all about or who is running the campaign.

Raleigh, N. C., News & Observer
August 2, 1933

A SECOND CHANCE FOR ALABAMA

Alabama, restive under the criticisms of its justice in the famous Scottsboro cases, yesterday in another case involving the deepest emotions of the white race in criminal justice took steps to see to it that the Negroes involved shall have no complaint nor any others just cause for criticism in the conduct of the trial.

In this case a very real and ugly crime has unquestionably been committed. A white woman was clubbed to death in a wooded section after, it is charged, she had been assaulted. Two Negroes and a Negro boy, who is being tried separately in juvenile court, are charged with the crime.

To the credit of Alabama, the court has appointed a well-known criminal lawyer and former president of the State bar association to defend the Negroes. Negroes have joined white men in opposing the entry into this case of attorneys of the International Labor Defense, radical organization which provided the defense in the Scottsboro cases. Both races seem to feel that however useful that organization may have been in securing justice in the earlier case that its usefulness has ended in Alabama.

It will be easier to determine how well Alabama has learned its lesson as this trial proceeds but certain an excellent beginning has been made by providing the best Southern attorneys to defend the Negroes. Outsiders may serve to point Southern injustice but Southern justice can only be truly created by Southerners themselves. It is to be hoped that the present case will be as important in establishing a new justice, freed of prejudice, as the earlier case was important in making raw prejudice apparent for the evil that it is.

Brunswick, Ga. News
July 31, 1933

DILLY-DALLING WITH JUSTICE

The elasticity of the laws of this country are, in a great measure, responsible for the loss of proper respect for the courts. It is a common occurrence, not only in this state, but in other states, for violent cases of crime to be delayed and bickered with until, worn out in court or the main witnesses die or become removed so far from the reach of the law, criminals succeed in escaping from penalties of justice.

In the cases of a dozen young negroes, who committed a most henious crime, at Scottsboro, Alabama; perpetrated upon two helpless white girls, the avenues of the courts have been so stretched as to enable the lawyers in these cases to secure new trials from court to court. In each instance, these negroes were convicted of the crime with which they were charged and death sentences were imposed by the court. However, their cases were carried to the Supreme Court of the United States for review and on technical grounds, new trials were ordered to be held by the courts of Alabama. One of the principals in the case disappeared when one of the trials was held, but later she returned and turned former evidence, declaring that she and her ally had framed the negro boys; but on cross examination it was clearly shown that the girl was testifying for financial consideration, and her evidence failed to impress the jury or the court. One or more of the boys have been convicted for the third time and are now being held in jail pending the trial of the whole number. A new feature in the case has developed on the part of interested parties, who are making an effort to raise $40,000 for bonds in order that these negroes may be released from jail with the hopes that they may escape and be kept in hiding to avoid trial. Such dilatory methods on the part of the courts is bound to bring on a resentment from the people that may result in a serious crime of enforcing the lynch law.

Not only these assault cases, but other criminal cases, in various states, are allowed to be dallied with in the courts that will sooner or later cause an uprising of sentiment of resentment that will bring on an outbreak against the laws and the courts of the country.—Athens Banner-Herald.

SCOTTSBORO CASE IS YEAR'S IMPORTANT ONE

Civil Liberties Union, in Report, Says It Is Biggest Legal Win.

SOUTH IN AREA OF SUPPRESSION

Mass., Mich., and Ill. Are Cited.

NEW YORK.—The most important legal victory of the year relating to civil liberties, according to the [illegible] Civil Liberties Union, was the Supreme Court reversal of the convictions of the Scottsboro boys on the grounds that the trial court had not permitted them adequate counsel.

8-12-33

"The case," says the report, "has become a symbol throughout the world of [illegible] justice [illegible] the South legally, it has [illegible] effectively for the first time the exclusion of Negroes from juries." Noted as significant, also, was the decision of Federal District Judge James Lowell at Boston refusing extradition to Virginia of George Crawford with murder, on the ground of exclusion of colored persons from juries.

Suppression Areas

The worst areas of suppression in the United States are designated by the union as the Illinois coal fields where warfare between two rival unions has produced "the most threatening state of violence in the country"; the Los Angeles district; the South wherever issues of race conflict or radicalism arise; the unorganized coal fields; Pennsylvania industrial towns; Chicago and a few suburbs; industrial centers like Dearborn, Mich., Lawrence, Mass., and a score more, chiefly in the textile and needle trades.

Chief among the campaigns for civil liberties undertaken by the union were: for free speech public meeting places in leading cities; against illegal raids on aliens and deportations for opinion; against censorship of the radio, movies and by the post office; for state anti-injunction laws; for the release of political prisoners; against restrictions on academic freedom in schools and colleges; against the police third degree; and for civil rights for American Indians and in American colonies. Special committees of the union promote each of these activities. Local civil liberties committees are organized in fourteen states or cities where issues arise most frequently.

Among notable cases listed by the union during the year are:

Decision of the U.S. Supreme Court reversing the conviction of the Scottsboro, Alabama boys; the refusal of the Governor of New Jersey to extradite to Georgia Robert Elliott Burns, fugitive from a chain gang, and the refusal of the Governor of Kentucky to oust a jailer from whose custody a white man had been taken and lynched.

Officers

The officers of the Civil Liberties Union are: Dr. Harry F. Ward of New York, chairman; Helen Phelps Stokes of Vermont, James H. Maurer of Pennsylvania, Fremont Older of California, vice-chairmen; B. W. Huebsch, treasurer; Roger N. Baldwin, director; Arthur Garfield Hays and Morris L. Ernest, counsel; Lucille B. Miller, secretary, and Edmund D. Campbell, Washington counsel.

(Huntsville, Ala., Builder)
June 30, 1933

Heywood Patterson Granted New Trial

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The granting of a new trial to Heywood Patterson by Judge Horton at Athens, Thursday, June 22, did not come as a surprise to the hundreds of citizens throughout the Tennessee Valley, when following the conviction of Patterson at Decatur back in April, the same trial judge wiltered under fire and granted an indefinite continuance of the trials of the seven additional negroes, involved in the attack alleged to have been made on a one Victoria Price and a one Ruby Bates, approximately two years ago near Scottsboro. Almost immediately following the incident that happened near Scottsboro, Patterson along with other negroes was tried before a jury of 12 reputable citizens of Scottsboro and sentenced to death. The same negro Patterson was again tried before 12 reputable citizens in Morgan County in April and sentenced to death.

Now we do not know where or when the negroes involved in the Scottsboro tragedy will be tried. Following such decisions as made by Judge Horton in the Patterson case, what happens? Three negroes are indicted by a grand jury at Tuscaloosa for murder, they being charged wit[illegible] criminal assualting and then murdering a young white girl. The same grand jury that found indictments against the negroes at Tuscaloosa, also indicted three young white boys for an unlawful assembly riot and conspiracy to commit a felony, it being said such boys were leaders of a mob who stormed the Tuscaloosa jail with the view of hanging the negroes involved. However, it developed the negroes alleged to have been involved in first criminally assaulting and then murdering the young Tuscaloosa girl had been transferred to the Jefferson County jail for safe keeping.

It is well that the International Labor Defense did nit send to Athens last week a one "Leibowitz" known as a leader of the council representing the negroes involved in the Scottsboro tragedy, and we do not know of any suggestion that could be any better taken than for the said Leibowitz to never make his appearance on soil in North Alabama again, defending the Scottsboro negroes or otherwise, and here is why we offer such suggestion.

Following the second conviction of Patterson at Decatur, who was tried before 12 capable and worthy citizens of Morgan county, here is what Leibowitz had to say shortly thereafterwards in New York, regarding the verdict rendered by said jury:

"If you ever saw trose bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it."

Lynchings-1933
Legal Punishment for Rape
6

Alabama

4243

Greenville. S. C. News
June 24, 1933

THE "SCOTTSBORO CASE"

The decision of the Alabama trial judge who sentenced to death one of the negroes in the famous "Scottsboro case," to give the defendant a new trial will be very generally received as strong confirmation of the judgment regarding this case which has been formed and widely expressed by citizens of other states.

The Alabama judge has now held that the testimony of the prosecutrix in recent trial was not corroborated and "bears on its face indications of improbability and is contradicted by other evidence." It will be recalled that at this second trial of this case one of the two chief state's witnesses repudiated her former testimony insofar as it concerned the crime with which these negroes were charged.

This case, in which nine negro youths were tried and all but one sentenced to death for the alleged rape of two young white girls, has aroused an unusual amount of interest outside of Alabama, and various written comments concerning it by persons who had apparently made a careful study of all the circumstances have created in the minds of most impartial citizens a grave degree of doubt as to the seriousness of the crime, if any, that was committed. Judge Horton's recent decision will therefore be received with a genuine feeling of relief by most citizens of the country. For it seems to make it almost impossible for these defendants to be forced to suffer the death penalty for this affair.

STANDARD UNION
B'klyn, N. Y
JUN 25 1933

Scottsboro Case Again.

Setting aside the second conviction of the colored boy, Howard Patterson, at Scottsboro, Ala., by Judge James F. Horton who tried the case, is a sign that the light of reason is beginning to break on the Southern legal system, as applied to cases in which whites and Negroes are involved. The Patterson boy was convicted and sentenced to death with eight other colored youths. The charge was assault on two white women. One of the alleged victims denied the assault, and repudiated the story told by her companion. A conviction of this character and for such a crime, on the unsupported testimony of an alleged victim, and with her testimony repudiated by the woman who accompanied her, offends the spirit and letter of the law and is repugnant to human reason. So Judge Horton, who tried the case, reversed the jury's action and Alabama will re-try the youths.

But before the Alabama judge acted, the United States Supreme Court had quashed the Patterson conviction, and given the colored youth another chance for his life. The defense was in the hands of Lawyer Samuel Leibowitz, of this borough, who contemplated another appeal to the Supreme Court at Washington, on the ground that the Alabama discrimination against Negroes on a jury was unconstitutional and void. The action taken by Judge Horton, however, makes the appeal to Washington unnecessary, and the issue raised by Mr. Leibowitz is not likely to be determined for the present.

Birmingham, Ala., Age-Herald
June 20, 1933

NEGROES IN SCOTTSBORO CASE FARE WELL IN JAIL

Inspection By Newspaper Men Shows No Basis For Charges From New York Of Mistreatment; Food Good; Quarters Comfortable

Three newspaper men, after personal interviews with each of the nine Negroes in the Scottsboro case and personal inspection of their cells and sampling of their food, agreed Monday there was no basis for a statement carried in an Associated Press dispatch from New York last Friday quoting the National Committee for Defense of Political Prisoners, who charged it had information that the prisoners were being flogged daily in Jefferson County Jail and otherwise mistreated.

The investigators included members of the staffs of The Birmingham Age-Herald, The Birmingham News and an official of the Alabama Association of the Associated Press.

So far as could be determined in Birmingham no effort had been made to verify or disprove the charge before the dispatch was sent out from New York.

Conditions Described

Six of the Negroes were in a day cell, and they explained they also were permitted to exercise in an open air court.

Three were in individual cells, each containing four cots, where they were placed last Friday after they had staged a disorderly scene in a large day cell, trying to persuade the warden to whip them.

The standing rule at the jail is "lay no hand on the Scottsboro Negroes." This is verified by trusties questioned without knowledge of jail authorities.

All of the Negroes who would talk to the investigators denied loudly that they had been beaten up by wardens.

In reply to similar questions asked the other Negroes, Andy Wright, who was in an cell alone, said that he was

Continued on Page 2, Third Column

feeling all right, that he got plenty of food but had lost about 20 pounds, having weighed, he said, 190 pounds when arrested. Officials said he had not been weighed at all. The food he received, he said, was all right. When asked if any of the wardens had ever beaten him up, he said he had nothing more to say on that subject.

Charlie Weems, in an adjoining cell, said he was feeling well, and had been treated alright.

Roy Wright, in the next cell, said he did not want to talk.

The cells in which the Negroes sleep were measured and found to be 10 feet 11¾ inches by seven feet 6½ inches.

The exercise court, to which the prisoners are given access from the day cell, is a large room, measuring 54 feet long and about 20 feet wide, affording light and air. The six Scottsboro Negroes placed together had taken advantage of the facilities of this room Monday, playing a form of ball.

The food menu for Sunday which jail officials said was served to the Scottsboro Negroes and all other prisoners at the jail, included the following items: For breakfast, bread made of flour, lard and other ingredients, white meat, rice, sugar, coffee, cream, milk, syrup and eggs; for dinner, meal bread, white meat, sugar, Irish potatoes, roast beef and dressing, milk, peas, cabbage, onions and vinegar; for supper, flour bread, white meat, sugar, cream, evaporated apples, butter milk, sweet milk, grits and salmon. This menu was picked at random from the daily record.

The Monday menu varied slightly, but was wholesome and tasty to the investigators who sampled it.

Sanitary conditions in the jail are the most modern.

The only times any of the nine Negroes have been injured have been when they have fought among themselves.

N. Y. SUN
JUN 24 1933

An Honest Judge.

The opinion of Judge HORTON in setting aside the verdict of guilty against one of the Negroes in the Scottsboro case should do much to increase public confidence in the courts. His analysis of the evidence makes it clear that it was not sufficient to warrant the finding of the jury. No man's life should be taken away on the uncorroborated testimony of a woman of loose life who is reputed to be unchaste. As the Judge truly said, "History, sacred and profane, and the common experience of mankind teaches that women of the character shown in this case are prone for selfish reasons to make false accusations both of rape and of insult upon the slightest provocation, or even without provocation, for ulterior purposes." If the defendant in this prosecution had been a white man, if no racial animosity or prejudice had been involved, it is unlikely that the jury would have found as it did.

The original conviction of the accused Negroes was on testimony superficially more persuasive. Since then, however, one of the most important witnesses for the prosecution has recanted. If the defendants had had adequate counsel the flimsiness of the State's case might even then have become apparent. The United States Supreme Court ordered a new trial on the ground that the defendants had been substantially denied their constitutional right to adequate counsel. The trial Judge now sets aside the verdict in the first of the retrials on the ground that the conviction violates elementary principles of justice. Against the background of prejudice, demagogy and recrimination provoked by this affair, the sanity and courage of Judge HORTON stand out in bold relief.

Winfield, Ala., Journal
June 15, 1933

WHEN the famous Scottsboro cases were before the court at Decatur a few weeks ago there was much talk, in newspapers and elsewhere, because an attorney from New York criticized the method of selecting juries in Alabama. This was regarded as an intrusion upon and interference with states' rights, held sacred by all southerners, and all true Alabamians, native or adopted, resented it. Now bear in mind that New Yorkers have as much right to tell Alabama how to select a jury as Alabamians have to tell New Yorkers what they can or can not drink. What is sauce for the goose is sauce for the gander. If we believe in states' rights for ourselves we should be willing to grant it to others.

BROOKLYN CITIZEN

JUN 23 1933

THE SCOTTSBORO CASE

The Scottsboro, Alabama, case which has filled many columns of newspaper space and has attracted the sympthetic attention of millions of readers has entered ,upon another phase. The verdict of guilty against Haywood Patterson, one of the Negroes, who were accused of attacking white women, has been set aside by Circuit Judge James E. Horton, who has ordered a new trial. Last Palm Sunday Judge Horton sentenced Patterson to death in the electric chair, in accordance with the mandate of the jury. He has now held that the verdict of the jury was against the weight of evidence.

Judge Horton holds that the unsupported word of Mrs. Victoria Price, victim of an attack which it was alleged took place on March 25, 1931, aboard a Southern Railway freight train, was insufficient evidence on which to condemn a man to death. The Price woman's story, his Honor says, not only contains contradictions itself but was flatly contradicted by the testimony of Ruby Bates, the other victim of the assault, who testified for the defense at Decatur that the whole case was "a frame-up." The Judge pointed out also that at the first trial in Scottsboro Orville Gilley, a white hobo, who it was claimed was an eye-witness on the freight train, was not called by the State, although he was then in custody.

Patterson, who is in jail in Birmingham, Ala., with his eight co-defendants, has twice been convicted and sentenced to death. The court's action now calls for a third trial. Of the nine Negroes originally arrested eight were convicted at the first trial. In the case of Roy Wright, the ninth, a juvenile, the jury disagreed. The Supreme Court of Alabama later set aside the verdict against Eugene Williams on the ground that he, too, was a juvenile. Appeals were taken in the cases of the other seven defndants to th United States Supreme Court, which last November ordered new trials.

There is grave doubt in the heart of every honest man whether the defendants to the United States Su- charged, and as they were tried and convicted by a jury of white men, without having any of their own race in the body which convicted them, every opportunity should be given them to prove their innocense before a fair and impartial tribunal.

NEW YORK MIRROR

JUN 24 1933

Now :: :: and Then

Wise Judge Horton—
A New Scottsboro Trial
Courts and Mob Rule—
When Children Go Hungry—
A City Problem—
Beer Bonding Fees—
Some More Red Tape—

By Emile Gauvreau.

Confidence in American courts is renewed by the decision of Judge Horton of Alabama in granting a new trial, his third ordeal to Haywood Patterson, one of the Scottsboro defendants.

In the second trial negroes were excluded from the panel and prosecuting officers behaved in a manner to prejudice the jury. Judge Horton in granting a third trial maintains the second which resulted in Patterson's conviction was unfair. The defendant was convicted on unsupported testimony of a woman witness that she had been attacked.

Intervention by the United States Supreme Court, which decided that the first trial had been held under m o b psychology, brought about the second trial which apparently was conducted under equally disgraceful conditions. Americans have reason to be thankful for preservation of their most cherished ideals by rulings like those of Judge Horton. Legalized lynching is what the Alabama mob wants.

GREENSBORO, N. C.
RECORD

JUN 18 1933

Scottsboro In Reverse.

In addition to lynchings there have been in the state in the past several gruesome executions of negroes falsely accused of the capital crime against white women.

In these cases the evidence may be nothing but a scintilla, but if the prisoner be identified by the prosecutrix, his defense goes out the window and once the jury gets together the death sentence is voted in a jiffy. Such is the horror of this crime in the south generally that every such case needs the most careful watch lest it run into judicial murder.

Such watchfulness in one case has resulted in the parole of one Jeff Morrow, who was convicted and sentenced to the electric chair on what Judge Grady, who presided at his trial, called evidence so weak that he made an almost direct appeal to the jury for an acquittal, but without effect. He intervened with Governor Gardner, who commuted the death sentence, and now Governor Ehringhaus has set an innocent man at liberty after he has served some two years in prison.

Pardon, commutation, or parole is logically a slight recompense for the injustice of an unfair trial, but at any rate it is good to know that even in such a case it is possible to avoid the major penalties.

In the matter of Jeff Morrow we see Scottsboro in reverse.—Raleigh Times.

Scottsboro, Ala. Age
June 23, 1933

Negroes In Scottsboro Case Fare Well In Jail

Inspection Shows No Basis for Charges from New York of Mistreatment

Three newspaper men, after personal interviews with each of the nine Negroes in the Scottsboro case and personal inspection of their cells and sampling of their food, agreed Monday there was no basis for a statement carried in an Associated Press dispatch from New York last Friday quoting the National Committee for Defense of Political Prisoners, who charged it had information that the prisoners were being flogged daily in Jefferson county Jail and otherwise mistreated.

The investigators included members of the staffs of The Birmingham Age-Herald, The Birmingham News and an official of the Alabama Association of the Associated Press.

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Conditions Described

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The standing rule at the jail is "lay no hand on the Scottsboro Negroes." This is verified by trustees, questioned without knowledge of jail authorities.

All of the Negroes who would talk to the investigators denied loudly that they had been beaten up by wardens.

In reply to similar questions asked the other Negroes, Andy Wright, who was in a cell alone, said that he was feeling all right, that he got plenty of food but had lost about 20 pounds having weighed he said, 190 pounds when arrested. Officials said he had not been weighed at all. The food he received, he said, was all right. When asked if any of the wardens had ever beaten him up, he said he had nothing more to say on that subject.

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The cells in which the Negroes sleep were measured and found to be 10 feet 11 3-4 inches by seven feet 6½ inches.

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The food menu for Sunday which jail officials said was served to the Scottsboro Negroes and all other prisoners at the jail, included the following items: For breakfast, bread made of flour, lard and other ingredients, white meat, rice, sugar, coffee, cream, milk, syrup and eggs; for dinner meal bread, white meat, sugar, Irish potatoes, roast beef and dressing, milk, peas, cabbage, onions and vinegar; for supper, flour bread, white meat, sugar, cream, evaporated apples, butter milk, sweet milk, grits and salmon. This menu was picked at random from the daily record.

The Monday menu varied slightly, but was wholesome and tasty to the investigators who sampled it.

Sanitary conditions in the jail are the most modern.

The only times any of the nine Negroes have been injured have been when they have fought among themselves.

Alabama

4244

Lynchings-1933
Legal Punishment for Rape

SCOTTSBORO NEGRO SEEKS NEW TRIAL

Judge Horton Hears Arguments For Patterson In Athens Court Today

Advertiser
6-22-33

ATHENS, ALA., June 21.—(AP)—The scene in the "Scottsboro case" shifts to this little North Alabama town tomorrow as Judge James E. Horton hears arguments for a new trial for Heywood Patterson, first of the nine negro defendants to face retrial.

Patterson was convicted and his punishment fixed at death in a trial at Decatur under a change of venue from Jackson County in April.

Montgomery, Ala.

His attorneys, headed by George W. Chamlee, Sr., of Chattanooga, have filed a petition for a new trial, alleging "mob sentiment" prevented a fair trial, absence of negroes from the jury panel was a violation of his constitutional rights and that statements of one of the prosecutors of "Jew money from New York" was prejudicial.

The petition also holds that the refusal of Atty. Gen. Thomas E. Knight, Jr., to address a negro with "Mister" constituted grounds for a new trial.

The hearing on the motion was set for Athens because the other division of Circuit Court was in session at Decatur at this time.

Patterson was the first of the nine negroes to be tried in Jackson Circuit Court in April, 1931, and the first to be convicted of an alleged attack on two white girl hoboes aboard a Southern Railway freight train, March 25, 1931.

Seven of the others were subsequently sentenced to death and the sentences of Patterson and six others were confirmed by the Alabama Supreme Court on March 24, 1932. The seventh death sentence was reversed on the grounds that the defendant, Eugene Williams, was a juvenile. The United States Supreme Court reversed the other sentences.

Attorneys for the negroes have laid a predicate for a new appeal to the United States Supreme Court for Patterson, in event a new trial is denied and the Alabama Supreme Court affirms the judgment of the lower court. Trials of the others have not been set.

NEW TRIAL FOR SCOTTSBORO BOY

In granting a new trial for Haywood Patterson and the language used by the court at the time very clearly showed that the State has no case against the nine Scottsboro boys who have been languishing in jail and in the death cell for more than two years.

St Louis Argus

What ought to be done now is for the prosecutor of Morgan county to forthwith enter a nolle prosse in the case of the nine boys. If, however, the cases are not disposed of in this manner, then, of course, the defense attorneys will file habeas corpus proceedings demanding the immediate release of the boys, because if the evidence is no stronger than what was introduced in the Haywood Patterson case by the State, then all the boys should be free. Since everybody now knows that Haywood Patterson was convicted on flimsy and contradictory evidence, which has been admitted by an officer of the State, sitting in the capacity of a judge in the person of Judge James E. Horton, any further pushing of the case on the part of the State can't but be regarded as "persecution" rather than an honest endeavor to prosecute for violation of the law.

St Louis Mo.

We are told that Atty.-Gen'l. Thos. E. Knight, Jr., is determined to push the cases against the boys, evidence or no evidence of their guilt. In fact, we understand that he is mad about Judge Horton's decision and is ranting like a hyena. When a fellow in the Attorney-General's position gets mad in handling a case, it's a pretty good sign that he's most likely to do the wrong thing; like the old saying. "Whom the gods destroy, they first make mad." If the Attorney-General is mad, it means more expense to the State for nothing, except the continued unfavorable publicity. It further means additional expense to the defense. It means that the case will go to the State Supreme Court and finally to the United States Supreme Court where the death knell will be sounded on the whole farcical trial of the nine Scottsboro boys, including the expose of the Alabama nefarious system of excluding Negroes from the jury panel.

6-30-33

There is no doubt as to what the United States Supreme Court will do in the cases should they reach that tribunal and as Judge Lowell said in the Crawford case, "Eventually—why not now?" In other words if these cases are to be eventually thrown out of court, why not nolle prosse the cases now and be through with it, thereby saving expense to the State and to the defendants.

THE SCOTTSBORO MESS

Indianapolis Recorder

Recent press dispatches to this newspaper contained the totally unexpected information that a new trial for Haywood Patterson, one of the Scottsboro youths, has been granted by the trial judge.

Patterson, it will be recalled, was indicted in 1931 with eight other boys on charges of criminally attacking two white women of allegedly loose character.

7-1-33

Unlike his unfortunate associates in the famous case, Patterson was twice convicted on the charges filed against him.

But for the rugged honesty of purpose and fighting qualities brought into play in his behalf by defense attorneys, this boy, together with the other youths, would perhaps have been disposed of via the electric chair in rapid Alabama fashion many months ago.

It is fortunate for the nine ignorant Scottsboro youths that the

the treacherous tactics being whole civilized world is watching brought to hear by enemies of justice and fairplay to rob them of their human rights.

Intelligent Americans of both races in every walk of life are aroused of the necessity of protesting against any plan that might for its purpose an intentional miscarriage of justice in the Scotts-

And the state of Alabama dares

boro case.

not ignor this tremendous expression of widespread public sentiment by sacrificing these helpless youths of the race on its altar of iniquitons race prejudice and one-sided system of administering its laws.

To antagonize this rapidly crystalizing demand for a better and squarer deal for our people in the courts and elsewhere, would be to develop a world contempt for the judicial system of that state that even Alabama could ill afford.

Granting of the new trial to the Patterson youth therefore, was to have been expected.

It was a result of the strong pressure brought to bear by the American public for more of justice and less of hypocrisy and debased politics in Alabama.

It remains now to be seen what disposition will be made of this boy's case with not a single citizen of the race on the trial jury.

Montgomery, Ala. Journal
June 20, 1933

ASK NEW TRIAL FOR PATTERSON

Petition Claims, Among Other Things, Race Prejudice Blocked Fair Trial

Contentions that mob sentiment and prejudice prevented a fair trial, form the basis of the petition for a new trial for Heywood Patterson, one of nine negro defendants in the "Scottsboro case" which will be argued at Athens, Ala., Thursday.

Copies of the petition have been filed with Atty. Gen. Thomas E Knight, Jr., chief of the prosecution staff, by defense counsel, and were made public Tuesday.

The petition sets forth that negroes were barred from the jury rolls, that Solicitor Wade Wright injected religious prejudice in his argument to the jury by referring to "Jew money from New York," and that mob sentiment prevailed. Another ground was that Knight refused to call a negro witness "mister" in addressing him.

Patterson was convicted a second time on April 9, palm Sunday, and by coincidence the second anniversary of his first death sentence, after a trial that lasted a week.

The negro with eight others was indicted in Jackson circuit court in March, 1931, on charges of attacking two white girl hoboes aboard a Southern railway freight train.

Trials of six of the others under United States supreme court reversal of previous convictions, were indefinitely postponed by Judge James E. Horton, after a statement attributed to Samuel Leibowitz, chief of defense counsel, published in a Decatur paper.

N. Y. EVENING POST

JUN 24 1933

THE SCOTTSBORO REVERSAL

The verdict of guilty returned in April against Haywood Patterson, first of the Scottsboro Negroes to be tried after the Supreme Court had ordered new trials for them all on the ground that they had been inadequately represented by counsel, bore on the face of it every mark of a miscarriage of justice. It was evident that the members of the Decatur jury had allowed their judgment to be swayed by the racial prejudice in which this case has been tragically enmeshed. Circuit Judge James E. Horton's action in setting aside this verdict and ordering a new trial will consequently be everywhere greeted with relief. During the Decatur trial he gave every evidence of his determination to maintain the highest standards of judicial procedure regardless of the local feeling against the accused; in his present decision that the jury's verdict was against the weight of evidence he has given an even more striking demonstration of his single-minded devotion to justice. At the same time it was an act demanding courage of the highest order. Judge Horton has proved himself a judge of which any State would be proud. Alabama should be deeply grateful to him.

[illegible] MISS.
REGISTER
JUN 20 1933

—SECTIONAL—

The Federal Council of Churches of Christ in America said:

"The issues involved in the Scottsboro case are neither local nor sectional . . . The whole nation is concerned. Race prejudice is not limited to any section or state. The treatment of Negro citizens almost anywhere in America brings us all to shame."

No! The question is not local or sectional. It is not even limited to the nation. The question is racial. Nor will that question ever be solved by babying the negro race. That race must work out its problems in fear and trembling just as the white race has done in thousands of years of travail.

It is manifestly impossible to elevate the negro race to the standard of the white. Our best people wish that it might be possible for mankind to find a short cut to the will-to-be-above. Unfortunately—or perhaps fortunately—each individual, whether white or black, must evolve slowly by patient, individual effort.

Thus must the negro race rise. The problem then harks back to the lowly black man. The white race can not be vitally concerned. That dominant race may make it easier for the black man, but the long, the hard, the desperate struggle is for the negro race itself; nor can we benefit an alien blood by ill-timed sentimental sophistry in which unfortunately many people at the North indulge.

The problem that confronts the black race, begun with the writing of "Uncle Tom's Cabin,'' was not in reality solved there. That problem is now in its beginnings.

Thousands of years of struggle are behind the white race.

The black race must go through that struggle ere it may overcome in even the slightest degree so-called sectional prejudice.

It is struggle that make a great people—not sentiment; not easy paths; not flowery beds of roses; crutches.

All that can be done is being done for the negro. They must work out their own problems — fulfill their own destinies. This they may eventually do; but not without struggle; not without time.

The fact is that the negro race in the South is treated with far more sympathetic consideration than the so-called "white trash." If northern races call the negro "mister," they do not always feed them; they do not always *feel* down deep in their hearts for them in their lowly estate. And they sometimes turn against them with deeper resentment than the South race has ever done.

The South is giving the negro race its chance. That race must take advantage of it by wise cooperation and lowly mien.

For life is a struggle—a struggle for existence. A struggle in which the white race is engaged. It is a tremendous task for the dominant race. And only the most fit shall survive.

N. Y. HERALD
JUN 24 1933

U. S. Rabbis Term Trial At Scottsboro 'Injustice'

Hitler Regime 'Peace Threat,' Convention Is Told

MILWAUKEE, June 23 (AP).—Citing the Scottsboro Negro trial as an example of "social and racial injustice" and the rule of Chancellor Adolf Hitler in Germany as a "threat to world peace," commission reports offered at the convention of the Central Conference of American Rabbis today urged Jews to give their best thought to these problems.

Rabbi Edward L. Israel, of Baltimore, read the report of the Conference Committee on Social Justice. It condemned "conditions existing in several sections of our land which seem to offer evidence of the inability of the Negro to secure economic or civil justice."

The subject was the outgrowth of a rift between a congregation in Montgomery, Ala., and its rabbi over the rabbi's expressions and acthivities in the Scottsboro case.

Rabbi Morris Newfield, of Birmingham, Ala., president of the conference, deplored a lack of unity of American Jewry in meeting the problems created by Hitler's anti-Semitic activities.

NEW YORK WORLD-
Telegram
JUN 23 1933

JUSTICE.

JUDGE HORTON, of Athens, Ala., has granted a new and third trial to Haywood Patterson, the first of the Scottsboro defendants.

The second trial was obtained through intervention by the United States Supreme Court, which found the first mob-dominated trial unfair and in violation of the Fourteenth Amendment of the Constitution preventing States from depriving "any person of life, liberty or property without due process of law."

In the second trial the jury law was administered to exclude Negroes from the panel, and the State Attorneys conducted themselves in such a way as to prevent impartial consideration of evidence by the jury.

Despite the testimony of two of the three major witnesses that the criminal assault case was a frame-up, and despite repudiation of her testimony by one of the alleged victims, Patterson was sentenced to death on the questionable testimony of a woman witness.

In granting a third trial Judge Horton held that the second conviction was on "insufficient evidence."

The Judge Horton and the Supreme Court rulings and others of that type go far in restoring confidence in American courts.

Birmingham, Ala., News
June 23, 1933

5-

Judge Horton's Opinion In The Scottsboro Case

Judge James E. Horton commanded the nation's respect for himself and for the courts of Alabama by his irreproachable conduct of the trial of the so-called Scottsboro case at Decatur. Whatever the opinions of people anywhere on other aspects of the Heywood Patterson trial, there was nothing but praise for Judge Horton's own part in it, and deservedly so.

Now Judge Horton, in his act of granting the motion for a new trial for Patterson and in his accompanying opinion, has given cause for still greater respect for himself, if that were possible, and for the courts of this state, in the eyes of the nation and of the world.

In this highly important opinion, Judge Horton exemplifies the courage, the wisdom and the conscientious devotion to duty, truth and justice which are so essential to the proper performance of judicial duties. His opinion is important in many respects; but probably its greatest value lies in the fact that his discussion of the law and the evidence in the case, the forthright manner in which he cuts through the maze of confusions, is calculated to clear the public mind as to the fundamental and essential points to be kept in view in trying these cases and doing simple justice by the defendants.

Birmingham, Ala., Age-Herald
June 23, 1933

Noble And Fearless

Judge Horton's decision granting a new trial to Haywood Patterson, recently convicted as one of the "Scottsboro Boys," will serve a useful purpose. It will clarify the situation for the benefit of thoughtful persons at home and abroad.

Also, it will add to the reputation Judge Horton already enjoys for unflinching courage. Whatever may have been the opinion of Alabamians touching the guilt of these Negroes, the fact remains that the only feeling which can now be reasonably manifested in this state is that of heightened respect for a judge who recognizes no let or hindrance to the fulfillment of the demands of his conscience as the dispenser of justice under the forms of law.

We should be happy that this noble and fearless judge has taken a step which gives the Scottsboro cases a new aspect. Outside Alabama, well-balanced people are given indisputable proof that our courts are not engines of ruthless injustice to the Negro. Judge Horton has made it impossible for any fair-minded observer anywhere to lend a credulous ear to the malignant lies which have been broadcast on this score.

The good opinion of mankind is not to be sneezed at, as Thomas Jefferson made clear in the Declaration of Independence. Alabama's judicial system of justice is entitled to that good opinion in the light of Judge Horton's action, in the light, particularly, of the grounds upon which he based that action. And citizens of Alabama have every reason to felicitate themselves that what they have known all along has now been given such striking exemplification.

Lynchings-1933

Legal Punishment for Rape.

Alabama

4245

Letters To The Editor

Please be brief. We reserve the right to cut letters more than 300 words long.

Advertiser
8-9-33.
Montgomery
Ala.

CLEARING A MYSTERY

Editor The Advertiser:

In your editorial entitled, "Was It All In Fun?" you do me an injustice. I have never been more serious. I am a 100 per cent Southerner, having lived in Alabama all my life, and am descended from a long line of illustrious Southerners. My ancestor, John Beastly, came to Georgia with General Oglethorpe's distinguished company, preferring America to Newgate. Beastly was a great man, and by the approved method of gouging out the Indians' eyes in order to obtain their land, and by sagacious trading among his fellows, soon rose to wealth and power. His son, Col. I. L. D. Beastly, distinguished himself on the American side in the Revolution. Being actuated solely by patriotic motives, and a desire to punish America's enemies he ruthlessly plundered the Tories, thereby increasing the Beastly fortune and adding luster to the great name of Beastly. The fortune was lost by a later Beastly, but he was in no wise an inferior person, but the victim of circumstance. He borrowed his neighbor's horse, and came to Alabama, where by dint of hard labor (on the part of his slaves) he established himself as a substantial citizen. With this heritage of greatness behind me, how could I be otherwise than serious in the denunciation of the belled buzzards, who must have been attracted to Alabama by some decomposed matter—could it have been the putrid odor of Scottsboro?

I do not think that the 12 jurors at Scottsboro or Decatur thought they were sentencing innocent men to burn. It seems to me that they did not think at all—and I heartily agree with them. I do not presume to know more about the case than the jury or The Advertiser, only more than Judge Horton and the Supreme Court.

A. T. DREYSPRING.

Waugh, Ala., Aug. 7, 1933.

GREENVILE, S. C.
NEWS
JUN 24 1933

THE "SCOTTSBORO CASE"

The decision of the Alabama trial judge who sentenced to death one of the negroes in the famous "Scottsboro case," to give the defendant a new trial will be very generally received as strong confirmation of the judgment regarding this case which has been formed and widely expressed by citizens of other states.

The Alabama judge has now held that the testimony of the prosecutrix in recent trial was not corroborated and "bears on its face indications of improbability and is contradicted by other evidence." It will be recalled that at this second trial of this case one of the two chief state's witnesses repudiated her former testimony insofar as it concerned the crime with which these negroes were charged.

This case, in which nine negro youths were tried and all but one sentenced to death for the alleged rape of two young white girls, has aroused an unusual amount of interest outside of Alabama and various written comments concerning it by persons who had apparently made a careful study of all the circumstances have created in the minds of most impartial citizens a grave degree of doubt as to the seriousness of the crime if any, that was committed. Judge Horton's recent decision will therefore be received with a genuine feeling of relief by most citizens of the country. For it seems to make it almost impossible for these defendants to be forced to suffer the death penalty for this affair.

ERSEY CITY, N. J.
JOURNAL
JUL 3 1933

Justified

(Somerset Messenger-Gazette)

To a layman it is somewhat confusing that Circuit Court Judge James E. Horton of Alabama should set aside the findings of a jury in a lower court. It is a common belief that the law of a case may be reviewed by a higher court, but that a jury is the final judge of fact. The jury in the Scottsboro case found the negro Patterson guilty of attack from the evidence submitted to it. Judge Horton, in reviewing the case, found this evidence insufficient. In fact he declared the evidence to be worthless.

To many who do not feel the passions of the rural South, Judge Horton's way out of what seemed an embarrassing situation will be welcome, however, whether it is justified by law or not. It was somewhat ironic that at the time we were holding protest meetings in behalf of Jews in Germany, who were being denied their constitutional rights, a ~~negro in~~ Alabama should be convicted of attack on evidence which we could not believe would imprison any white man.

The case simmered down to a point where Patterson was sentenced to death on the bare story of one white woman, and part of her story was frightfully weak. Her companion in the misadventure denied the truth of the story in the second trial. All other evidence, including that of a physician, seemed to favor Patterson. The state's witness was, according to testimony, of doubtful character.

In voiding the conviction Judge Horton does what many believe is the right and just thing. Possibly it goes to show that there is a higher court than any we have set up by law.

Trail of the Lyncher, 1906---1933

By LOUIS COLMAN

Daily Worker
8-31-33
New York

JOHN TEMPLE GRAVES, II, is an editorial writer for the Birmingham (Ala.) Age-Herald. He is the Alabama editorial correspondent for the New York Times.

In this capacity, he has been one of the most zealous of the representatives of the Southern white landlords and industrialists in screaming for the lynching of the Scottsboro boys. He has been a staunch defender of the National Association for the Advancement of Colored People. He has screamed, like the N.A.A.C.P., that the International Labor Defense must get out of Alabama, and leave the courts to carry out their lynchings and frame-ups assisted by Southern lawyers and the N.A.A.C.P., undisturbed.

Mr. Graves' latest comment on lynching appears in the New York ...es, August 20, in connection with ...ynching in Tuscaloosa of Dan ...n, Jr., and A. T. Harden. Mr ...es deprecates this lynching but ...nces interesting reasons.

...nasmuch as the Negroes at ...aloosa had refused to accept ...D. lawyers for their counsel," he says, "the crime was as stupid and impolitic as it was vicious."

In other words, had the court and militia and gangsters not bodily ejected the I.L.D. lawyers from Tuscaloosa, had they still had sincere defenders, the lynching, in Mr. Graves' opinion, would have been sensible, politically expedient for the white Southern ruling class, and justifiable, Mr. Graves, of course, is lying about the refusal of the I. L. D counsel. The I. L. D. counsel was rejected under the gun, and only under the most extreme terror conditions aimed directly at such a refusal.

Praised Darrow Steal

On the Scottsboro case, Mr. Graves II has had much to say. He devoted a column in the New York Times, once, to praise of Clarence Darrow for his refusal to defend the Scottsboro boys after taking $2,000 contributed by thousands of workers to the N.A.A.C.P. on the understanding it would be used for Scottsboro defense.

Only three weeks ago, in his column called "This Morning," in the Birmingham Age-Herald, he quoted with approval an article by Elmer Davis, fascist ideologist, who argued that the N.A.A.C.P. alone had "a legitimate interest in the case" because "the Negro hoboes . . . had never heard of the dictatorship of the proletariat; they had never heard of Marx or Lenin."

On another occasion, in the Times again, he said: "The accused men were subjected to regular process of law and found guilty. Local opinion has considered the trial a fair one." And he quoted, approvingly again of course, from the Montgomery Advertiser, a leading lynch organ which has called repeatedly for the blood of the Scottsboro boys, and of I.L.D lawyers and representatives: "There was no intimidation of the court and the jury," in the original Scottsboro trial.

"An Inherited Thing"

John Temple Graves cherishes that "II" after his name. It indicates he is proud of his father, also a Southern newspaper man.

"The Southern objection to having Negroes on the jury is an inherited thing," Graves said in the Age-Herald.

The Tuscaloosa News, in "justification" of the Tuscaloosa lynchings, says: "Social equality never has been, is not now and never will be recognized in the South."

And this brings us to the inheritance of Mr. Graves, of which he is so proud.

John Temple Graves, I

In a book called "Liberalism in the South," by Virginius Dabney of the Richmond (Va.) Times Dispatch, there is an illuminating passage about John Temple Graves "I". Incidentally, the book is a true picture of upper-class liberalism in the South—a picture of the blackest terror and reaction. And it was Dabney himself who suggested that "one or two" Negroes be put on Virginia juries, to avoid reversal of lynch-verdicts.

Dabney, by this and other tokens, belongs to the lynchers' clan himself, of course, and his ideology reflects itself in his phrases even in such a demagogic attack on lynching as the following. But about Graves the First:

"John Temple Graves, an upper-class Southerner," Dabney writes, "is generally regarded as having been largely responsible for the famous Atlanta race-riot of 1906. The Atlanta Evening News, of which he was editor, broadcast several extras in one day proclaiming four successive 'assaults' on white women by Negro men in the city, whereas no assault had been committed. . . . The result of these news articles, coupled with an incendiary editorial, was that feeling was raised to a tremendous pitch. . . . A lame bootblack who was shining a man's shoes was dragged to the sidewalk and beaten to death. Another young Negro was fatally stabbed with jackknives. Several colored barbers who were peacefully shaving white customers in their shops were killed on the spot. In all, ten Negroes were massacred in cold blood, and not one of them was guilty of any crime other than that of having a black skin. Sixty others were wounded.

Vicious Attack on Negroes

"Despite his substantial share of responsibility for the riot, Graves continued his editorial policy of cold brutality toward the Negro. Several months after the clash, the Evening News said concerning the black man who attacks a white woman:

"'No law of God or man can hold back the vengeance of our white men upon such a criminal. If necessary we will double and treble the law of Moses, and hang off-hand the criminal, or failing to find that a remedy, we will hang two, three, or four of the Negroes nearest to the crime until the crime is no longer done or feared in all this Southern land we inhabit and love.'"

This is the ruling class tradition of the South that is in the veins of the editorial writer of the Birmingham Age-Herald and the Alabama editorial correspondent of the New York Times.

He lives up to it.

Chattanooga, Tenn. Times
September 8, 1933

NEGROES EXECUTED SINGING SPIRITUALS

Wilcoxen, Bevins Pay Penalty for Attacking Girl.

One Confesses Fully, but Other Only Partially, Prison Official Reports.

NASHVILLE, Sept. 7 (AP).—Andrew Wilcoxen and Oscar Bevins, Negroes, convicted of attacking a young white woman in Chattanooga last year, were electrocuted at the state penitentiary early today. The Negroes, both about 26 years old, spent their last minutes singing spirituals.

Ed. D. Connors, deputy warden, said that Wilcoxen confessed late last night. Bevins, he said, "partially confessed" at that time, but went to his death denying guilt.

Wilcoxen went to the chair first and continued to sing while awaiting the throwing of the switch. Bevins joined in the singing from his death cell, and continued the spirituals while sitting in the electric chair.

The shock was applied to Wilcoxen at 5:13 a.m., and he was pronounced dead two minutes later. Bevins went to the chair at 5:35, and was pronounced dead in about five minutes.

While any food they desired was available, the Negroes ate sparingly last night. Several times during the night they were asked if they desired food, but declined except for coffee, which they drank freely.

Bevins and Wilcoxen were convicted at Chattanooga shortly after their arrest. Their death sentences were affirmed later by the supreme court, and Gov. McAlister, after interviewing the Negroes personally, declined to intervene.

Warden A. W. Neety said the executions constituted the first double electrocution here in "three or four" years. John Thomas Shaw, Negro, was put to death recently for the murder of a Negro girl who died after being criminally attacked.

Troops On Guard At Trial Of Negro

Advertiser
9-5-33
Montgomery Ala

DECATUR, ALA., Sept. 4.—(AP)—While national guardsmen kept a watchful eye on the crowded courtroom, testimony was completed today in the trial of Tom Brown, negro, charged with attacking a white woman.

The jury received the case at 6 p.m., and was sent to bed at 10:20 p.m., without having reached a verdict. Deliberations will be resumed tomorrow.

Contrasting with the excitement which followed the arrest and two attempts to mob the negro, there was no sign of disorder today as the trial started. Both the State and defense lost little time in presenting witnesses and resting their cases.

The troops, numbering 100, were ordered on duty as a precautionary measure at the request of Judge James E. Horton, presiding. They were posted around the courthouse and at strategic points in the courtroom.

The victim of the alleged attack, Mrs. George Dugger, mother of seven children, took the stand to identify Brown, also a pocket knife which she said the negro held at her throat as he attacked her.

Brown called a number of alibi witnesses through whose testimony he attempted to establish that he was in another section of the city at the time the attack was reported to have been committed.

Shortly after Brown was arrested on Aug. 24, a crowd gathered at the Morgan County Jail here and he was hurried to Huntsville in the neighboring county for safekeeping. Sheriff Ben F. Giles, of Madison County, thwarted the two attempts to seize the negro at Huntsville.

A jury was seated shortly before noon today, and the presentation of evidence began at once.

Negro Assaulter Is Sentenced To Die

Advertiser
9-6-33
Montgomery Ala

DECATUR, ALA., Sept. 5.—(AP)—Death in the electric chair was ordered today for Tom Brown, negro, convicted on a charge of attacking a white woman, as National Guardsmen stood ready to prevent any demonstration against the prisoner twice saved from mob violence.

The packed courtroom received the jury's verdict quietly and, a few minutes later, the negro was en route to Birmingham, where he was carried by a detail of the troops for safekeeping.

Judge James E. Horton, presiding, sentenced Brown to be electrocuted on Friday, Oct. 13, but the action was suspended pending outcome of an appeal which attorneys for the negro served notice they would file.

Brown was identified by the mother of seven children, as the negro who attacked her Aug. 24.

Two attempts to seize Brown were made after he was arrested here and carried to Huntsville, in the adjoining county, for safety. The National Guardsmen, numbering 100, were requested by Judge Horton for patrol duty during the trial in view of the two previous attempts to mob the negro.

Scottsboro Cases Taken Up Again

Telegraph
Macon 10-7-33
Macon Ga

Court Officials Discuss Date For Negroes' Trial

DECATUR, Ala., Oct. 6. (AP)—Court officials and state's attorney conferred here today on setting a date for trial of the Scottsboro cases but on adjournment made no announcement other than some action would be taken soon.

Attorney General Thomas E. Knight Jr., who directed the state's case in the retrial and death sentence verdict against Heywood Patterson, first of nine Negroes to be re-tried, Judge James E. Horton who presided and Judge W. W. Callahan attended the conference.

All of the Negroes were tried in Jackson circuit court and eight were convicted and sentenced to death on charges of attacking two young Huntsville white girls, aboard a freight train on March 25, 1931.

The Alabama supreme court reversed the death sentence of one and the United States supreme court set aside the convictions of the others.

Patterson was the first to be brought to trial here in April of this year under a change of venue and was again convicted and sentenced to death.

Judge Horton then indefinitely postponed the other trials until excitement died down. On June 22, Judge Horton set aside the verdict on grounds of lack of sufficient corroborative evidence for the state's principal witness, one of the victims of the attack.

Birmingham, Ala., News
October 6, 1933

CONFER OVER TRIALS

Court Officials Discuss Scottsboro Cases In Decatur Conference

DECATUR—(AP)—Atty. Gen. Knight and Judges James E. Horton and W. W. Callahan of the Eighth Judicial Circuit, conferred Friday regarding setting trials of the Scottsboro cases.

After the conference was adjourned, no announcement was made, except some definite action will be taken soon.

Trial of the cases was postponed last April after Heywood Patterson, first of nine Negroes indicted for an attack on two white girls aboard a freight train March 25, 1930, had been retried and convicted.

Patterson's death sentence later was set aside by Judge Horton, who granted a new trial.

In postponing the trials, Judge Horton said the action was taken to permit conditions to quiet down.

The Negores at present are in the Jefferson County Jail at Birmingham.

Birmingham, Ala., Age-Herald
October 3, 1933

JURORS FAIL TO INDICT LYNCHERS

Evidence Not Sufficient To Find True Bills, Report Asserts

TUSCALOOSA, Ala., Oct. 2—(AP)—A special Grand Jury that met four times in six weeks to investigate the lynching of two young Negroes Monday reported that it had not found sufficient evidence on which to base an indictment.

The Grand Jury was convened on Aug. 15 to investigate the lynching of Dan Pippen, Jr., and A. T. Harden, both Negroes, who were under indictment charging attack and murder of Miss Vaudine Maddox, 21-year-old white girl near the Hale County line.

In making its report, the Grand Jury expressed confidence in Sheriff R. L. Shamblin, adding that nothing in the investigation reflected on his integrity or ability as a law enforcement officer.

Support Of Law Urged

Support of all citizens of officers in the enforcement of the laws was urged by the Grand Jury in its report to Judge Henry L. Foster who empaneled the body on Aug. 15 and urged that every effort be made to bring the lynchers before the bar of the court.

Atty. Gen. Thomas E. Knight, Jr., at the request of local officials, conducted the investigation which was spread over a long period to permit a thorough search for evidence.

The two Negroes, and Elmore Clark who was wounded by the mob, were taken from officers by a masked band just over the Jefferson County line early Sunday, Aug. 13.

After ordering the three deputies sheriff who were moving the Negroes to the Jefferson County Jail at Birmingham to prevent violence, to continue up the road, the masked band of 10 or 12 men took the Negroes to near Woodstock in Bibb County where they were shot to death.

One Escapes Death

Harden and Pippen fell pierced by a dozen bullets, but Clark was struck only three times and seriously wounded. After the mob had left him for dead, Clark freed himself from manacles and made his way to to the home of a friend. Medical aid was summoned and the Negro was surrendered to officers.

Clark appeared before the Grand Jury. He at present is in Kilby Prison where he has been under treatment for his wounds.

Officers blamed the unexpected development of violence against the Negroes on activity of the International Labor Defense in attempting to intercede in the case. Pippen and his parents denied that they had asked the I. L. D. to supply counsel and Judge Foster ruled the attorney retained by the organization out of the case.

The attorneys, Irvin Schwab, Allen Taub, both of New York, and Frank Irwin, of Birmingham, were given a military escort from the city after the jurist's decision.

Lynchings-1933

Alabama

4246

Legal Punishment for Rape.

Horton To Quit Patterson Case, Reliable Report

Heard In Unofficial Source He Will Not Preside In Other Scottsboro Trials

Knight Agreeable

Says Prosecution Will Not Object To Judge's Step; Will Seek Early Action

Advertiser 7-9-33 Montgomery Ala.

It was understood last night from unofficial but reliable sources that Judge James E. Horton, of the Morgan Circuit Court, would recuse himself from presiding at further trials at Decatur of the "Scottsboro cases"—and the opinion in official circles was that, under the circumstances, he would do so.

Communicated with by long distance telephone in Birmingham where he is attending the annual convention of the Alabama State Bar, Atty. Gen. Thomas E. Knight, Jr., when queried concerning a report current that a movement was underway to ask Judge Horton to recuse himself, said: "Of course if Judge Horton recuses himself it will be perfectly agreeable to the prosecution."

He had no further comment to make except to state that he would press for an early trial of the case of Haywood Patterson, one of the seven negro defendants in the "Scottsboro cases," who has twice been convicted and sentenced to death, but whose motion for new trial Judge Horton recently granted.

Regarding another report of the probability of another change of venue in the cases from Morgan County where they were originally transferred from Jackson County, Atty. Gen. Knight said he had always maintained that Patterson received a fair trial in Morgan County, and that he had given no consideration to another change of venue.

Patterson, the first of the seven defendants to be retried, was convicted in the Morgan Circuit Court on April 9, and a second time sentenced to death in the electric chair. All seven are charged with criminally assaulting two white women on board a moving freight train, March 25, 1931, near Scottsboro Ala.

Advertiser

Judge Horton, who presided at the retrial of Patterson, granted the defense motion for a new trial, June [illegible], ruling that the evidence was insufficient to warrant the jury's verdict. The decision was based on the ground that the testimony of Mrs. Victoria Price, one of the two victims of the assault, that she was attacked by Patterson, was not corroborated, and that her credibility was not above question.

Tried, convicted, and sentenced to death at Scottsboro, Patterson and the other six negroes were granted new trials on appeal to the U. S. Supreme Court. Later a change of venue was obtained by their counsel, to Morgan County.

Of the nine negroes originally charged with the crime, two were subsequently held to be juveniles and their cases are now pending in juvenile courts.

The New Republic 7-5-33 New York, N.Y.

JUDGE Horton's action in voiding the conviction of Haywood Patterson, first of the Scottsboro defendants to be retried, and in ordering a new trial for him, is being variously interpreted among the groups interested in the case. To some it seems an act of simple justice by a judge who had already proved his fairness during the trial itself, an act which makes it impossible for any of the other defendants to be tried again, or at least destroys the fear that they will be convicted if they are. To others, it seems a device to prevent bringing the Scottsboro affair once more before the United States Supreme Court, and particularly to prevent having that Court consider the dangerous question of whether Negroes are habitually refused the right to serve on juries in the Southern states. Which of these interpretations is correct can, obviously, only be determined in the light of subsequent events. If the other indictments are now quashed, and the defendants all set free, Judge Horton's action will be seen in retrospect as one of the few honorable actions by any representative of Alabama justice in the whole history of the affair. If, on the other hand, an effort is now made to try Patterson for the third time, or to proceed with the trials of any of his fellow defendants, it will be safe to assume that Judge Horton's action is a device at least to postpone, and perhaps to avoid, letting the United States Supreme Court pass upon the important issues which have been raised by the case. Thus far, there is no indication that the prosecuting officials intend to let the matter drop. On the contrary, they are making much of having found the mysterious missing witness, Orville Gilley, the white boy who is supposed to have seen the alleged assault upon Ruby Bates and Victoria Price, and the one of whom the prosecution so mysteriously failed to make serious use during the origina trial.

ALABAMA BOSSES SPREAD NEW LIES AGAINST 9 BOYS

Daily Worker New York N.Y.

Say Examiners of Girls "Sold Selves to Jews"

BIRMINGHAM, Ala., July 14.—Spreading of reports that Dr. H. H. Bridges and Dr. M. H. Lynch, of Scottsboro, whose prosecution testimony in the Decatur trial of Haywood Patterson, turned out to be important defense testimony, have "sold themselves to the Jews from New York", is the latest method used by the landlords of Alabama to whip up lynch spirit against the nine innocent Scottsboro Negro boys, according to information received by the International Labor Defense here.

These reports, said to emanate in a whispering campaign from Attorney-General Thomas E. Knight and Tom Heflin, the Ku Klux Klan ex-senator, have been spread all over the state, and are repeated with especial viciousness in Scottsboro town itself, where the two doctors are threatened with professional ruin and economic destruction because they refused to lie on the witness stand.

The medical testimony of these two doctors, who examined Victoria Price and Ruby Bates immediately after they were taken off the freight-train at Stevenson, in March, 1931, showed that they had not been attacked.

AUGUSTA, GA.
CHRONICLE

JUL 5 1933

Re-Trial For Haywood Patterson

All friends of justice, and in particular of the good name of the South, will applaud the decision of Judge James E. Horton in ordering a second retrial for Haywood Patterson, one of the negroes indicted in the notorious Scottsboro case. Two white women had testified at Patterson's first trial that he was one of a crowd of negroes who attacked them as they were hoboing on a freight train in Alabama in 1931. But at the second one of them changed her testimony and declared that the whole case was a "frame-up." The United States Supreme court last September had ordered new trials for the seven of the accused still in captivity.

All will recall the particularly exasperating conduct of Patterson's case by Samuel Leibowitz, of New York, who was apparently out to have his client convicted in the cause of radical movements throughout the world, rather than secure justice for a man he considered innocent. But Leibowitz was not on trial, and it is an excellent thing for the South's reputation in the world that Judge Horton, refusing to be put aside by the deep feeling which the case has aroused both for and against the negroes, considered the case entirely on its merits, entirely on the question whether the testimony of the woman who stuck to her original story could be believed. It was natural, as he pointed out, that a man should not be sent to his death on the unsupportred word of that woman. And the fact that the state at the original trial did not put up a white hobo, Orville Gilley, as an eye-witness, although he was then in custody, was a further damaging fact cited by the court.

It was indicated by Thomas E. Knight, Jr., the attorney general who prosecuted the case, that he would proceed with a new trial for Patterson. But we may hope that since the state had already made its best case, only to have the verdicts twice set aside, Alabama will put an end to so unseemly an affair by dropping prosecution not only of Patterson but the other defendants.

The Scottsboro Case

Editorial Note.—*The Nashville Christian Advocate has rendered no finer service to our Southland than the following editorial from the pen of Dr. W. P. King in issue of July 27. We want it to have utmost publicity and we are printing it so that our thousands of readers may see it as well as the governors of every Southern State who will receive this paper. Our readers should drop a card to Dr. King commending him on this manly attitude.*

The Christian Index

7-20-33.

Jackson, Tennessee

First of all, a defense should be made against certain violent attacks on Alabama in connection with the trial of nine Negro boys. The tirade of the defense counsel, especially Leibowitz, proceeds on the assumption that there belongs to Alabama a peculiar enormity of injustice and wickedness. We are not going to make progress by an indiscriminate arraignment of a particular section. If you have something like the Scottsboro affair in any part of the South, or North, where races are mixed up to any large extent. Where racial issues are involved and racial enmities intensified, a similar reaction will take place. It has been demonstrated both in New York and Chicago that no section has a monopoly of race prejudice. It must be said, furthermore, that Alabama has protected these prisoners from mob violence, which must be considered along with the fact that lynching was a possibility.

I am persuaded that the fair-minded citizens of Alabama and the South will lay aside any false self-defense mechanism as they see that the question involved is not local, but that racial conflict is as wide as the contact of the races. It is no justifiable defense for one section to seek comfort in the racial discrimination in other parts of the world. It is far better, however, to face this general fact than to deny the fact as it pertains to a local situation.

The Federal Council of Churches gives due recognition of the widespread nature of the problem: "The issues involved in the Scottsboro case are neither local nor sectional. The whole nation is concerned. Race prejudice is not limited to any section or state. The treatment of Negro citizens almost everywhere in America brings all of us to shame."

"An Open Letter," with the signatures of prominent men and women from every part of the country, makes substantially the same declaration: "Exploitation and prejudice are not confined to any state or section. The treatment of Negro citizens generally in America brings all of us into court with unclean hands."

The conflict and criss-cross currents of various forces and factions have been so intense in the Scottsboro case as to make difficult a just estimate of the whole affair. A number of inflammatory factors have created a most unfortunate state of feeling. A cocksure declaration is made by the *New Republic* and other partisan periodicals that the Negro boys are innocent. Tens of thousands of workers in European countries demanded "the immediate, unconditional release of the innocent Scottsboro boys." Even if these assumptions are true, they are based on partisan feelings and not on any knowledge of the evidence.

The boys were hoboes and not workers. It is also possible that they were not innocent, even though the evidence of guilt is not sufficient to convict.

The activity of the Communists in the case has been most irritating. In the "Open Letter" referred to the statement is made: "The activities of Communists in the case complicated the issues and made an impartial trial more difficult."

A preacher, writing from a first-hand knowledge of the trial, in criticism of a brief Advocate editorial, makes a further confirmation of this irritating fact: "The International Labor Defense influence injected into this case is not for the release of the Negroes, it is generally thought here, so much as to foment trouble all over the country, particularly in the South, the idea in mind being to establish sooner or later a union in these states along the line of the Soviets in Russia. Any stone thrown in this case that will strengthen sentiment in any way back of the Russian influence emanating from New York against the law taking its course is but a move to break down liberty and establish license—break down law and order and set up a frenzied mob power in which might instead of right will rule."

Solicitor Wade Wright made before the jury an appeal to both racial and sectional prejudice in one sentence: "No Alabama jury would listen to witnesses bought with Jew money from New York."

In addition to all of this is the ever-present tension between the whites and Negroes. I am well aware that my words are not satisfactory to the partisans on either side of the question. I am not specially interested just now in pleasing my readers, but I am concerned about making what appears to me a fair statement of the situation. I will rate at face value the sincerity of the person who believes that the Negroes were guilty. But it would strain my confidence to the breaking point to accept the statement of the person who claims that the feeling and atmosphere surrounding the trial were conducive to a just and reasonable verdict. I simply cannot believe, with the various inflammatory factors present which have been described, that an average jury of twelve men could be found anywhere in the country who are so superior as to be able to rise above the enveloping atmosphere and see with clear vision. I am hopeful that good citizens everywhere will look at the facts as they are, avoid mass psychology belonging to either group of partisans, and steadfastly refuse to be parrots of popular passion or "tin amplifiers of the voice of the mass mind."

Now to come to the crux of the issue. My objection is to the severity of the sentence, aside from the question of guilt or innocence. It carries with it beyond all question racial discrimination. If there is any record of white men receiving a death sentence for an attack on acknowledged strumpets, I wish it would be brought to light. The case is cited of a white man who was convicted of raping a Negro woman, but there was no death sentence. Again the evidence of guilt is not sufficient. It is true that the law protects a disreputable character from attack, but no law can give the same value to the testimony of a disreputable woman as belongs to the testimony of a woman of high type. In this case you have the conflicting testimony of two disreputable women.

The statement of Judge Horton, in granting a new trial to one of the boys, should have the widest publicity, and it would doubtless serve the purpose of protecting the people and even preachers from a sort of wild hysteria: "History, sacred and profane, and the common experience of mankind, teaches that women of the character shown in this case are prone for selfish reasons to make false accusations both of rape and of insult, upon the slighest provocation or even without provocation for ulterior motives. . . . No defendant should be convicted in a prosecution for assault when the evidence of the prosecutrix bears evidence of unreliability. Under the circumstances it was necessary to have corroboration of Victoria Price's testimony, and there was no such corroboration."

As further evidence of racial enmity and discrimination take the original verdict of the jury in pronouncing a death sentence on two Negro boys only thirteen years of age. How long do the defenders of the verdict of the jury think that it would take a white jury to sentence to death two white boys thirteen years of age for an alleged attack on two prostitutes?

I do not see that it will be of any profit for any of my readers to get angry. It would certainly manifest a better spirit to write me a correction if I have made any declaration which is not sustained by reason and facts, and such corrections will be published in the Advocate.

With some reiteration it may be said in conclusion that no aspersions should be cast upon the State of Alabama by other sections of the country. The affair is not yet concluded. Alabama has produced a judge of the high quality of James Horton, calm and dispassionate amid the rage and confusion of passion and hate.

Lynchings-1933 I

Legal Punishment for Rape.

Alabama

4194

WORKERS IN MANY CITIES MOBILIZE TO SAVE LIVES OF SCOTTSBORO NEGROES

New York, Chicago, Pittsburgh, Boston and Other Cities Plan Protest Meets; Newark, St. Louis Demonstrations Banned

NEW YORK.—Determined that Heywood Patterson, Clarence Norris, and the other seven Scottsboro boys shall not die in the electric chair, workers throughout the county have flung themselves into preparations for huge mass protest meetings in scores of cities.

Daily Worker

Answering the designation of Saturday, Dec. 9th, by the International Labor Defense as "Scottsboro Protest Day," the N. Y. District of the Communist Party issued a call to the workers of New York to rally tomorrow at 1 p.m., in Union Square, to protest the Decatur lynch verdict.

12-9-33

New York

No less than fifteen speakers representing trade unions, Negro and white organizations, intellectuals, unemployed groups, etc., will be present to voice their demands for the freedom of the Scottsboro boys. The list of speakers include: Joseph Brodsky, chief defense counsel just returned from Decatur, W. Chappel, William L. Patterson, International Labor Defense, Mrs. Patience Williams, Christion Brohm, Elmer Brown, Countee Cullen, Donald Henderson, James W. Ford, [illegible] William Fitzgerald, M. J. Olgin, Charles Krumbein, Herbert Benjamin, and Richard B. Moore.

Daily Worker

12-9-33

The Union Square mass meeting will be preceded by a parade organized by the International Labor Defense, starting from 7th St., cor. Avenue A at twelve o'clock, where Joseph Brodsky will speak.

New York

CHICAGO, Ill.—Workers of this city will rally on Saturday, "Scottsboro Protest Day," to protest the Decatur death verdict in a parade beginning at 43rd and Indiana Ave., at four p.m., and marching to the Savoy Ballroom, 47th and Southpark Ave., where speakers from the Chicago Defender, N.A.A.C.P., Urban League, and other organizations will speak. Workers, includ-

e from the stockyards, will
nder their own banners. A
n headed by Newton will
ayor Kelly Friday.

* * *

ST. LOUIS, Mo.—The Park Commissioner of the state which recently witnessed a most horrible lynching of a Negro, refused to grant a permit for a Scottsboro protest parade under the auspices of a united front anti-lynch committee. Colonel Miller said that local citizens favor lynchings and that "in some cases lynching is even too good for those Negroes."

* * *

NEWARK, N. J.—A permit for a Scottsboro protest meeting was refused by Police Chief McRell when a delegation representing more than 6,000 workers requested the corner of Somerset and Spruce St. for a demonstration. "Well hold the meeting anyway!' said a spokesman for the delegation.

* * *

BOSTON, Mass.—A demonstration to protest the Decatur decision was called here for Sunday afternoon at 3 p.m. at Douglass Sq. A new Scottsboro campaign headquarters opened at 1029 Tremont St. from where a mass campaign to rally the workers of the city will be organized.

* * *

PITTSBURGH, Pa.—The International Labor Defense issued a call for a Scottsboro parade for Saturday, Dec. 16, beginning at Centre Ave. Y.M.C.A. and, after a march through the Hill district, terminating at Bedford Park with a huge mass meeting.

* * *

Cops Attack Protest Meeting

DETROIT, Mich., Dec. 7.—Police here brutally charged a Scottsboro protest street meeting yesterday in the heart of the Negro section, Hastins and Erskine Sts., and cruelly beat up three women and three men.

* * *

PHILADELPHIA, Pa., Dec. 7.—Hundreds of Negro and white workers answered the call of the Communist Party and the I.L.D. and joined a parade which protested the death verdict and demanded the release of the Scottsboro boys. Telerams of protest were sent to Roosevelt, Governor Miller and Attorney General Knight.

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2 N.Y. Demonstrations At HRB for More Aid

NEW YORK. — Jobless workers should join demonstrations for more relief to be held on Thursday at the 78th Street and York Ave Home Relief, Bureau, and Friday at the 44th Street Bureau.

The mobilization on Thursday will be at 347 East 72nd Street at 11 a. m. and Friday at 402 West 40th Street at the same time.

Painters' Locals Meet

NEW YORK.—A joint membership meeting of Local Unions 499 and 848 of the Brotherhood of Painters will be held Saturday, Dec. 9, 1 p. m. at the Central Opera House.

Defense Lawyers Cheered on Return from Trial

NEW YORK.—For fifteen minutes before the Chattanooga train bearing Samuel Leibowitz and Joseph D. Brodsky, I.L.D. attorneys, arrived in the Pennsylvania Station [illegible] yesterday afternoon, the terminal resounded with the cries of "The Scottsboro Boys Shall Not Die! The Scottsboro Boys Shall Not Die!"

Daily Worker

12-8-33

New York

Nearly 500 Negro and white workers—a large number of them from Harlem—cheered the Scottsboro lawyers as they came into sight of the crowd. Brodsky and Leibowitz left Decatur Wednesday afternoon after Judge Callahan had sentenced Heywood Patterson and Clarence Norris to die in the electric chair on Feb. 2. Elias Schwartzbard and Sol Cohn, assistants to Brodsky during the Decatur trials, arrived at the same time.

A large number of uniformed cops and plainclothesmen held the cheering crowd back as it continued the chant, "The Scottsboro Boys Shall Not Die! The Scottsboro Bays Shall Not Die."

As soon as Leibowitz and Brodsky came into sight, they were lifted upon the shoulders of the crowd who carried them outside the terminal.

Pushed backwards by the advancing crowd eager to catch a glimpse of the Scottsboro defense attorneys, a score of news photographers were forced to dash forward ahead of the procession and awkwardly striving to get "shots" of the attorneys as the latter were surrounded by the surge of the welcoming crowd.

A half a dozen cops, arms linked, marched Leibowitz out of the terminal. Close to Leibowitz was the towering figure of Harold Fox, his 250-pound personal bodyguard from the Brooklyn homicide squad.

Cheering, "Long Live the International Labor Defense!" and "The Scottsboro Boys Shall Not Die!" the crowd poured out of the terminal, close at the heels of the Scottsboro attorneys. Traffic was momentarily halted at 34th St. and Seventh Ave., and thousands of workers leaving shops and offices were attracted to the demonstration.

All the Scottsboro boys are now back in the Jefferson County Prison in Birmingham, Leibowitz reported. Asked whether Patterson and Norris would be sent to the Alabama State Prison in Kilby, Leibowitz said that "it was not likely." Announcement of appeal by the defense had automatically halted execution of sentence, and transfer of the boys to Kilby, where they had been beaten by guards, would be vigorously fought by the defense, the lawyer declared.

Anti-Lynch Meets In Many Cities Are Attacked by Police

Philadelphia Workers Burn Callahan in Effigy

12-11-33

DETROIT, Dec. 10.—The ruling class of Detroit openly joined hands with the Decatur lynch courts by ordering a police attack on a Scottsboro protest meeting held here last Monday. Three women and three men were brutally beaten up.

Daily Worker, New York

PITTSBURGH, Dec. 10. — Mass pressure forced the police department to grant a permit to the International Labor Defense for a Scottsboro protest parade Dec. 16. The demonstration will begin at the Center Ave. Y.M.C.A., and after a march through the Hill District, will terminate at Bedford Park, where a huge mass meeting will be held.

* * *

Newark Police Ban Meeting

NEWARK, N. J., Dec. 10.—Police Chief McRell denied a permit for a Scottsboro protest meeting called in this city at the corner of Somerset and Spruce Streets. "What do you want to hold a Scottsboro meeting for? Newark isn't interested in Alabama," the police chief told the worker who applied for the permit.

In protest against this support to the Alabama lynchers, a delegation of a dozen workers, representing 6,000 organized workers, went to City Hall yesterday. Their demand to see the mayor and the police commissioner was three times refused. On the insistence of the workers, an aid of the mayor called in McRell to "handle" the situation. The workers told him they would hold the protest demonstration with or without a permit, whereup on the chief in an apoplectic rage told them. "Go ahead, but watch out that we don't get after you."

* * *

St. Louis Denies Permit for Parade

ST. LOUIS, Mo., Dec. 10.—Colonel Mill, St. Louis Park Commissioner, yesterday denied a permit to the Missouri Committee against Lynching to hold a protest parade on Dec. 16. He openly declared that his action was based on his belief that local citizens favor lynchings. When pressed by the delegation which visited him to apply for the permit, he declared he was in favor of lynchings in special cases," stating "in some cases lynching is even too good for those Negroes."

PHILADELPHIA, Dec. 10.—An effigy of Judge W. W. (Speed) Callahan was burned in a Scottsboro mass protest meeting at Broad and South Streets last Thursday. Over 2,000 workers, Negro and white, from unions, working-class organizations, lodges, churches, etc., attended the demonstration called to protest against the lynch verdicts sentencing Heywood Patterson and Clarence Norton to die on Feb. 2.

William Powell, of the International Labor Defense, acted as chairman. The speakers included Herbert Woods of the Unemployed Council; Russell Watson of the League of Struggle for Negro Rights; D. Davis of the Trade Union Unity Council; Mabel Reed of the Communist Party.

The workers paraded through the streets to Mt. Zion Baptist Church, where an indoor meeting was held with C. Cook, of the I.L.D., chairman, and Mills, district organizer of the Communist Party, Ted Richard of the Young Communist League, and Watson of the I.L.D., speaking.

* * *

Worcester Workers Hold Protest

WORCESTER, Mass., Dec. 10.—Hundreds of white and Negro workers demonstrated on Worcester Commons yesterday in a militant demand for the release of Heywood Patterson, Clarence Norris and all of the Scottsboro boys.

* * *

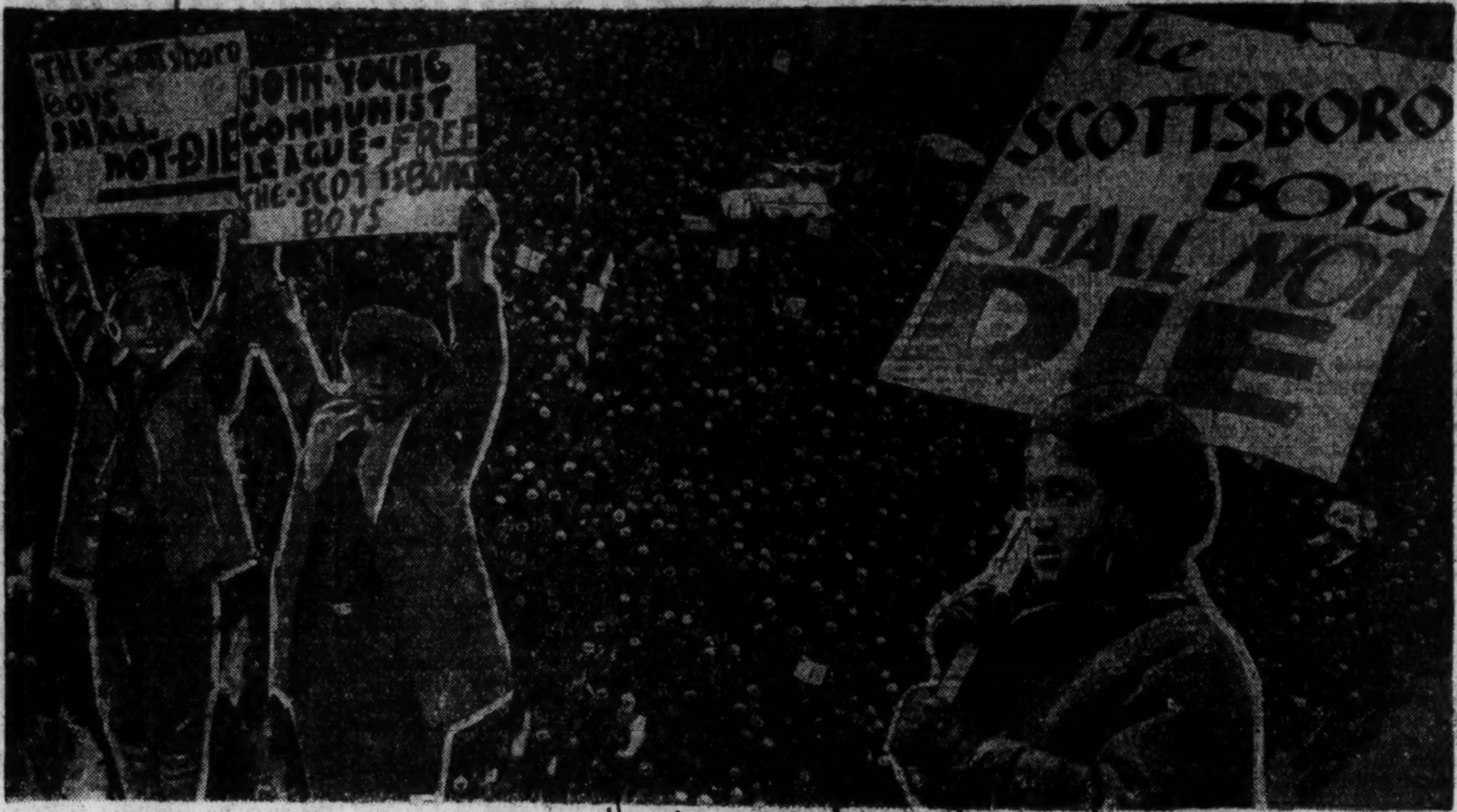
Anti-Lynching Parade in Buffalo, Dec. 23

BUFFALO, N. Y., Dec. 10.—A huge turnout is expected for the Scottsboro protest meeting next Saturday night at the Broadway Auditorium, called by the Provisional Committee for Western New York Conference Against lynching.

The mass rally will be preceded by a parade through the city, starting at 6 p.m., from 155 Madison Street, and proceeding through the Ellicott district to the auditorium.

The demonstration will be followed on Sunday by a Western New York Conference Against Lynching at the Masonic Temple, Clinton, near Michigan Avenue.

"They Shall Not Die!" New York Demonstrators Declare


THE SCOTTSBORO BOYS SHALL NOT DIE
JOIN YOUNG COMMUNIST LEAGUE — FREE THE SCOTTSBORO BOYS
The SCOTTSBORO BOYS SHALL NOT DIE

Daily Worker New York

(Daily Worker Staff Photo.)

Part of the crowd at the Union Square demonstration Saturday which pledged its determination to carry on an unceasing fight for the freedom of the Scottsboro boys. At left, two Negro boys, carrying placards, declaring, "The Scottsboro Shall Not Die." At right, Young Pioneers, fingers numb from the cold, holding aloft a placard.

12-11-33

12-11-33

3,000 Brave Bitter Cold to Hit Frameup Trials at Decatur

N. Y. Workers Also Protest Reichstag Fire Frame-up

12-11-33

NEW YORK.—For nearly two hours more than 3,000 men, women and children—many of them without coats and rubbers—stood in the bitter cold at a demonstration in Union Square on Saturday, called by the League of Struggle for Negro Rights and the N. Y. District of the International Labor Defense to protest the murderous Scottsboro convictions and the Leipzig frame-up trial.

The demonstration was one of scores held simultaneously in various parts of the United States.

Assail Lynchers

Passionate denunciation of the Decatur verdicts and the furious lynch wave sweeping the country characterized the [illegible] of [illegible] B. Moore, national secretary of the League of Struggle for Negro Rights; William [illegible] Patterson, national secretary of the I. L. D.; [illegible] Bedacht, representing the Central Committee of the Communist Party and other speakers.

A policeman on duty at the square had apparently learned something of the spirit of the workers. "Why don't they postpone this demonstration, it's cold as hell!" a reporter asked a cop whose job consisted of telling workers to get off the sidewalk and into the gutters on the principle of "keeping things moving."

The cop, whose shield number was 11703, replied sadly:

"They never postpone anything. When they start something they go through with it, rain or shine!'

Contingents from various trade union and fraternal organizations began moving into the square about noon. About 400 members of the downtown section of the I. L. D. and the Young Pioneers of America gathered at a rally at Seventh St. and Avenue "A" marched in just before the demonstration began. Preceding the marchers, was a truck on which was erected an improvised gallows and rope, bearing a sign, "Lynchings Must Stop!" Nine young Negroes, symbolizing the Scottsboro boys, stood on the truck, and facing them was a character labeled "Speed" Callahan.

Snowflakes covered the banners and placards carried by the demonstrators. One declared, "Down With Wall Street Imperialism in Cuba," another, "Down with the Gomez Terror in Venezuela."

Besides Moore and Bedacht, other speakers at the Union Sq. demonstration were Moissaye J. Olgin, editor of the "Morning Freiheit"; Mrs. Patience [illegible] of the Universal Negro Improvement Association; Winifred [illegible] of the Methodist Federation for Social Service; William Fitzgerald of the Harlem Section of the I.L.D.

Speakers at the Downtown rally included Sam [illegible] of the New York District of the I.L.D.; Joe Brown of the Manhattan Youth Club and Hank Fuller of the Dowtown Section of the I.L.D.

Denounce Leipzig Trial

Resolutions were unanimously adopted by the workers at the demonstration against the infamous Decatur verdicts; against the frame-up trial of Torgler, Dimitroff, Popoff and Tanev; against the wave of lynchings throughout the country which has received the sanction of leading public officials, including Governor Rolph, of California, the jailor of Tom Mooney.

A resolution was also adopted against the arrest and jailing of four young workers at Times Sq. last Saturday while speaking on behalf of the Scottsboro boys.

* * *

Workers Free Jailed Negroes

NEW YORK.—Quick and aggressive action on the part of workers in a Scottsboro demonstration at Dean St. and Howard Ave. in the Crown Heights section of Brooklyn on Friday night forced police to free two Negro workers being framed on charges of "suspicion of homicide."

The workers, Henry McGregor and A. Pilgrin, are both active in the fight to free the nine Scottsboro boys. They were standing on the corner of Dean St. and Ralph Ave., distributing the Daily Worker and telling the workers of the neighborhood of the demonstration to be held, when a police car pulled over to the curb and one of the cops in the car called them over. When they refused to

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go one of the policemen jumped out of the car, pulled a gun and shoved the workers against the wall. The police threatened the Negroes with his gun, saying: "If you don't get over to the wall I'll let you have it." The workers were searched and then taken in the police radio car to the 77th Precinct station house.

Committee Demands Release

One block away, at Dean St. and Howard Ave., the "Free the Scottsboro Boys" demonstration called by the Young Communist League of Crown Heights was already under way. When the workers were told of the arrest, a committee composed of Charles Alexander of the League of Struggle for Negro Rights, J. Blank, an International Labor Defense member, and Attorney Trupin of the I. L. D., was elected to go to the police station and demand the release of the two Negro workers.

When the committee reached the police station and demanded the release of McGregor and Pilgrim they were ejected. Outside the station the committee continued to demand the release of the workers, and when—a short time later—the demonstration neared the police station, the police released the two Negroes.

Pledge Continued Fight

At the close of the march, at 1777 Atlantic Ave., a large open-air meeting was held. Speakers of the Communist Party, Young Communist League, and the I. L. D. urged the need for keeping up the fight for the freedom of the Scosstboro boys. The workers, who had braved the cold during the march and at the meeting, pledge to fight against lynchings, Jim-Crowism, and to fight to free the nine Scottsboro boys.

,500 Hear Leibowitz On Scottsboro Case At Protest Meeting

Age

12-23-33

New York, N.Y.

A crowd estimated at between 1,800 and 2,000 people, both white and colored, heard vigorous denunciations of Judge Callahan and Attorney General Knight for their handling of the Scottsboro case, at a mass meeting held at Arcadia Hall, Brooklyn, Monday evening, December 11, under auspices of the National Afro Protective League, Rev. Thomas S. Harten, president.

Dr. Harten, the presiding officer, introduced the various speakers all of whom condemned the decisions thus far handed down in the Scottsboro case and criticized the judge, prosecutor an jurors for showing racial bias.

Among the speakers were Rev. George Frazier Miller, rector of St. Augustine P. E. Church; Harry Wolkoff, chief clerk of the Gates Avenue Court; Judge Jacob S. Strahl and Rabbi Alexander Lyons.

Attorney Samuel S. Leibowits, defense attorney for the boys, was the principal speaker and when introduced by Dr. Harten started his address with praise and condemnation for the Negro and white press for their reportorial and editorial work in the case. He also thanked all those whom had sent letters, telegrams, and messages to him while in Decatur.

Mr. Leibowitz said that he had just received a message frim Atlanta, Ga., stating that a Scottsboro protest meeting was held there Sunday evening under auspices of the I. L. D., at a Negro Baptist Church and at the most interesting point a band of hooded members of the Ku Klux Klan entered and broke up the meeting.

After praising Judge Horton for his previous handling of the case, Mr. Liebowitz then launched an attack on Judge Callahan, Attorney General Knight and the jurors in the present case. He said that racial feeling was so high that in Jackson County, where the present jurors live, large signs are posted reading: "Niggers, Don't let the sun shine on your head!" In Calhoun County, adjacent to Decatur, Mr. Liebowitz said that the white citizenry had made the railroad company discharge summarily all Negro firemen.

In Decatur, said the defense attorney, just before he left for New York, four Negro youths who were interested in the outcome of the trials, volunteered to sing spirituals for him and he invited them to his home. After the youths left, Liebowitz said that a mob of white men attacked them on the street, fired shots at them and one of the youths sustained severe injuries of his hand.

The meeting ended with adoption of resolutions, all criticizing the Alabamas for their "contemptible frame-up" of the youths.

JUDGE CALLAHAN AND MR. KNIGHT

Defender

12-16-33

Chicago, Ill.

The people of Alabama must feel proud of their two favorite sons, Judge W. W. Callahan and their gallant young attorney general, Mr. Knight. The thought is accentuated by the fact that in Judge Callahan they have imposed the confidence of declaring the "due process of law". and of discharging the responsibilities incident thereto.

To their young prosecutor, who holds the important position of attorney general of the state, delegated, we assume, by an untrammeled voice of the electorate, they have imposed the further responsibilities of the vigorous and impartial prosecution of those charged with violation of the law.

It is highly probable—since the nearness to a mountain destroys its real beauty—that those who are far beyond the border lines of Alabama are unable to see the virtues which may be observable to our fellow citizens in Alabama; in that respect we may be benefited by the advantage of distance from the mountain giving us the advantage from the brightness of the elements to view it in all of its deformity.

This nearness of which we speak manifests itself in the unfairness of both judge and prosecutor throughout the entire trial of the Scottsboro cases thus far heard with the characteristic indication that the orderly processes of judicial procedure will have no counterpart in the activities of the officers of the court.

A review of previous trials conducted at different times in different states and under different conditions, fails to disclose that a more consistent effort was ever made to improperly influence a verdict contrary to the law and evidence than was made in this court by the presiding judge. Judge Callahan even refused to tell the jury in the trial of the first defendant convicted how they might acquit if the evidence so warranted, until defense counsel vigorously protested against the prejudicial conduct of the judge. When President Franklin D. Roosevelt addressed himself to the suppression of mob violence in which he referred to the courts falling into disrepair, he must have had in mind the manifest disrepair of Judge W. W. Callahan.

Disrepair is the proper and fit word when conniving appears to be the objective of both judge and prosecutor. Such evidence as has been presented and accepted and occasioned the sentence of two human beings to be executed could have no precedent or tradition unless it be found in the archives of a barbaric nation. To the honor of Judge Horton, who previously heard the same cases which were sustained by the same evidence at the hands of a jury, he refused to permit his hands to be stained with innocent blood and very promptly set the guilty verdict aside.

Mr. Knight, the gallant young attorney general, who is seeking to enhance his political fortunes at the expense of corruption, frand and perjury, readily admitted to the press that his speech to the jury was "an appeal to passion." The man who made this confession is a candidate for governor of his state.

Think of it; the man who admits prostituting the power and influence of his office to maliciously take the lives of nine innocent human beings, now hopes to cash in on his pernicious activities by being elevated to the governorship of his state. Mr. Knight may win, but Alabama and civilization will lose.

Scottsboro Again

Planet

12-16-33

Richmond, Va.

The third conviction of Heywood Patterson by an Alabama jury in the now internationally famous "Scottsboro case" is no more convincing than either of his other two convictions. If anything, it is less so.

Following his second conviction, Judge Horton set the verdict aside as contrary to the evidence and ordered a new trial. The new trial has just been held, and it has resulted in another conviction, although the length of time it took the jury to reach an agreement indicates that there was at least one dissenter when the jurymen retired for their deliberations.

Judge Callahan, who sat in place of Judge Horton at the recent hearing, refused permission to the defense to present any evidence as to the bad character of Victoria Price and Ruby Bates, the two white women alleged to have been attacked by the Negroes.

More important still was the fact that Ruby Bates, who now denies that either she or Victoria Price was attacked by anybody, was in a New York hospital and unable to appear as a defense witness. At the second trial she did appear, but at the trial which was recently concluded, she was not permitted even to submit a written statement that neither she nor Victoria Price was molested in any way by the accused Negroes.

Without pretending to pass on the legal questions involved, one is inclined to the view that whatever the rules of evidence are, it is extraordinary that a man should be tried on a capita charge and sentenced to death when one of the two persons he is charged with attacking is no permitted to present her denial to the jury.

Thus it seems a safe conclusion that the verdict in the case of Heywood Patterson will not mark the final act in the Scottsboro drama, in so far as this particular defendant is concerned.

Judge Horton reversed the verdict of guilty in his second trial. It seems incredible that one of he higher courts will do less with regard to this hird conviction.—Richmond Times-Dispatch

Afro-American 12-16-33
Baltimore, Md.

Chamlee's Appeal to Hell Fire and Brimstone has No Effect on Bible Belt Jury

Assistant Counsel Told Decatur Jurors They Would be Haunted by Scottsboro Boys on Death Bed.

By CLARENCE MITCHELL

DECATUR, Ala.—The assistant attorney for the defense in the Scottsboro trial in Decatur, Alabama, is George W. Chamlee, a native of Tennessee, who moves about like he is ready to fall forward and usually wears a dark suit and a string tie.

He told me that the AFRO-AMERICAN was the greatest paper in the country.

He likes to tell stories of "ol' culled men and mammies." His kit of humor is full of jokes like, "That mule ain't blind he just don't give a d——"

Mr. Chamlee made a biblical appeal to the jury and most likely they were taken in by it. He threatened them with eternal fire and damnation if they brought in the wrong verdict. He warned them about meeting their maker and lying on death beds with visions of innocent men in electric chairs dancing before their eyes.

He was sincere from the point of view of a southern man interested in getting people free for whom he had some personal regard. He was not an epic of legal speech making while talking but all in all he was well meaning and seemed much upset over the verdict of guilty which he called "A gross miscarriage of justice."

Afro-American

12-16-33

Chicago

Dixie Daily Hits Scottsboro Verdict

FEATURE—THE THIRD "SCOTTSBORO" VERDICT—Box
(Virginian Pilot and Norfolk Landmark)

The third trial of the Alabama Negro, Heywood Patterson in the Scottsboro case (now technically the Decatur case) was different in important respects from the second trial which Judge Horton threw out after a jury had returned a verdict of guilty. On the one hand, the story of Victoria Price was corroborated in part—but only in part—by two young white men who said they were on the train with her.

They did not attempt to identify any Negroes on the train, but they did testify that a fight occurred. On the other hand, and more importantly, as it seems to us—the defense was severely handicapped in two respects: First, it was not allowed to present to the jury the fact, admitted by all parties at the second trial, that the two women, Victoria Price and Ruby Bates, and the above two white men spent the previous night together in a hobo camp, of any other evidence showing the character of the women; and, second, the defense was unable to present the statement of Ruby Bates that neither she nor Victoria Price had been attacked on the train by anybody. Ruby Bates has just undergone a major operation in New York and is still in a hospital there. No evidence from her reached the jury.

The result was that the jury had to choose between Victoria Price's story of the now familiar incidents on the freight train, partly corroborated by the two white men, and the story of Heywood Patterson, who denied the attack and denied even seeing any white women on the train. His chief witness was a local physician who, examining the woman two hours after the alleged attack, found virtually no physical evidence to substantiate her story. Between these two stories the jury chose to believe the woman. Thus, for the third time, the Negro has been found guilty and his punishment fixed as death."

In view of the history of this case, however, it is difficult to believe that the jury weighed the evidence with that discriminating judgment which theoretically marks a jury verdict. In its extensive background, in its growing notoriety, in its racial implications, the case has long since become far more in Alabama than a mere sifting of evidence. As to the latter, Judge Horton, who presided at the second trial, flatly refused to swallow the woman's story, announcing on the contrary that it "bears on its face indications of improbability and is contradicted by other evidence." So it has always seemed to the great majority of those who felt themselves under no obligations to uphold either Alabama justice or to sustain the primacy of the white race in the black belt of the South by any such method as the execution of a gang of Negro boys.

To the Virginian-Pilot there has never been any doubt that, regardless of the exact details of the train incident, if the whole freight car company had been of one racial group, or even if the men had been white and the women Negroes, the entire affair would have been washed out in a magistrate's court with a minor fine and a warning to the defendants to get out of town and stay out, or a short chain gang sentence. That is the standard punishment in the South for the kind of fracas that occurred, even when it is taken at its worst. Because the racial issue became involved, because the maintenance of Alabama justice became a point of "honor"—the more so when radical elements seized the occasion to score a point for themselves—the improbability of a jury's considering the case in the calm light of reason has long since been demonstrated. Even so, it may be doubted whether the supreme court of the United States will allow such a verdict to stand.

Black Dispatch
12-9-33
Oklahoma City

"Collective Murder"

For the third time the State of Alabama has condemned two Negroes to die for an alleged crime which millions of American citizens, regardless of race do not believe was ever committed. White people of America should forget for a moment the Negro youths whose lives have been put upon the altar of prejudice and visualize the more horrible view, where government itself has been reduced to a terrible Frankenstein which destroys its own.

In the Scottsboro case can be found the factors which white America would do well to study. Here we have the picture which exposes the embryo where festers the seeds of all that is destroying the moral fiber in our social and political institutions. At Decatur one sees stalking in supposed halls of justice the ugly, gaunt form of hypocrisy.

Attorney General Knight, of the State of Alabama, and the presiding judge who sat on the bench during this third farcial prosecution, knew, and have known for many months that the Scottsboro victims of southern hate are innocent. It is only for the purpose of boltsering up a lie long since exposed to the world that these useless gestures are made at justice.

Can the jury which sat in this case say truthfully that beyond a reasonable doubt they believe that these seven boys are guilty of raping Victoria Price? Forget the fact that the jury was not constitutionally drawn and direct your attention solely to some of the testimony presented in the last two trials.

Does not the testimony of Ruby Bates, who says that she was not raped, have weight? Does not the testimony of Lester Carter, white youth, have bearing on this case? Does the testimony of a reputable physician who examined the girls immediately following the alleged crime, and who declared that they had not been raped, lend suspicion to the idea that a frame-up existed?

To compound prejudice following two trials the State of Alabama now seeks to say that Ruby Bates was bought off with "Jew money." Apparently these senseless creatures of hate and fury forget that Ruby Bates while in jail, and before the world knew of the Scottsboro boys, had written the now famous letter to her white sweetheart, in which she said, "The niggers never j—d me." That record was made in Alabama and Ruby's letter is today impounded by the court which still says seven defenseless Negroes must die.

Before me now lies a newspaper release of the International Labor Defense. The defenders of white womanhood, we are told, refuse to permit a jury to hear of what Victoria Price was doing down in the jungle and underbrush around Chattanooga the night before she was raped. The judge refuses to allow Lester Carter to tell of the illicit relationship he had with her. The crowd laughs every few minutes when they find that the judge has refused to allow the scarlet record of Victoria Price to be told.

Just how white America can appease its conscience with the rotten, putrid verdict rendered at Decatur is hard to imagine. The white women of America should rise en masse to declare that white womanhood needs no such cowardly defense to maintain its integrity and purity.

The fine words of President Roosevelt delivered before the Federal Council of Churches fall lifeless before us when we recall that the pardoning power is in his hands. The President has an opportunity to set a high and exalted example in a lynch-torn nation by immediately pardoning Heywood Patterson and Clarence Norris. We like the President's definition of lynching, "collective murder." If ever there was a deliberate and defiant attempt to legally and collectively murder citizens in any country, that attempt is being made in the state of Alabama.

Lynchings-1933

Legal Punishment for Rape

Alabama

4248

GREEN BAY, WIS.
PRESS-GAZETTE

JUN 26 1933

NO DEATH PENALTY YET.

Evidence is so overwhelming that it is no libel against the South to say that the black man is not only treated with coarse unfairness but, in a trial, hasn't a chance at all. What can be expected to happen to Judge James E. Horton who set aside the verdict in the Scottsboro case that spelled death for one of the negroes involved? Judge Horton has disregarded a principle that seems to have held sway, particularly in the deep South, and which might be stated about like this: The word of one white woman, however ignorant or illiterate and without regard to the dissolute life she may have led, must be taken and upon it even a death penalty meted out against a black man however blameless his previous life may have been or however strongly facts and circumstances may have corroborated the defense.

That was the general impression as the testimony at this now celebrated trial was taken and printed day by day and that idea was stamped with approval by the jury's verdict.

In setting this conclusion aside Judge Horton, after speaking of the fact that women of the complainant's proven character have been known on many occasions to make wild accusations of attack, continued:

> "Her manner of testifying and demeanor on the stand militate against her. Her testimony was contradictory, often evasive and time and again she refused to answer pertinent questions. The gravity of the offense and the importance of her testimony demanded candor and sincerity."

The Judge has merely ruled that the verdict of the jury is so far against the weight of the evidence that he cannot permit it to stand, a ruling that is tantamount to the declaration that the judicial conscience was shocked at the verdict because of its gross, its flagrant, injustice.

Judge Horton has added himself to that long list of splendid men in American judicial history who have not feared to brave popular wrath and personal defeat and insult in order to do the right.

RALEIGH, N. C.
NEWS OBSERVER

JUN 23 1933

A WISE JUDGE POINTS THE WAY

In Athens, Alabama, yesterday a Southern white man indicated to the world that in the South, not unlike the rest of the world, if many men are moved by prejudice other men are also moved by consideration of justice. There in the person of Judge James E. Horton, as much a Southerner as any other man in the South, the South moved to give to a Negro justice in its courts.

It would be an injustice to Judge Horton to minimize the prejudice which resulted in the outrageous verdict in the trial of Haywood Patterson, one of the eight Negroes charged with rape in the famous Scottsboro case. Judge Horton's act, however, in setting aside the verdict in that case and ordering a new trial for Patterson showed how unjust have been the attacks which peopled the South only with ignorant, prejudiced and sadistic white people.

Nowhere else in the world are there more intelligent white people who wish with the deepest concern for justice for the Negroes than in the South. Generally they are not such people as would appear at a riotous mass meeting of whites and blacks screaming as much vituperation as demand for justice. In the South they are not present when mobs of men, careless of the law and the reputation of their section, move cruelly against the Negro. In the South as elsewhere justice is not guarded and cherished by those who scream the loudest in one camp of prejudice or the other.

Judge Horton in recent months has become by his fair and judicial conduct of the case, in which he delivered a magnificent charge which was disregarded by the jury, and by his act of yesterday the foremost representative in the South of the great mass of justice-loving, honorable and intelligent Southerners who wish every protection of justice for their Negro neighbors. As such a leader in such a cause he has shown the way to justice in the Scottsboro case.

That way lies not at all along the path of violence either in speech or act but rather in the dignified following of legal procedure by men who love justice. His act of yesterday was a judicial act. He set aside the outrageous verdict upon the obviously sound grounds of the insufficiency of the evidence in the case. Not once did he turn aside to consider the more violent charges and counter-charges which have come from the attorneys on both sides. He took deliberate and sound legal ground and moved upon it.

It is to be hoped that the example of Judge Horton will be followed by others in the State of Alabama and that the district attorney and the attorney general of the State will, following the course of Judge Horton and viewing the evidence dispassionately, take a nol pros in the cases of all the defendants. Judge Horton has done his duty. Now the procedure lies with others. They have a choice to make which is important not only to the good name of Alabama but to the good name of the entire South.

Nothing is more obvious today than that the sense of fairness of the people of America will never allow the Scotsboro defendants to die for the capital crime with which they are charged. If Alabama determines to continue the trial of these cases and the demand for a capital verdict in them the agitation will continue, the villification of the South will continue, and Southern justice everywhere will remain suspect. But the Negroes will never be legally executed. The practical as well as the just course should dictate that Alabama, moving with dignity as Judge Horton has moved, drop the cases and reassure the nation and the world that justice and reason are still the guides of an advancing South.

CHARLOTTE, N. C.
OBSERVER

JUN 24 1933

APPROVABLE COURSE.

The Scottsboro case in Alabama that has widened to international interest, largely because of studied publicity given it by the defense for the negroes charged with criminal offenses against white girls, is to be re-opened, and the negro who was sentenced to die when convicted by a jury some weeks ago, will receive a new trial.

This turn in the famous case ought to meet with widespread approval throughout the South, where justice is thought of just as highly as in any other section of the country and where racial prejudices are no more ingrained than elsewhere.

Columbia, S. C. Record
July 1, 1933

SCOTTSBORO DEFLATED.

The Scottsboro case involving the lives of seven Alabama negroes who made the mistake of bumming their way on the same freight train with two white girls, had been laboriously built up into one of those causes celebres that the agitators feed upon.

It was to be the perfect demonstration of Southern injustice, the proof of the failure of the Southern jury system in the face of race prejudice. And like the Sacco-Vanzetti case in Massachusetts, it would be grade A propaganda. Resolutions could be passed and there could be May day parades in which "Remember Scottsboro" banners could be flaunted in the face of a capitalistic civilization.

The seven negroes, again like Sacco and Vanzetti, possibly if not probably would have gone to their deaths in the process. The defendants in these propaganda cases have way of getting lost in the shuffle. If they escape what is there to protest about? When there is obviously no injustice there can be little heat and passion, and there is no cause celebre without heat and passion.

And the Scottsboro cases in their earlier phases served the propagandists' purposes well enough, following the procedure established in such causes celebres. Nine negroes were arrested and eight of them were convicted; seven of them—the supreme court of Alabama freed one—were to die for assaulting the two white girls, whose story an Alabama jury, impanneled immediately, chose to believe, there being no particular reason perhaps then to doubt it.

Before the sentence was carried out however doubts had grown and the cases were appealed. Eventually the controversy reached the supreme court of the United States which reversed the Alabama conviction on the ground that the defendants had not been adequately represented by counsel and had not therefore received the fair trial to which they were entitled. The cases were remanded to Alabama for retrial.

And the second trials, with Haywood Patterson's case as the first to be called, were begun. There had been a lot of loose talk between the two rials, a lot of useless agitation and foolish recriminations. The trial, though a change of venue had been allowed, was conducted in an atmosphere of heat and passion, generated largely by ill-judged interference from the outside.

A second conviction was probably inevitable—Alabama jurors, like New York and Massachusetts jurors, are human and susceptible to influences that ought not perhaps to affect them. There were mistakes made by attorneys for both sides. The prosecution resorted to appeals to prejudice; the defense, having laid the groundwork for an attack before the United States supreme court on the Alabama jury system which permits no negroes to serve as jurors, conducted its case so as to incite prejudices. Patterson was convicted and Samuel S. Leibowitz, the distinguished New York attorney, who had conducted the defense, lost his sense of balance and turned loose from New York a tirade of personal abuse against the jurors who had decided the case against him. Whatever its purpose—and The Record refrains from sitting in judgment on Mr. Leibowitz's purposes and intentions—it made a fair trial for the six other defendants impossible; they had to be tried, if tried at all, by such men as the twelve subjects of Mr. Leibowitz's abuse, men who would resent, as they had a right to resent, the defense attorney's words.

Judge James E. Horton, presiding for the trial, continued the other cases to protect the defendants from the result of their attorney's foolish error and then a few days ago, to the surprise af defense counsel, he handed down an order setting aside the verdict of conviction in Patterson's case and ordering a new trial. The jury's verdict, he held, was against the weight of evidence. The unsupported word of one of the negroes' supposed victims, contradicted by the word of the other, was insufficient testimony upon which to condemn a man to death.

And all persons interested in seeing justice done and especially those concerned about the maintenance of local responsibility and authority in law enforcement will applaud Judge Horton's decision. It is evidence that Alabama courts, in accord with Alabama law, can safeguard themselves against error; it is a demonstration that Alabama can rise not only above prejudice but beyond provocation to see to it that it works no injustice. And it leaves the propagandists frustrate and defeated. Judge Horton has done what seemed impossible; he has deflated the Scottsboro case. The agitators will have to look elsewhere for other victims.

Charleston, S. C., News & Courier
June 27, 1933

"Drive" Would Have Proceeded.

A tremendous diapason of praise is going up from the American press about Judge Horton's wisdom, his courage, his sense of justice, in granting a new trial to the negro Patterson convicted in the Scottsboro case, and if this same Judge Horton had refused the man a new trial he would have been set down by this same press as a prejudiced, ignorant, sorry and timid fellow.

From which the inference is that in the trial of a criminal case the voice of the American people speaking through the press is sometimes more powerful than the jury system.

Had Judge Horton refused the prisoner a new trial the American "drive" on Alabama and its courts would have proceeded without interruption.

Ala.

Birmingham, Ala., Age-Herald
July 21, 1933

"The Third Crusade"

Frank Lawrence Owsley, professor of history at Vanderbilt University, has written for The American Review an article which he calls "Scottsboro, the Third Crusade." Dr. Owsley is perhaps the leading authority on the North-and-South issue in the history of this country. He draws liberally on his mastery of this field to drive home the contention that the Scottsboro and Dadeville cases prove beyond doubt that, just as abolitionism was the first crusade, and reconstruction the second, in the hell-bent resolve of Eastern industrialism to emasculate Southern agrarianism, so the more recent effort to interfere with the relationship between whites and blacks in this section must be put down as a renewal of that century-old hostility.

The fact that Dr. Owsley is a Black Belt Alabamian gives what he says on this subject a warmth and directness which a more objective method could not have had. Marshaling his evidence with all the skill of a veteran historian, he argues with the immediacy of one who has a deeper knowledge of his material than he could have gotten from mere research. The result is that the historian speaks with much of the power and impressiveness of a prophet. No open-minded reader of this article can fail to obtain a fresh set of values for the testing of the question with which it deals.

The long struggle for abolition was generated by the desire of the Northeast for control of the federal government. This movement was given an idealistic cloak, of course, with the result that the intelligentsia flung itself into the fight as though only the noblest motives were at work to put an end to slavery. That was the first phase of the conflict, ending with Appomattox. Then came reconstruction, when the ignorance and greed of the Negro were played upon in order that the white South might be destroyed, and this also that industrialism might be master in the American household. Now we have the latest phase, when Southern courts are being attacked and the Negro's credulity is being exploited, to the end that the Communist cause may be advanced.

If industrialism was the active antagonist in the first two crusades, it is no less so in the third, because Communism is only another kind of industrialism, the proletarian industrialism, such as we see in power in Soviet Russia. The place which the machine and all that the machine stands for has in Russian life today indicates that the same old enemy, wearing a different face, is malignantly headed for the same goal when Communists undertake to make the Scottsboro cases the spearhead of their propaganda. And the sentimentality with which our modern intelligentsia has taken up and pressed this agitation only accentuates Dr. Owsley's belief that today's "Garrisons, Emersons, Sumners and Phillipses—moralists and intellectual leaders—ignorant of the South and of much of human nature," are engaged in repeating the misguidance of the past.

Dr. Owsley is making his appeal not to Southerners but to intelligent minds elsewhere, and he is basing it on the assumption that what is happening now has happened before, bringing disaster and agony in its train. Abundantly aware of the tragic miscarriage of abolition and reconstruction, he is "exceedingly anxious and seriously alarmed over the present agitation" for "justice to the Negro." He sees that "a poisoned apple is being thrown, once again, for the two races to fight over; that direr consequences than those of the abolition crusade or reconstruction may be in store for the South and for the nation; and that the relationship between the two races will be more greatly strained than ever by the conflict that is being prepared by outsiders for them."

It is not a provincial apologist who is issuing this warning. It is a scholar who views life and civilization broadly and as a whole, and whose grasp of the so-called Negro problem is unexcelled with respect to all that it has meant to the nation in the past. If he bids discerning and thoughtful Americans to "focus this experience upon the present," for the sake of avoiding the blunders of the past, his is a summons which should be heeded if this generation is not to indulge in the typically American tendency of "ignorantly plunging over the same precipices where its fathers and grandfathers plunged." The South has its grievous faults, but so has the North, of a different kind but no less ugly, and so it should proceed to clean its own stables, instead of seeking to unleash ghastly woes and terrors by harassing a people it has bedeviled enough.

Albany-Decatur, Ala. Daily
July 20, 1933

CHAMLEE SEEKS BONDS FOR THE 'SCOTTSBORO NEGROES'

George W. Chamlee, International Labor Defense attorney, and member of the staff of counsel for the nine accused negroes in the "Scottsboro case" announced in Chattanooga that he is seeking pledges for a $40,000 bond in an endeavor to get the accused negroes out of jail.

Chamlee stated he planned to circulate a petition in an effort to obtain the names of bondsmen. No bond has been fixed by the court for the defendants and Chamlee stated he did not know whether or not bond would be accepted if he is successful in raising it.

The negroes, now confined in the Jefferson county jail in Birmingham, have been in custody for two years since their arrest in Scottsboro on charges of attacking Mrs. Victoria Price and Ruby Bates. Seven originally were sentenced to death but were granted new trials by the United States supreme court.

Heywood Patterson was re-tried and convicted again in the Morgan circuit court here on a change of venue. The verdict, however, was set aside later by Judge James E. Horton in circuit court at a hearing held in Athens.

New dates for trials of Patterson and the other negroes have not been set.

Lynchings-1933
&
Legal Punishment for Rape

Alabama

4249

Augusta, Ga., Chronicle
July 5, 1933

Re-Trial For Haywood Patterson

All friends of justice, and in particular of the good name of the South, will applaud the decision of Judge James E. Horton in ordering a second re-trial for Haywood Patterson, one of the negroes indicted in the notorious Scottsboro case. Two white women had testified at Patterson's first trial that he was one of a crowd of negroes who attacked them as they were hoboing on a freight train in Alabama in 1931. But at the second one of them changed her testimony and declared that the whole case was a "frame-up." The United States Supreme court last September had ordered new trials for the seven of the accused still in captivity.

All will recall the particularly exasperating conduct of Patterson's case by Samuel Leibowitz, of New York, who was apparently out to have his client convicted in the cause of radical movements throughout the world, rather than secure justice for a man he considered innocent. But Leibowitz was not on trial, and it is an excellent thing for the South's reputation in the world that Judge Horton, refusing to be put aside by the deep feeling which the case has aroused both for and against the negroes, considered the case entirely on its merits, entirely on the question whether the testimony of the woman who stuck to her original story could be believed. It was natural, as he pointed out, that a man should not be sent to his death on the unsupportred word of that woman. And the fact that the state at the original trial did not put up a white hobo, Orville Gilley, as an eye-witness, although he was then in custody, was a further damaging fact cited by the court.

It was indicated by Thomas E. Knight, Jr., the attorney general who prosecuted the case, that he would proceed with a new trial for Patterson. But we may hope that since the state had already made its best case, only to have the verdicts twice set aside, Alabama will put an end to so unseemly an affair by dropping prosecution not only of Patterson but the other defendants.

CAMDEN, N. J.
COURIER
JUN 24 1933

A TORCH FOR SOUTHERN JUSTICE

Southern justice—for long under a shadow in the eyes of enlightened public opinion—has taken a notable step forward.

Judge James E. Horton has done what few Southern jurists would dare to do; he has taken issue with the race prejudice which has made it so difficult for a Negro to obtain a fair trial in the South.

Judge Horton has granted a new trial to Russell Patterson, the Negro convicted and sentenced to death in the famous Scottsboro case. He has done so, he says, on the ground that the jury verdict was not in accord with the evidence.

The evidence, observes the Judge, "greatly preponderates in favor of the defendant." As to the women who charged the youths with attacking them, he comments:

> **"The tendency on the part of the women shows they are predisposed to make false accusations upon any occasion whereby their selfish ends may be gained."**

The recent trial of Patterson was admittedly a farce.

But the youth's chances of winning out over racial prejudice were not helped by the efforts of Communists to make capital of the case.

Judge Horton's decision now cleans the slate, and starts the case over again.

That decision is not only a victory for the defense; it is a victory for justice in Alabama.

Bristol, Va., Herald-Courier
June 24, 1933

[illegible] Trial For Patterson.

[illegible] James Horton of Athens, Alabama, has granted a motion for a new trial for Heywood Patterson, one of the nine Negroes indicted in the now famous "Scottsboro case," setting aside the conviction with its death penalty recently imposed in the Morgan County Circuit Court. That was the second time Patterson had been tried and sentenced to death. The eight other Negroes alleged to have attacked two white women in a box car of a freight train between Chattanooga and Scottsboro have also been convicted and given the death penalty, and now await another trial.

Pointing out that the law declares a defendant should not be convicted without corroboration where the testimony of the prosecutrix bears on its face indications of unreliability or improbability, and particularly when it is contradicted by other evidence, Judge Horton said "the testimony of the prosecutrix in this case is not only uncorroborated but it also bears on its face indications of improbability and is contradicted by other evidence, and in addition thereto the evidence greatly preponderates in favor of the defendant." Therefore he granted the motion for a new trial.

Whether Patterson and the Negroes accused with him can be assured a fair trial in Alabama may be questioned. And this not so much because of race prejudice in that State as because of the actions and outgivings of some members of counsel for the defense. Reference is particularly to Samuel Leibowitz of New York, engaged by one or two radical organizations in that city. If these organizations are to continue to employ lawyers to defend the Negroes they should realize the wisdom of dispensing with the services of Leibowitz.

NORFOLK, VA.
VIRGINIAN-PILOT
JUN 24 1933

Twilight of the Scottsboro Case

Judge Horton's setting aside of the conviction of Haywood Patterson, one of the Negro defendants in the Scottsboro case, marks the beginning of the end of this notorious prosecution. He was convicted mainly on the testimony of one of the two white girl hoboes who figured in the episode in the freight car, the other one having abjured her original concurrence in the accusation and told the jury in the Haywood trial that the accused Negroes were not guilty of the crime charged. Judge Horton, allowing the motion of the defense that the conviction of Haywood be set aside, holds that the testimony of the prosecutrix was not corroborated and that it "bears on its face indications of improbability and is contradicted by other evidence."

Since it is certain that the testimony of the prosecutrix will be no better corroborated at any future trial than it was in the trial of last April, Judge Horton's present condemnation of this evidence as untrustworthy practically insures the collapse of any further efforts to procure a conviction. The opinion is that of a judge who presided over a tempestuous case with such conspicuous fairness that he earned the praise of counsel for both sides and the commendation of the entire American press, Alabama's included. His appraisal of Victoria Price's trustworthiness as a prosecuting witness is not one that can be ignored by any judge who may be assigned to the case in the future, and will assuredly play an important part in any consideration an appellate court may have occasion to give the case should a retrial of Haywood Patterson result in another conviction and appeal. Practically speaking, the Scottsboro case is now in a state of collapse. A few scenes remain still to be enacted, but the curtain is not far off. When it falls all the defendants will be free.

In so far as the Virginian-Pilot has been able to discern the truth about the freight car episode from the testimony adduced during the Scottsboro and Decatur trials, such a termination will be in accord with justice. Whether the accused be white or black, the judicial process can have no other objective. Courts are not instituted for the purpose of keeping any racial elements "in their place." Neither is it their mission to preserve ruling castes in their fancied prerogatives. Their reason for being, in the South as elsewhere, is to apply to all persons within their jurisdiction the equal protection and penalties of the law with that complete disregard of racial or social prejudice that is prescribed by the Constitution. That, we are satisfied, is what Judge Horton, as one of the instrumentalities of Alabama's judicial system, has done. It should be a matter of deep satisfaction to Alabama that justice is about to be done in this highly disturbing and highly unpleasant case through its own courts, even though it is true that if the Supreme Court of the United States had not intervened, that satisfaction would have been denied it.

UNION CITY, N. J.
HUDSON DISPATCH
JUN 27 1933

Inspiration for Justice In the South

The cause of justice has been given a new inspiration in the South by the decision of Judge Horton in granting a new trial to Harris Patterson in the famous Scottsboro case. It takes unusual courage for a judge in the South to grant justice to Negroes. The unfortunate part of the decision is that the case has been sponsored by Communists. However, the South by its attitude against justice for Negroes has invited just that much embarrassment.

Lynchings-1933
&
Legal Punishment for Rape

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4249

Augusta, Ga., Chronicle
July 5, 1933

Re-Trial For Haywood Patterson

All friends of justice, and in particular of the good name of the South, will applaud the decision of Judge James E. Horton in ordering a second re-trial for Haywood Patterson, one of the negroes indicted in the notorious Scottsboro case. Two white women had testified at Patterson's first trial that he was one of a crowd of negroes who attacked them as they were hoboing on a freight train in Alabama in 1931. But at the second one of them changed her testimony and declared that the whole case was a "frame-up." The United States Supreme court last September had ordered new trials for the seven of the accused still in captivity.

All will recall the particularly exasperating conduct of Patterson's case by Samuel Leibowitz, of New York, who was apparently out to have his client convicted in the cause of radical movements throughout the world, rather than secure justice for a man he considered innocent. But Leibowitz was not on trial, and it is an excellent thing for the South's reputation in the world that Judge Horton, refusing to be put aside by the deep feeling which the case has aroused both for and against the negroes, considered the case entirely on its merits, entirely on the question whether the testimony of the woman who stuck to her original story could be believed. It was natural, as he pointed out, that a man should not be sent to his death on the unsupportred word of that woman. And the fact that the state at the original trial did not put up a white hobo, Orville Gilley, as an eye-witness, although he was then in custody, was a further damaging fact cited by the court.

It was indicated by Thomas E. Knight, Jr., the attorney general who prosecuted the case, that he would proceed with a new trial for Patterson. But we may hope that since the state had already made its best case, only to have the verdicts twice set aside, Alabama will put an end to so unseemly an affair by dropping prosecution not only of Patterson but the other defendants.

CAMDEN, N. J.
COURIER

JUN 24 1933

A TORCH FOR SOUTHERN JUSTICE

Southern justice—for long under a shadow in the eyes of enlightened public opinion—has taken a notable step forward.

Judge James E. Horton has done what few Southern jurists would dare to do; he has taken issue with the race prejudice which has made it so difficult for a Negro to obtain a fair trial in the South.

Judge Horton has granted a new trial to Russell Patterson, the Negro convicted and sentenced to death in the famous Scottsboro case. He has done so, he says, on the ground that the jury verdict was not in accord with the evidence.

The evidence, observes the Judge, "greatly preponderates in favor of the defendant." As to the women who charged the youths with attacking them, he comments:

> **"The tendency on the part of the women shows they are predisposed to make false accusations upon any occasion whereby their selfish ends may be gained."**

The recent trial of Patterson was admittedly a farce.

But the youth's chances of winning out over racial prejudice were not helped by the efforts of Communists to make capital of the case.

Judge Horton's decision now cleans the slate, and starts the case over again.

That decision is not only a victory for the defense; it is a victory for justice in Alabama.

Bristol, Va., Herald-Courier
June 24, 1933

rial For Patterson.

ge James Horton of Athens, Alabama, has granted a motion for a new trial for Heywood Patterson, one of the nine Negroes indicted in the now famous "Scottsboro case," setting aside the conviction with its death penalty recently imposed in the Morgan County Circuit Court. That was the second time Patterson had been tried and sentenced to death. The eight other Negroes alleged to have attacked two white women in a box car of a freight train between Chattanooga and Scottsboro have also been convicted and given the death penalty, and now await another trial.

Pointing out that the law declares a defendant should not be convicted without corroboration where the testimony of the prosecutrix bears on its face indications of unreliability or improbability, and particularly when it is contradicted by other evidence, Judge Horton said "the testimony of the prosecutrix in this case is not only uncorroborated but it also bears on its face indications of improbability and is contradicted by other evidence, and in addition thereto the evidence greatly preponderates in favor of the defendant." Therefore he granted the motion for a new trial.

Whether Patterson and the Negroes accused with him can be assured a fair trial in Alabama may be questioned. And this not so much because of race prejudice in that State as because of the actions and outgivings of some members of counsel for the defense. Reference is particularly to Samuel Leibowitz of New York, engaged by one or two radical organizations in that city. If these organizations are to continue to employ lawyers to defend the Negroes they should realize the wisdom of dispensing with the services of Leibowitz.

NORFOLK, VA.
VIRGINIAN-PILOT

JUN 24 1933

Twilight of the Scottsboro Case

Judge Horton's setting aside of the conviction of Haywood Patterson, one of the Negro defendants in the Scottsboro case, marks the beginning of the end of this notorious prosecution. He was convicted mainly on the testimony of one of the two white girl hoboes who figured in the episode in the freight car, the other one having abjured her original concurrence in the accusation and told the jury in the Haywood trial that the accused Negroes were not guilty of the crime charged. Judge Horton, allowing the motion of the defense that the conviction of Haywood be set aside, holds that the testimony of the prosecutrix was not corroborated and that it "bears on its face indications of improbability and is contradicted by other evidence."

Since it is certain that the testimony of the prosecutrix will be no better corroborated at any future trial than it was in the trial of last April, Judge Horton's present condemnation of this evidence as untrustworthy practically insures the collapse of any further efforts to procure a conviction. The opinion is that of a judge who presided over a tempestuous case with such conspicuous fairness that he earned the praise of counsel for both sides and the commendation of the entire American press, Alabama's included. His appraisal of Victoria Price's trustworthiness as a prosecuting witness is not one that can be ignored by any judge who may be assigned to the case in the future, and will assuredly play an important part in any consideration an appellate court may have occasion to give the case should a retrial of Haywood Patterson result in another conviction and appeal. Practically speaking, the Scottsboro case is now in a state of collapse. A few scenes remain still to be enacted, but the curtain is not far off. When it falls all the defendants will be free.

In so far as the Virginian-Pilot has been able to discern the truth about the freight car episode from the testimony adduced during the Scottsboro and Decatur trials, such a termination will be in accord with justice. Whether the accused be white or black, the judicial process can have no other objective. Courts are not instituted for the purpose of keeping any racial elements "in their place." Neither is it their mission to preserve ruling castes in their fancied prerogatives. Their reason for being, in the South as elsewhere, is to apply to all persons within their jurisdiction the equal protection and penalties of the law with that complete disregard of racial or social prejudice that is prescribed by the Constitution. That, we are satisfied, is what Judge Horton, as one of the instrumentalities of Alabama's judicial system, has done. It should be a matter of deep satisfaction to Alabama that justice is about to be done in this highly disturbing and highly unpleasant case through its own courts, even though it is true that if the Supreme Court of the United States had not intervened, that satisfaction would have been denied it.

UNION CITY, N. J.
HUDSON DISPATCH

JUN 27 1933

Inspiration for Justice In the South

The cause of justice has been given a new inspiration in the South by the decision of Judge Horton in granting a new trial to Harris Patterson in the famous Scottsboro case. It takes unusual courage for a judge in the South to grant justice to Negroes. The unfortunate part of the decision is that the case has been sponsored by Communists. However, the South by its attitude against justice for Negroes has invited just that much embarrassment

Bristol, Va., Herald-Courier
July 12, 1933

T26

The "Scottsboro Case."

Haywood Patterson and possibly others of the nine young Negroes involved in the "Scottsboro case" are expected to be placed on trial again at an early day. All of the defendants have been tried and convicted and sentenced to death, and Patterson has been tried and convicted a second time since the cases were remanded for a new trial.

At the first trial Mrs. Victoria Price and Ruby Bates, two young white women, testified that they were criminally assaulted by the Negroes while returning from Chattanoooga to Scottsboro in a box car of a freight train. It was on this testimony that all of the defendants were convicted. At the second trial of Patterson, Mrs. Price stuck to her first story, but the Bates girl, who had been mysteriously absent from the community for some time, appeared as the trial was closing and repudiated the testimony she gave at the first hearing. Reports stated that she had been in New York City, where the Civil Liberties Union and the International Labor defense have their headquarters, and returned to Scottsboro or Decatur "very much dressed up."

Judge James E. Horton of Athens, who presided at Patterson's second trial, set aside the death sentence imposed by the jury, holding that the "evidence greatly preponderates in favor of the defendant." That, presumably, was because the Bates girl changed her story. Judge Horton in his written opinion called attention to the fact that while Orville Gilley, a young Negro of Guntersville, Alabama, was supposed to have been an eyewitness to the alleged attacks, the State had not placed him on the stand. It appears that the prosecution was unable to locate Gilley during the Patterson trial. A recent report from Montgomery stated that he had returned to Alabama and reiterated his statement that he witnessed the attacks and had given Attorney-General Knight an affidavit purported to corroborate the story of Victoria Price.

The Civil Liberties Union or the International Labor Defense, or both, will continue to employ council to defend the accused Negroes. Former United States Senator Heflin of Alabama has offered his services to the Attorney-General in having Judge Horton removed from jurisdiction in the case. The outlook for a fair and an orderly trial of the Negroes, and for an early ending of the "Scottsboro case," is not encouraging.

Columbus, Miss. Dispatch
August 3, 1933

ALABAMA'S CURSE

THAT trouble making body—The International Labor Defense League, with headquarters in New York City—has invaded Alabama again and as a result trouble has arisen in the execution of justice in the courts of that state.

This organized body from up north is remembered for its repeated interference in the famous Scottsboro, Ala., case of nine negroes held for attacking two white girls and the repeated attempts of the courts to dispose of these charges.

Now comes the I. L. D. again and at Tuscaloosa their lawyers attempted to interfere in defending a negro boy held for the murder of a young white girl.

The presiding judge in this case postponed the trial after ruling that the I. L. D. barristers could not appear as defense attorneys as the defendant did not desire them and in order to protect them from any mob violence they were given a military escort to Birmingham from which point, it is hoped, they will catch a train north for their home and stay up there.

Alabama has shown itself for years as capable of rendering justice in its court. No mob violence has appeared in the Tuscaloosa case against the negro boy and the citizens of that town were content to let the courts decide the fate of this accused murderer.

It is high time that some action be taken to keep the I. L. D. bunch out of our southern courts for they only tend to stir up trouble and thwart the execution of justice.

Alabama's curse has become the South's problem and this inter-sectional legal interference will only tend to make matters worse unless the practice is halted immediately.

The patience of a people will last only so long and after that the I. L. D. had better look for a cooler climate.

DONE DECENTLY AND IN ORDER

Advertiser
9-22-33
Montgomery
Ala.

Montgomery County was at its best in its conduct with regard to George Meadows and Frank Jackson, indicted for highway robbery and assault upon a young woman, and tried on the indictment for highway robbery.

Here was a situation that appealed powerfully to the mob spirit. Men and women were stirred deeply by what had occurred.

Yet our Montgomery people restrained themselves. They believed that the law could be trusted to do its full duty, and so they did not attempt to take the law into their own hands.

Promptly and swiftly, but not too swiftly, a Montgomery grand jury brought indictments against the offenders.

With equal promptness and swiftness, a Montgomery County petit jury put these offenders to trial, and convicted them, and a Montgomery County judge pronounced the death penalty upon them.

There was no disorder at the trial. There were no threats of mob violence. The Sheriff of Montgomery County and the Chief of Police of the City of Montgomery, put enough men on guard against the possibility of mob violence to insure order, and there was no difficulty.

It was not necessary for the Governor of Alabama to call out the National Guard. The people of Montgomery County are plainly disposed to be orderly and law-abiding.

There does not seem to be any ground for reasonable doubt of the guilt of these men. The fact that they were indicted quickly and tried quickly is no evidence that they were railroaded.

The fact that Montgomery County did not attempt to organize a mob is creditable to this county. Montgomery is accustomed to acting creditably in such circumstances.

Tuscaloosa, Ala., News
September 19, 1933

Editorial Of The Day

(The Anniston Star)

HULL HOUSE SETTLES THE SCOTTSBORO CASE

HULL HOUSE in Chicago has become famous throughout the world because of the fact that it is the nucleus for one of the finest adventures in social settlement work undertaken in this generation. It is inseparably connected with the name of Jane Addams, conceded to be one of the foremost of American women, and has become a center of attraction for visitors to the fair during the celebration of the Century of Progress.

But all who have visited Hull House have not come away in a pleasant frame of mind. A case in point is furnished by a well-known Annistonian who was there recently and found that this noted institution was being used for the purpose of stirring up race prejudice and casting aspersions on the courts of this state. The gentleman in question brought back a prospectus of a meeting that was held on September 5 under the auspices of the Chicago Scottsboro Action Committee, reading as follows:

"The purpose of the meeting is to acquaint professional people in Chicago with the facts concerning the conviction of the Scottsboro boys of a crime which no unprejudiced person believes they committed. There is wide-spread feeling that these boys have been convicted not because of the alleged crime of rape but because of the color of their skin.

"Professor Robert Morss Lovett is chairman of the Chicago Scottsboro Action Committee. Speakers for the meetings include Ruby Bates, the principal witness for the prosecution, who at the second trial exposed the frame-up and declared the boys innocent; Mrs. Ada Wright, the mother of the youngest of the boys; Llewellyn Jones, well-known journalist; Thyra Edwards and A. G. Falls, M. D."

It is to be regretted that Miss Addams and her backers should allow the famous Hull House to be used for so partisan a purpose as this meeting probably proved to be. She probably is suffering from the same ignorance of Southern conditions that characterized Lady Perkins, Secretary of Labor, in her famous intimation that the people of this section do not wear shoes. If Miss Addams would come down to Alabama and sit in on one of the hearings of the Scottsboro case, she might conclude, as does Elmer Davis in the August Harper's, that there was no more of racial prejudice in the trial of this case than there was in the notorious Sacco-Vanzetti case in the East, or in the unpardonable race riots of a few years ago in Chicago.

The people of Alabama have an open mind as to the guilt and innocence of the Scottsboro boys, but they resent the exploitation of Ruby Bates and others who were involved in the case by the pink Socialists of the North, and Miss Addams should have studiously avoided becoming involved with this class of our citizenry.

Alabama.

4250

Lynchings-1933

Legal ~~Pun~~ishment for Rape.

Star Scottsboro Witness Comes Back To Testify

Orville Gilley, Who Looked On At Crime In Gondola Returns From California

Says Ruby Lied

Volunteers Affidavit That Negroes Held Attacked Two White Girls On Car

Advertiser 6-24-33

By GEORGE L. DAVIS

Orville Gilley, missing star witness in the Scottsboro case and designated as the only white man to witness the alleged attacks by 12 negroes on Victoria Price and Ruby Bates, has returned to Alabama to testify for the State, it was learned yesterday.

The Attorney General's office yesterday confirmed reports from Athens, Ala., that Gilley appeared there Thursday and conferred with Atty. Gen. Thomas E. Knight, Jr., and Thomas L. Lawson, assistant attorney general.

Gilley, it was learned, submitted an affidavit in which he declared that he was aboard the gondola on the freight train with the girls and negroes; that he witnessed the attacks on both Victoria Price and Ruby Bates and declared that the nine defendants subsequently arrested at Paint Rock, Ala., committed the assaults.

The Attorney General's office declined to reveal the full details of Gilley's sworn statement but declared that in virtually every detail his affidavit corroborated the testimony of Victoria Price.

Left After First Trial

Gilley explained his absence by declaring that when the first trials were concluded that he thought the case was closed, and that only upon his recent return to Alabama did he learn of the subsequent developments, including the testimony of Ruby Bates in the second trial, to the effect that neither she nor Victoria Price was attacked. Gilley said he had been in California and in other parts of the country and would be present to tell the truth when the next trial is called.

Failure of the State to produce Gilley in the second trial of Heywood Patterson, alleged ringleader in the case, drew criticism from the press of the country, and on Thursday from Judge James E. Horton, of the Morgan Circuit Court, in granting Patterson a new trial.

Atty. Gen. Knight was out of the city yesterday and could not be reached for a statement. At his office, however, it was stated that "The prosecution of the Scottsboro cases would not be abated," and hope was expressed for an early new trial of Patterson.

Patterson's next trial probably will be called in August or September, it was said.

Important Testimony

The importance of Gilley as a witness was emphasized by the testimony of Ruby Bates in the second trial, who repudiated her testimony in the first trial, the State being forced to rely principally upon the testimony of Victoria Price and the defendant Patterson's testimony in the first trial, to obtain a conviction.

In the first trial the defendant Patterson testified that he did not attack the girls but that he was on top of a boxcar that overlooked the gondola in which the girls and negroes were riding. He testified in his first trial that he witnessed from the top of the boxcar the fight between the negroes and the white men, in which all white men, except Gilley, were thrown from the gondola and that he saw the negroes attack the girls.

This testimony of Patterson's in his first trial, and a part of the record before the Alabama Supreme Court and the United States Supreme Court, was introduced in evidence in Patterson's second trial and Patterson, in his second trial, made a sweeping denial of his testimony in the first trial.

Adv. 6-24-33

In the first trial Gilley was used as a witness but was only questioned regarding the fight that took place between the negroes and the white men aboard the car. The Attorney Generals department did not participate in the first trial which was at Scottsboro and was conducted by the solicitor of the Jackson Circuit Court.

Montgomery Ala.

Since the time Atty. Gen. Knight has endeavored to locate Gilley who because of his wanderings was as elusive as an eel. Gilley is a true "knight of the road" who profoundly abhors work and who since March, 19[illegible], has been "bumming" his way over the county. Much of his time since then, it was said, has been spent in California.

Judge Horton, who presided at Patterson's second trial, in granting Patterson another new trial Thursday questioned the credibility of Victoria Price's testimony. He declared her testimony was "contradictory, often evasive" and lack corroboration by the other girl in the case, Ruby Bates, who has repudiated her first story of the attack.

"Evidence," he said, "greatly preponderated in favor of the defendant."

Heflin Scores Judge.

From Lafayette, Ala., yesterday J. Thomas Heflin, former United States Senator, forwarded a copy of a telegram sent Attorney General Knight in which he offered his aid "in having Judge Horton relieved from further consideration of these cases."

His telegram to Atty. Gen. Knight follows:

"I share with you the keen disappointment and resentment that you feel over the strange and amazing action of Judge Horton in the Scottsboro rape cases, and I will be glad to assist you free of charge in having Judge Horton relieved from further consideration of these cases and in having another judge appointed to try the Scottsboro negroes. This dallying with the Scottsboro rapists is a humiliating insult to the white race in Alabama and the very worst thing that could happen to the law abiding negroes of this state. It is putting wicked thoughts in the minds of lawless negro men and greatly increasing the danger to the white women of Alabama.

"Let justice be done and done speedily so there will be no more bribing of witnesses and brazen interferences with court trials for rape in Alabama."

RABBIS ON SCOTTSBORO

MILWAUKEE, June 23.—(AP)—Citing the Scottsboro negro trial as an example of "social and racial injustice," and the rule of Chancellor Hitler in Germany as a "threat to world peace," commission reports offered at the convention of the central conference of American Rabbis, today urged Jews to give their best thought to these problems.

Rabbi Edward L. Israel, of Baltimore, Md., read the report of the conference committee on social justice. It condemned "conditions existing in several sections of our land which seem to offer evidence of the inability of the negro to secure economic or civil justice.

The subject was the outgrowth of a rift between the congregation Beth-Or, of Montgomery, Ala., and its rabbi over the rabbi's expressions and activities in the Scottsboro case.

Rabbi Morris Newfield, of Birmingham, Ala., president of the conference, deplored a lack of unity of American Jewry in meeting the problems created by Hitler's anti-Semetic activities.

THE POOR WHITE.

The poor white, as well as the Negro, is a victim of social injustice in the Southland. This fact is not generally known in the North where the impression prevails that the only economic serfs are of dusky hue. In last Sunday's issue of the Mirror, Ruby Bates, one of the principals in the Scottsboro case, gave a true picture of the lowly life lead by a class of white Americans looked down upon by both educated and illiterate Negroes.

Ruby Bates says she was a slave in Alabama, as were her mother and grandmother. To quote her word for word:

> My mother has often repeated to me how her mother had often said to her: "I have been a slave all my life ever since I can remember." And my mother has often told me that she had been nothing but a slave all her life. She didn't know what pleasure was and she never got anywhere. She had to stay home and all the time work. She was not let to play with other children. My mother has often told me that her life wasn't any different from her mother's life. And my life hasn't been much different from my mother's life. I have been nothing but a slave for other people.

The mother of Ruby Bates did not go to school until 11 years old, and then for a short time under the most adverse conditions. The daughter saw very little of the class room. When five years old she had to take a 24-pound flour sack, throw it across her shoulders, go into the cotton field and pick cotton. She had to fill the sack seven times a day. From place to place her father would move to eke out a miserable existence as a sharecropper.

At 8 years old Ruby Bates relates that she had to do the washing when her mother was sick. After cleaning up she would work in the fields until ten o'clock. Then she would return to the house and cook dinner. Following the scanty meal she returned to the field and labored until it was time to get something together for supper.

Describing her father as a drunkard who fought with his brother, whipped his son and was jailed, Ruby Bates tells of the family fleeing to another town to get away from him. Her mother took in washing and ironing and the children at times did not have a change of clothing. After getting out of jail, Bates followed them, took what little clothes they had which he gave to some other woman he had taken up with, and her children.

The Bates family represents a type of citizenry that abounds in the Southland which does more to keep back the wheels of progress than any other factor. It is responsible for lynchings and an easy prey for unscrupulous politicians seeking to arouse racial ill-feeling by raising the "race equality" issue. Ignorance is rampant among these people. Their outlook on life is so sordid and twisted that they are sore and bitter with the world. They are the South's biggest problem; not the Negro.

'Scottsboro' Negro's Retrial Ordered by Alabama Court

ATHENS, Ala., June 22.—(AP)—Twice convicted and sentenced to death, Heywood Patterson, one of the nine negro defendants in the Scottsboro case, today was granted a third trial by Judge James E. Horton.

In a lengthy opinion the jurist who presided at Patterson's second trial when he was convicted in Morgan circuit court at Decatur, April 9, on a charge of attacking Mrs. Victoria Price, held "that evidence greatly preponderated in favor of the defendant."

The decision was on an application for a new trial filed by defense counsel and Judge Horton permitted no arguments, launching immediately into reading his 26-page opinion. After he finished the judge said trial of Patterson and the other defendants would not be set before late August or in September.

Attorney-General Thomas E. Knight Jr., directing the prosecution, previously had asked that the trials be set for an early date, saying "the state is ready at any time to begin a new trial."

Patterson originally was convicted in Jackson circuit court at Scottsboro in April, 1931, and was the first of the negroes to be retried after the United States supreme court set aside verdicts returned there on grounds the defendants were not properly represented by attorneys.

Reading from the long opinion, Judge Horton said "as heretofore stated, the law declares that a defendant should not be convicted without corroboration where the testimony of the prosecutrix bears on its face indications of unreliability, or improbability and particularly when it is contradicted by other evidence."

Repudiated Testimony.

Ruby Bates, second victim of the alleged attack aboard a Southern Railway freight train as it rumbled through the hills of north Alabama, appeared dramatically at the second trial of Patterson in Decatur and repudiated testimony she gave at the first trial in Scottsboro. The alleged attack occurred as the girls, clad in overalls, were hoboing from Chattanooga to their home at Huntsville, Alabama.

"As human life is at stake," Judge Horton said in his opinion, "not only this defendant but of eight others, the court does and should approach consideration of this motion with a feeling of deep responsibility and shall endeavor to give it that thought and study it deserves. . . . Deliberate injustice is more fatal to the one who imposes than the one on whom it is imposed."

Explaining he had studied law and evidence in the case for many days the judge cited decisions of both the Alabama supreme court and the court of appeals in similar cases where reversals had been obtained because of uncorroborated evidence given by the prosecutrix and holding doubt as to the credibility

Considers Evidence.

"The court of necessity will consider in detail the evidence of the prosecutrix, Victoria Price," the opinion continued, "to determine if her evidence is reliable or whether it is corroborated, or contradicted by the other evidence in the case.

"History, sacred and profane, and the common experience of mankind, teach that women of the character shown in this case are prone for selfish reasons to make false accusations both of rape and of insult, upon the slightest provocation or even without provocation for ulterior motives.

"These women are shown by a great weight of evidence, on this very day before leaving Chattanooga, to have falsely accused two negroes of insulting them, and of almost precipitating a fight between one of the white boys they were in company with and two negroes. This tendency on the part of the women shows they are predisposed to make false accusations upon any occasion whereby their selfish ends may be gained."

Cites Doctor's Testimony.

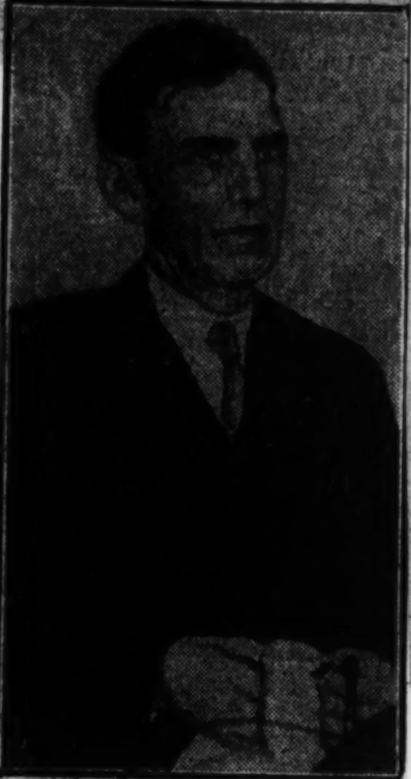
Judge Horton went into the testimony of Dr. Bridges, who examined the women at Scottsboro, which he said failed to show that Mrs. Price had been attacked.

Judge Horton said that of the seven white boys on the train and in the fight none was put on the stand "except Lester Carter and he contradicted her."

The witness, the judge said, had testified to seeing Victoria Price commit acts of adultery with Jack Tiller and that the prosecutrix had admitted knowing Tiller, whom Carter identified in court.

"Lester Carter stated that he was one of the seven boys engaged in the fight and that he did not see a single knife or pistol in the hands of the negroes," said Judge Horton. "And although these seven white boys were kept in jail at Scottsboro, no one testified to any knife or pistol wounds on any of them." Victoria Price had testified in both trials that the negroes were armed with knives and a pistol and during the alleged attack one of them held a knife at her throat."

Grants Retrial



JUDGE JAMES E. HORTON.

N. Y. EVENING POST

JUL 3 1933

WELL-WRITTEN BUT ENTIRELY BEYOND US IN ALL ITS IMPLICATIONS

To the Editor of the Evening Post:

Sir—A judge in the Southern State of Alabama has granted a new trial to a young Negro, twice convicted of an attack upon a white girl. Proceeding on the theory that a great human action is always simple and unclouded by motives, it is obvious to any one but an inquisitive and pestiferous being that such a gesture is beyond examination. Yet it was not too much to expect of your editorial writer the impudence of observing that if the judge had not done what he did, the Supreme Court would have been called upon to inject legal adrenalin in the dying body of the Civil War amendments; that, if the Supreme Court performed that delicate operation, the South would be as pleased as an heir watching an ancestor recover from an illness; that the South, like all civilized communities, knows and cherishes "face"; that Judge Horton be sent as delegate to the sacred Japanese universities of "face"—he may teach them a thing or two about the subject.

ARTHUR SCHUTZER.

Brooklyn, June 24, 1933.

Morn. Tennessean

NASHVILLE

TENNESSEE

JUN 30 1933

Editorial the of Day

ANOTHER SCOTTSBORO DECISION

Judge James E. Horton, in the Alabama court in which the first of the Scottsboro negro defendants had a second trial and second conviction with death sentence, has set aside the verdict. In his decision he says that the jury came to a conclusion at variance with the evidence, the preponderance of which was in favor of the convicted defendant. In the second trial of these young ~~negroes,~~ removed from the scene of their first trial to remove it from prejudices and passions, only one witness, one of the white hobo girls, stuck to the story which brought conviction in the first instance. The other woman repudiated her story and the prosecution declared that she had been tampered with by the New York radical organizations which had undertaken the defense.

It has been a tradition in parts of the south that the story of a white woman is proof against any denials or even any evidence to the contrary in such a case. The methods used by the New York defense attorney and committee were ill calculated to permit justice to keep the upper hand in a trial necessarily confronted with the deepest racial prejudice and preconceptions. It was observed at the time that the defense by indicting the people themselves was preventing a free exercise of justice, troubled as its course would have been at best.

Judge Horton's decision granting a new trial indicates that the legal purpose of the south is to prevail not only against the passions of the easily aroused people of a community but in spite of the provocations afforded by violent criticism. Criticism is hard to stop when any section of the country permits violence to pay little heed to humanities and rights, and it is sometimes the case that this criticism only stiffens the purposes of the people at fault. But the bar and the judiciary in the south show a determination to make law the rule, even when community sentiment is deeply stirred and impatient to punish, regardless of evidence and lawful proceeding. The administration of justice in the control of such men will prevail. The south is developing a sensitiveness on that subject and Judge Horton expressed it.—Chicago Tribune.

Leibowitz's Misplaced Praise

Daily Worker 6-26-33

New York, N.Y.

SAMUEL S. LEIBOWITZ, trial lawyer in the Patterson trial, in commenting on Judge Horton's decision, is reported in the New York Times as having said that "the South is to be congratulated in having as one of its jurists that courageous, brilliant lawyer, James E. Horton. From the very start I felt that the courts of Alabama would never uphold the verdict of guilty returned by the jury in the Decatur courtroom."

This statement by Leibowitz at the present time will no better serve the defense fight than the statement he made immediately after the Patterson verdict, in which he characterized virtually the entire South as "lantern-jawed morons."

Mr. Leibowitz, who—in pursuing the line of the I.L.D.—so skillfully bared the whole system of lynch justice in the South, should know that Judge Horton **received his orders** at the time he renied the defense motion to set aside the Patterson verdict and that he **received his orders** once more when he decided yesterday to order a new trial for Haywood Patterson.

Let there be **no illusions** on the subject: Judge Horton's decision does not automatically free the nine innocent Scottsboro boys. Although by his own words regarding Victoria Price, Judge Horton practically is forced to admit that the frame-up against the Scottsboro boys rests on the flimsiest of foundations, nevertheless the bosses of Alabama will not so easily relinquish their victims. To talk otherwise only strengthens the hands of the lynchers.

Lynchings-1933

Legal Punishment for Rape.

Alabama

4251

Afro-American 4-22-33

Says White Christian God Must Be Southerner and Capitalist

Davis Lee Thinks Decatur Trial Proves Breakdown of Christianity As It Is Practiced by the White South. "White Heaven and Hell Hokum" Used to Exploit People Further, He Says.

By DAVIS LEE

The outrageous verdict in the trial of Haywood Patterson at Decatur, Alabama, has caused every intelligent [illegible] blood to curdle with anger.

But let us pause a moment. Where is that god of the white Christians that our people rave and froth at the mouth about? That God that we in the United States built 52,000 churches to serve, that one for whom we make every sacrifice? The old Bible-backs will have to give us young men more evidence of a true God, a just One, or our church and its white Christianity is doomed as far as we are concerned.

Young people have listened with extreme fortitude to their absurd and asinine ravings about their white God, but from the treatment accorded us, the way that innocent members are lynched and crucified on the cross of prejudice and white supremacy, we are forced to the conclusion that Christianity is a huge joke, and only serves to further the unjust oppression and exploitation of us, and that this god is a myth.

No people on earth are persecuted, abused and shamefully, ruthlessly exploited as we are. And there are no people on earth so deeply religious. Surely if the white Christian god is any god he ity would offer some protection to his little black lambs, as an incentive to further obedience if nothing else, and save them from the mobocrats.

Just how long are the people going to remain blindfolded to the obvious? How long are they going to embrace so tenaciously a doctrine that is an insult to intelligence, that has enslaved them for thousands of centuries and today is used by others to exploit them?

Decatur a Blow to White Christianity

The Decatur fiasco is one of the greatest blows that Christianity has ever received. It has not only caused us to think, but has demonstrated conclusively that if there is a god he must be a southerner and a capitalist.

We are discriminated against segregated, oppressed and exploited by the white man because of our religious and superstitious susceptibilities. Our religious credulity helps him to impose such injustices. Ignorance and superstition are the parents of religion and Christianity. They are carbuncles on the neck of human progress. Religion is the tool used by the Heflins and Bleases to keep the Negro in servile subjection, and the Negro minister and other religious disseminators are innocent and ignorant conspirators to this end.

A Little Evidence

If the white Christian leaders hope to keep the Negro youth shackled to the cross of their fallacious doctrines, they will have to first produce a little evidence of a god, instead of wasting valuable time in the indulgence of hagiological orgies.

People say believe in the white god because they do not understand the laws of nature. The mystery of creation and other equally as confusing and perplexing phenomena forces the average person to the conclusion that there must be a God. The mind is insusceptible to scientific knowledge. The person who believes in such hokum lacks the power of reason and shuns logic because it brings him face to face with reality. I have met folk who would rather believe in a white god because such belief, no matter how absurd, took the bitterness out of life. The life-after-death belief removes the drudgery and monotony of one's existence which is supplanted with false hope and faith.

Youthof Today

This false hope and faith have been the prop upon which our black people have leaned for three centuries. But the youth of today is not going to kid his way through life with the prop of false hope and faith. Only a fool wants to go through life propelled by false hope and faith. The intelligent person wants to learn as much about these mysteries as he can, and he will not accept the beliefs of others and be content. He will exhaust every bit of available information and then use his own power of reason to decide what he shall believe and what he shall not believe.

This writer has sat and listened to religious morons shouting "you can take all dis ole world, but gimme Jesus!" and that is why they cannot obtain a fair trial for those nine innocent boys.

Righteousness or Knowledge

We "thirst" too much after righteousness and not enough after knowledge, and in this lies the source of all our troubles. Ignorant but well meaning black mothers and fathers preach and inculcate the white heaven-and-hell hokum into their progeny, and the children naturally accept such teaching as true without investigation or thought. Filial respect faith and confidence prevent them from delving below the surface for the truth. They appear content to have others do their thinking and chart their future modes of living.

Few More Trials

But a few more trials like that of Patterson of Decatur, will contribute much to the collapse of white Christianity and usher many new recruits into the ranks of the antis; and even if the nine boys do pay the supreme penalty for an offense they did not perpetrate, they will not have lived in vain.

The newspaper has contributed much to the enlightenment of a grossly ignorant and backward group, but it will not be able to do what it should until we young people of the craft purge journalism of those old narrow-minded, intolerant and bigoted Bible-backs that grace the editorial tripods of 90 per cent of our papers.

Out and in Dates

If we had a few more Eugene Gordons, Langston Hugheses, George S. Schuylers, Arnold DeMilles, L. F. Coleses, Willian N. Joneses, Frank Marshall Davises and "fewer" Kelly Millers, Gordon Hancocks, DuBoises, William Pickenses and the rest of that outdated clan, we could probably, in a decade or so, eradicate much of the ignorance and superstition now extant, and be able to obtain fair and impartial trials for members of our group even in Alabama.

Baltimore, Md.

Advertiser 6-20-33 Montgomery Ala

NEW LITERARY LUMINARY

Miss Ruby Bates, formerly of Huntsville, Ala., and other points but now nobly of New York City, has become a writer.

Her first and latest contribution is not without literary merit. It is a colorful account of her life, and times, touched here and there with comment on the celebrated Class Strife in the South.

The New York Daily Mirror, in which her touching story is printed, has illustrated the article with elaborately-colored photographs of Miss Bates, cabins and cotton blooms.

On the front page of The Mirror appears a caption under a picture of the author, which announces: "Miss Bates, as many other women of the South, occasionally dips snuff." Just when the announcement was made, we do not know. However, the photograph was not examined closely.

Miss Bates says she does not like the South and does not expect to return to Alabama. Somehow she seems to think that Alabamians failed to "understand" her pilgrimages to the North.

Judged without bias it must be said that under the circumstances, her work is nearly perfect so far as literary merit is concerned.

The language is simple and direct. And unlike too many personal essays on the South it does not suffer from over-use of finely-polished phrases.

The young authoress, however, is more an artist than a factual reporter. She perhaps would do better with pure fiction, if you know what we mean.

One thing we can say for the male sob sister who ghosted the story for the girl is that not once is the phrase "You-all" used, although the "quaint Elizabethan English as it is spoken in the South" was more or less abused, we think.

For those who have a strong stomach and a heavy sense of humor, the article is recommended.

What The South Does With White "Scottsboro" Boys

THE most depressing thing about the Warrenton, Va., trial of four white men on charges of attempting to rape a 14-year-old colored girl was the openly asserted theory that the violation of the person of a colored female by white men does not constitute rape.

Throughout the trial, Mr. Flynn, white Virginia defense attorney, using insulting epithets to refer to Negroes, argued that the assaulting of colored girls by white men is no crime, and that he had never heard of such sexual relations being termed rape.

If Mr. Flynn had read this law he would have seen nothing in it saying that rape was a crime depending on the color of the victim. But Mr. Flynn did not want to deal with justice and law. He wanted to appeal to the prejudices of the jury in order to have his clients benefit by a miscarriage of justice. Proof of this intention on his part is seen in his questioning each juror if he had been born and reared in Virginia.

Having asked this question, the defense attorney said in his argument:

"I ask you, gentlemen, if you were born in Virginia, because if you were you would know now the d—— stretch their imaginations and you could realize how this tale has spread until it engulfs these four white men.

"I was born in Virginia and I have never heard of a WHITE man raping a d—— girl in this state. If we put all the good white boys in the pen who have fooled with d—— girls we would have some GOOD white men in the penitentiary."

The impunity with which white men can violate colored women in the South must be based on some unwritten law such as this. It is not often that it is so openly used as a defense for white men accused of the heinous crime.

Perhaps it is such an unwritten law which won fredom for Mark Robinson, white, on a charge of criminally assaulting a 17-year-old Greensboro, N. C., girl recently, after luring her away from her home on the cruel pretxt of having a job for her in his parents' home.

There were, unfortunately, no eyewitnesses to the crime. Against the straightforward testimony of the young victim, against her positive identification in court of Robinson as her attacker, despite the introduction of no evidence to show the girl was not telling the truth, the accused man set up the alibi that he was at his parents' home at the time of the crime, and officers added that when Robinson was first brought before her at her home she did not then identify him.

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Innocence does not seem to have been clear-cut enough to warrant Judge Thomas J. Shaw to direct a verdict of acquittal as he did. The evidence against Robinson was a hundred times more damaging than that against many colored men who have been sentenced to die on rape charges. Certainly there was a thousand times more reasonable doubt of the guilt of the Scottsboro boys than there was of Robinson's guilt.

Had the victims in these two cases been white girls and the suspects colored boys or men, would such flimsy defense arguments have won the suspects their acquittal? Not a chance. As long as the South holds the crime of rape lightly in one set of circumstances because of the color or race of the victim, just so long will it undermine the firmness of the public opinion which makes our laws effective.

The judge at Warrenton is not reported as having rebuked the defense attorney in that case for introducing his outrageous line of argument—colored women can't be raped by white men—but he was derelict in the extreme in his duty if he did not. It is encouraging that even this unwarranted argument and appeal to race prejudices did not wholly blind the jury in the Warrenton case to the real question, the guilt or innocence of the accused four men. They found them guilty, fixing their sentences at three years each in prison. The judge ruled against a defense motion to set the verdicts aside.

At least then, this Virginia judge and jury were not totally poisoned by a vicious and prejudiced argument on the part of an unprincipled attorney defending men guilty of raping a mere girl.

There are more than 200 philanthropic foundations in the United States, the funds of the 20 largest aggregating more than $600,000,000.

SCOTTSBORO CASE WILL BE RETRIED

Telegraph

Heywood Patterson's Conviction Is Set Aside by Trial Judge James E. Horton

6-23-33

ATHENS, Ala., June 22 (AP)—Heywood Patterson, one of nine Negro defendants in the Scottsboro case, was granted a new trial today by an Alabama trial court—the same one that sentenced him to death April 9 when he was convicted of assaulting a white girl hobo.

Judge James E. Horton set aside Patterson's conviction on contention the testimony of the prosecutrix was not corroborated and "bears on its face indications of improbability and is contradicted by other evidence."

Macon Ga.

"Constitutional law still prevails in Alabama," said George Chamlee, Sr., of Chattanooga, when the decision was announced.

Attorney General Thomas E. Knight, Jr., who prosecuted Patterson, asked the court to set an early date for a new trial.

"The state is ready at any time to begin a new trial and will do so if it pleases the court," Knight said.

Judge Horton said after the hearing that trial of the cases would not be set before late August or in September.

No Arguments Permitted

Knight was visibly disappointed at the decision.

"It is a great victory," said Osmond W. Fraenkel, of New York, another defense attorney. "There are still just judges in Alabama."

Judge Horton allowed no arguments. Chamlee asked Horton if he would consider a motion to dismiss indictments against all the defendants.

The jurist replied: "Such a procedure would be improper."

Patterson, defended by Samuel Leibowitz, of New York, was convicted last April of assaulting one of the two women. He previously had been convicted in Scottsboro, but the supreme court of the United States reversed the decision.

Women's Evidence Dubious

Judge Horton held today that the evidence in the case "greatly preponderates in favor of the defendant."

"History, sacred and profane," said the judge in a slow voice, "and the common experience teaches that women of the character shown in this case are prone for selfish reasons to make false accusations both of rape and of insult upon the slightest provocation, or even without provocation for ulterior purposes.

"These women are shown, by the great weight of evidence, on this very day before leaving Chattanooga, to have falsely accused two Negroes of insulting them . . . The tendency on the part of the women shows they are predisposed to make false accusations upon any occasion whereby their selfish ends may be gained."

The decision throws the celebrated cases back where they were two years ago when nine Negroes were arrested and charged with assaulting the women on a freight train in north Alabama.

Seven Convicted Originally

Seven were convicted. The case of the eighth resulted in a hung jury. The ninth was a juvenile. The supreme court of Alabama upheld the convictions and a cry of "lynch law" echoed around the world and many organizations took up defense of the Negroes.

The supreme court of the United States reversed the decisions, and last April Patterson's case came back to trial. One of the principals came home from New York with a new dress and new story and denied that she was bothered by the Negroes, although she testified at the first trial that she was assaulted.

The jury found Patterson guilty. Leibowitz said the decision was disgraceful. He issued a statement in New York attacking jury systems in Alabama. Knight replied. Judge Horton held Leibowitz had prejudiced his own case by the statement and postponed indefinitely the trials of the other Negroes.

There was no demonstration as Judge Horton made his ruling.

Later he gave juvenile court authority to review the cases of two of the Negroes.

Retrial Granted Negro Attacker

Scottsboro Defendant Gets Third Hearing Because Of Testimony For State

Advertiser 6-23-33 Montgomery Ala

ATHENS, ALA., June 22.—(AP)—Twice convicted and sentenced to death, Heywood Patterson, one of the nine negro defendants in the Scottsboro case, today was granted a third trial by Judge James E. Horton.

In a lengthy opinion the jurist who presided at Patterson's second trial when he was convicted in Morgan County Circuit Court at Decatur, April 9, on a charge of attacking Mrs. Victoria Price, held "that evidence greatly preponderated in favor of the defendant."

The decision was on an application for a new trial asked by defense counsel and Judge Horton permitted no arguments, launching immediately into reading his [illegible] opinion. After he finished, the Judge said the trial of Patterson and the other defendants would not be set before late August or in September.

Atty. Gen. Thomas E. Knight, Jr., directing the prosecution, previously had asked that the trials be set for an early date, saying the "State is ready any time to begin a new trial."

Patterson originally was convicted in Jackson Circuit Court at Scottsboro in April, 1931, and was the first of the negroes to be retried after the U. S. Supreme Court set aside verdicts returned there on grounds the defendants were not properly represented by attorneys.

Reading from the long opinion, Judge Horton said "as heretofore stated, the law declares that a defendant should not be convicted without corroboration where testimony of the prosecutrix bears on its face indications of unreliability or improbability, and particularly when it is contradicted by other evidence."

Ruby Bates, second victim of the alleged attack aboard a Southern Railway freight train as it rumbled through the hills of North Alabama, appeared dramatically at the second trial of Patterson in Decatur, and repudiated testimony she gave at the first trial in Scottsboro. The alleged attack occurred as the girls, clad in overalls, were hoboing from Chattanooga to their home at Huntsville.

"As human life is at stake," Judge Horton said in his opinion, "not only the life of this defendant but of eight others, the court desires to, and should, approach consideration of this motion with a feeling of deep responsibility, and shall endeavor to give it the thought and study it deserves. x x x Deliberate injustice is more fatal to the one who imposes than the one upon whom it is imposed."

Advertiser 6-23-33 Montgomery Ala

Explaining [illegible] studied law and evidence in the case for many days, the Judge cited decisions of both the Alabama Supreme Court and the Court of Appeals in similar cases where reversals had been obtained because of uncorroborated evidence given by the prosecutrix and holding doubt as to the credibility.

"The court, of necessity, will consider in detail the evidence of the prosecutrix, Victoria Price," the opinion continued, "to determine if her evidence is reliable or whether it is corroborated or contradicted by the other evidence in the case.

"History, sacred and profane, and the common experience of mankind teaches that women of the character shown in this case are prone for selfish reasons to make false accusations both of criminal assault, and of insult, upon the slightest provocation, or even without provocation, for ulterior motives.

"These women are shown, by a great weight of evidence, on the very day before leaving Chattanooga to have falsely accused two negroes of insulting them, and of almost precipitating a fight between one of the white boys they were in company with and two negroes. This tendency on the part of the women shows they are predisposed to make false accusations upon any occasion whereby their selfish ends may be gained."

Reviewing circumstances of the arrest of the negroes in Paint Rock, Ala., Judge Horton pointed to the large crowd present and said "while they differed in many details as to the makeup of the train, and the exact car from which the defendant persons were taken, all of which is apparently unimportant, all agreed upon the main fact, that the nine negroes, two white women, and a white boy were taken from the train.

"This undisputed fact constitutes the whole extent of their (the prosecution) evidence, except a statement by Ruby Bates that she had been criminally assaulted, which experience Ruby Bates now repudiates."

Referring to testimony of Orey Dobbins, farmer, of near Stevenson, who testified he saw a fight aboard the train and a woman dragged back into a car, Judge Horton said:

"It corroborates Victoria Price slightly, if at all, and her evidence is so contradictory to the evidence of the doctors who examined her, that it has been impossible for the court to reconcile this evidence with her's." The physician who examined the women when they left the train testified his examination failed to show that Mrs. Price had been attacked.

"Her manner of testifying and her demeanor on the stand militate against her," Judge Horton said. "Her testimony was contradictory often evasive, and time and time again she refused to answer pertinent questions. The gravity of the offense and the importance of her testimony demand candor and sincerity."

Turning to Lester Carter, the hobo who testified he and Jack Tiller spent the night in a wood with Ruby Bates and Victoria Price before the journey to Chattanooga, Judge Horton commented:

"Whether he is entitled to entire credit is certainly a question of doubt, but where facts and circumstances corroborate him, and where the failure of the State to disprove his testimony with witnesses at hand to disprove it, the court sees no reason capriciously to reject all he said."

The jurist also reviewed the testimony of Carter that he, Gilley, and the two women spent the night before the alleged attack in a "hobo jungle" in Chattanooga, contradicting testimony of Mrs. Price that she and Ruby Bates spent the night with Mrs. Callie Brochi, a friend, in Chattanooga.

"The Chattanooga directory was introduced—book evidence—; residents of Chattanooga, both white and negro, took the stand stating that no such woman as Callie Brochi lived in Chattanooga, and had not lived there so far as they knew," said the Judge, adding that no attempt had been made to produce the woman in court to corroborate Mrs. Price's testimony.

Of seven white youths on the train, none said to have participated in an alleged fight with the negroes was put on the stand, Judge Horton said, "except Lester Carter, and he contradicted her (Mrs. Price.)"

"Lester Carter stated that he was one of the seven boys engaged in the fight and that he did not see a single knife or pistol in the hands of the negroes," Judge Horton said, "and, although the seven white boys were kept in jail at Scottsboro, no one testified to any knife or pistol wounds on any of them." Victoria Price testified in both trials the negroes were armed with knives and a pistol and during the alleged attack one of them held a knife at her throat.

The crowd in the courtroom remained quiet and attentive as Judge Horton read slowly from the opinion, and there was no demonstration when he finished.

George W. Chamlee, of Chattanooga, defense attorney, asked the court if he woul dentertain a motion to dismiss "indictments against all these defendants in view of this decision," Judge Horton replied "such a procedure would be improper."

While Atty. Gen. Knight showed his disappointment, defense attorneys praised the action of Judge Horton.

"It is a great victory," Osmond W. Fraenkel, of New York, who recently entered the case, said. Chamlee declared "constitutional law still prevails in Alabama."

Lynchings - 1933
Legal Punishment for Rape

Alabama

4252

Athens. Ala., Democrat
June 23, 1933

INTEREST NOT AT FEVER HEAT

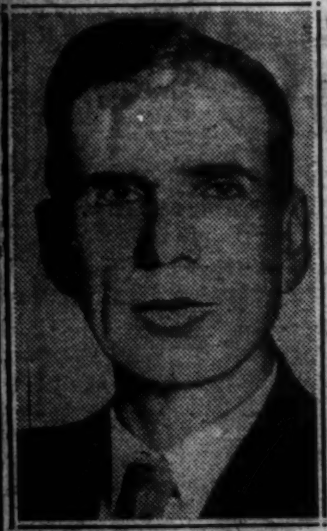
The much heralded "Scottsboro case" brings Athens somewhat into the limelight today (Thursday), as the hearing for a new trial is being held in the Limestone courthouse. Notwithstanding the widely-publicized case little unusual interest has been manifested and the surface of the social and political waters of the county have not been ruffled.

Relations between the two races in Athens and Limestone have been notably harmonious for many years and the thinking element of each race are not willing for the status quo to be disturbed by a criminal case which should have been settled by the law and the evidence and without appeals to prejudice.

NEW YORK DAILY NEWS
JUN 26 1933

JUDGE HORTON'S WISE DECISION

Judge Horton has done the wisest thing he could have done, we believe, in setting aside the guilty verdict against Heywood Patterson, colored Scottsboro, Ala., assault case defendant.



Judge James E. Horton

There was and is a reasonable doubt in this case. Ruby Bates, one of the two white women alleged to have been attacked in the box-car by the nine colored boys, took back her entire story at Patterson's second trial. The judge finds the testimony of Victoria Price, the other white woman, to be uncorroborated, improbable on its face, and contradicted by other evidence. And there is still the fact that when a young lady goes riding in a box-car with hoboes she can hardly expect to be as safe as she would be in a Y. W. C. A. or on a Pullman car reading the Atlantic Monthly.

In view of all these things, there is at least a reasonable doubt whether nine colored boys or any colored boys should be electrocuted for whatever it was that happened or didn't happen to Ruby and Victoria in the box-car. Judge Horton feels the doubt is strong enough to grant Patterson a third trial, some time this Fall.

We think the judge is right. He is right not only from the point of view of justice, but from the point of view of the State of Alabama. Alabama may feel that it can stand all the criticism other States and nations can hurl against it. Maybe Alabama can. But it does no State any good to have its courts and its majority public sentiment held in universal scorn. Ask Mr. Hitler, about six months hence.

The Scottsboro case's developments up to this latest development weren't helping justice elsewhere, either. Their most alarming result was the refusal by Federal Judge Lowell of Massachusetts to allow extradition of a colored alleged murderer to Virginia, on the ground that Virginia's jury system would keep him from having a fair trial. This, though there were strong indications of the man's guilt. Start that kind of interstate legal warfare, and there is no telling where it will end.

Rocky Mount, N. C., Telegram
June 24, 1933

An Alabama Decision

Those who hold that no state has the right to deprive a citizen of his life for a capital offense until all reasonable doubt of his guilt has been removed will find satisfaction in the ruling of an Alabama trial judge that the Negro youth convicted for the second time for a criminal assault on a white woman is to have a new trial. In making his decision Judge James E. Horton, who presided over the second trial of the Negro, said that the preponderance of the evidence was in the favor of Heywood Patterson, the accused, and that the testimony of the prosecutrix, at best of a doubtful nature, had been contradicted.

The case is familar to the reading public. Two white women, hoboing on a freight train, alleged they were attacked by a group of nine Negroes. Seven of the Negroes were tried, convicted and sentenced to die. The jury disagreed on the evidence offered against the eighth and the ninth was remanded to juvenile court for trial. After the Alabama Supreme Court upheld the conviction, the case was carried to the Supreme Court of the United States and a new trial was ordered.

In the second trial of Patterson the prosecutrix repeated the testimony offered in the first trial, but her companion, who first testified that she suffered humiliation at the hands of the Negroes, testified that she had not told the truth in the first instance and that the Negroes were not guilty. Sectional prejudice was aroused because of the statements and the tactics of defending counsel, volunteers to defend the group of eight.

In setting aside the conviction of Patterson on the grounds that his conviction was patently unfair to him, Judge Horton removes any doubt that a colored man in Alabama cannot, if he has a defense, obtain justice. Evidence in this case leaves a strong doubt of the guilt of the nine Negroes and where there is a strong doubt the accused is entitled to such benefits. But if there had been no sentiment against the wholesale execution of the group, they would have been put to death long ago in an Alabama prison. For two years now they have lain in prison. They are ignorant, defenseless against the processes of the courts. Another and a speedy trail should be granted them and some final decision made in the case.

CHICAGO, ILL.
TRIBUNE
JUN 24 1933

ANOTHER SCOTTSBORO DECISION.

Judge James E. Horton, in the Alabama court in which the first of the Scottsboro Negro defendants had a second trial and second conviction with death sentence, has set aside the verdict. In his decision he says that the jury came to a conclusion at variance with the evidence, the preponderance of which was in favor of the convicted defendant. In the second trial of these young Negroes, removed from the scene of their first trial to remove it from prejudices and passions, only one witness, one of the white hobo girls, stuck to the story which brought conviction in the first instance. The other woman repudiated her story and the prosecution declared that she had been tampered with by the New York radical organizations which had undertaken the defense.

It has been a tradition in parts of the south that the story of a white woman is proof against any denials or even any evidence to the contrary in such a case. The methods used by the New York defense attorney and committee were ill calculated to permit justice to keep the upper hand in a trial necessarily confronted with the deepest racial prejudices and preconceptions. It was observed at the time that the defense by indicting the people themselves was preventing a free exercise of justice, troubled as its course would have been at best.

Judge Horton's decision granting a new trial indicates that the legal purpose of the south is to prevail not only against the passions of the easily aroused people of a community but in spite of the provocations afforded by violent criticism. Criticism is hard to stop when any section of the country permits violence to pay little heed to humanities and rights, and it is sometimes the case that this criticism only stiffens the purposes of the people at fault. But the bar and the judiciary in the south show a determination to make law the rule, even when community sentiment is deeply stirred and impatient to punish, regardless of evidence and lawful proceeding. The administration of justice in the control of such men will prevail. The south is developing a sensitiveness on that subject and Judge Horton expressed it.

NEW YORK TIMES

JUN 24 1933

STAR WITNESS FOUND IN SCOTTSBORO CASE

Gilley, Who Says He Saw Woman Attacked by Negroes, Will Testify for State.

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., June 23.—Orville Gilley, missing star witness in the Scottsboro case and sole white man named as having witnessed the alleged attack upon Victoria Price and Ruby Bates by twelve Negroes, has returned to Alabama voluntarily to testify for the State.

This was confirmed by the Attorney General's office here today in making known that "prosecution of the Scottsboro defendants will not be abated."

Gilley has submitted an affidavit corroborating in virtually every detail the testimony of Victoria Price as to what occurred on the freight train, declaring that he witnessed the attacks. He will testify when the case of Haywood Patterson, the first of the nine defendants to be retried, is again called.

Gilley was used by the State in the first trial of the defendants, but he was questioned only regarding a fight that took place aboard a gondola, in which several white men were thrown from the train.

Failure of the State to produce Gilley in the second trial of Patterson drew criticism from Judge James E. Horton, who granted the motion of the defense for a new trial yesterday.

The State explained during the trial that it had been unable to locate Gilley. The itinerant witness is said to have explained to Attorney General Thomas E. Knight Jr. yesterday that he thought the case had been settled at the close of the first trial, and upon his return to the State only recently learned of the subsequent developments.

The Attorney General's office expressed the hope that Patterson's new trial would be called as soon as possible, probably in August or September.

Brooklyn, N. Y. Eagle

JUN 24 1933

Justice Triumphs in Alabama.

The growing idea all over this country that in the sovereign State of Alabama the scales of Justice must be indefinitely unbalanced by Caucasian prejudices; that the sword of Justice must be always misused against accused Negroes; that the blindfolding of Justice must always be mere camouflage; gets a body blow in the courageous, vital and far-reaching decision of Judge James E. Horton setting aside the jury verdict and the capital punishment sentence imposed by him in the case of Haywood Patterson of the Scottsboro group. Patterson is the one defendant who has been retried since the Supreme Court of the United States intervened.

Judge Horton declares the second verdict against Patterson to be utterly contrary to the weight of evidence. It was proposed to send this prisoner to the electric chair on the unsupported word of a train-jumping white woman, contradicted flatly by the other white woman alleged to have been a victim of the same assault. It is noted that the State deliberately refused to call a white man who was in custody and available, and had been an eye witness of what happened.

In the cases of two juveniles in the original Scottsboro group the death sentence has been set aside. The law authorizes their trial only in a juvenile court. Seven of the defendants are now in jail waiting to be retried.

Alabama has a right to be proud of Judge Horton. He is an honor to his State and a credit to the Bar of the United States. The scales of Justice have been upheld, the sword of Justice is free from misuse, Justice is efficient, and Alabama is vindicated.

CANDEM, N. J.
POST

JUN 24 1933

A TORCH FOR SOUTHERN JUSTICE

Southern justice—for long under a shadow in the eyes of enlightened public opinioh—has taken a notable step forward.

Judge James E. Horton has done what few Southern jurists would dare to do; he has taken issue with the race prejudice which has made it so difficult for a Negro to obtain a fair trial in the South.

Judge Horton has granted a new trial to Russell Patterson, the Negro convicted and sentenced to death in the famous Scottsboro case. He has done so, he says, on the ground that the jury verdict was not in accord with the evidence.

The evidence, observes the Judge, "greatly preponderates in favor of the defendant." As to the women who charged the youths with attacking them, he comments:

> "The tendency on the part of the women shows they are predisposed to make false accusations upon any occasion whereby their selfish ends may be gained."

The recent trial of Patterson was admittedly a farce.

But the youth's chances of winning out over racial prejudice were not helped by the efforts of Communists to make capital of the case.

Judge Horton's decision now cleans the slate, and starts the case over again.

That decision is not only a victory for the defense; it is a victory for justice in Alabama.

THE SCOTTSBORO CASE IN THE FILM REVIEWS OF CURRENT MOVIES

"Victims of Persecution" Evades Vital Class Issues; "Life of Jimmie Dolan" Is Typical Hollywood Production

Daily Worker

VICTIMS OF PERSECUTION

New York

7-1-33

THE Scottsboro case has entered the movies! But don't get excited. It came in through the back door and in disguise. The producer, one William Goldburg, thought he would take a double advantage. The Jews are being persecuted in Germany. The papers are full of another persecution in the South. So he produces "Victims of Persecution," in which Hitler and Germany are not mentioned, but whose chief character a Jewish judge running for governor (an orchid for the Lehmans?), holds out against threats and bombs to see that justice is dealt a Negro charged with arson. The Negro, of course, has to be an "educated" Negro, of the "better class." Unfortunately, the Negro is never presented to us and we don't see the case fought. There's a lot of talk in the Judge's private dwelling, badly staged, acted, spoken. The only Negro the audience sees is the Judge's Negro butier, handled in the usual white man's manner, clown and loyal servitor, treated like a member of the household by everyone down to the Jewish cook. She, in turn, is like a daughter to the Judge's aged father-in-law, who has come from the persecutions of Europe to New York en route to Palestine. The Judge's friends seek to hold him from his conscience.

You see, it's the good heart of a Judge and not the mass-pressure of an I.L.D. that has fought for the Negroes in and out of the courts. The mass-pressure of the Judge's fat friend almost persuades the Judge to back out. But in steps grandpop, whose eyes have been burned by powder meant for the Judge, and tells them a story of olden Jewry to prove that it does not pay to sacrifice one's conscience to the welfare of one's people. An attractive fragment of an old film is inserted, only it really proves just the opposite. Who cares? It was a way to save money on production. And after all, a penny saved is a penny earned. Persecutions in Germany persecutions in America, what are they if not opportunities for the Goldburgs and the Paramounts and the Morgans and the Rockefellers to make a little money to keep their home fires burning. In 1929 a similar picture was made by an "independent" with a great many lamentations, hand-wringings and eyes on the box office.

HARRY ALAN POTAMKIN.

NEW YORK TIMES

JUN 24 1933

A VERDICT UPSET.

Extracts published in yesterday's TIMES from Judge HORTON'S opinion, in Alabama, setting aside the verdict of guilty against HAYWOOD PATTERSON as being against the weight of evidence and ordering a new trial, can but heighten the great and general respect which he has won. Many temperate Southern critics of the verdict contented themselves with saying that PATTERSON'S guilt was not proved beyond a reasonable doubt. Judge HORTON, who presided at the trial, holds that the testimony of the prosecutrix was not only uncorroborated but inherently improbable; not merely contradicted but overborne by the evidence for the defendant.

At this distance, at least, from the place and time of the trial there should be no disposition to blame the jury or to doubt its honesty of intention. An atmosphere of heat and passion had been created by ill-judged and immoderate interference from the outside. Alabama is not ashamed but proud of her courts; and she has reason to be. Her people believe in justice. A rare denial of it there as anywhere finds its constitutional remedy. So far as race embroilment is concerned, the Scottsboro region, if we are not misinformed, has had a creditable record.

Whatever blunders have been committed, whatever unfortunate violences of expression have been uttered by counsel for either side in the Scottsboro cases, it seems clear that Alabama is determined that the Scottsboro Negroes shall have a fair trial. If there [illegible] been hasty or prejudiced criticism of her courts, the strong and quiet figure of Judge HORTON, painstaking, keen, impartial, coolly seeking to give just judgment, is a more than sufficient answer.

Lynchings - 1933
Legal Punishment for Rape

Alabama

4253

"My Son Was Convicted Because He Is Black," Writes Father of Haywood Patterson

Daily Worker
New York
7-1-33

(The following is an open letter written by Claude Patterson, father of Haywood Patterson, and published in a recent issue of the Chattanooga, Tenn., "News," a weekly newspaper).

I AM the father of Haywood Patterson, and quite naturally interested in his case down in Alabama and you have recently published editorials in which you expressed the wish that the International Labor Defense, should withdraw from all connection with this case.

I would appreciate giving you and the public through your valuable paper a short history of this case, with unpublished facts that will tend to clarify many things and to correct erroneous impressions about this case.

When this trouble started, and the nine boys were arrested and tried at Scottsboro, they had made no preparation for trial, no witnesses, no employed attorney, and were forced into trial unprepared; convicted by a combination of circumstances, and the public greatly misled by the false testimony introduced on that trial.

THE ARREST

At that time the trouble occurred, a crew of white boys attacked a number of colored boys, threw rocks at them, and provoked a fight in a flat car on a long train of about 50 cars, with nine flat cars in a row; this fight was in flat car number four counting from the rear end of the train and the two women were in flat five, one car ahead of the fight.

When the fight was over and the white boys jumped off except one man named Gilley, he was trying to swing off, but he was about to be killed under the car wheels and Haywood Patterson, Andy Wright and Charley Weems pulled him back up on the train and let him remain there.

When the train reached Paint Rock, Alabama, an order had been sent to arrest all the Negroes on that train, because of this fight.

After they were taken to Scottsboro, the report spread that they had been accused of assaulting the two white women, who were in the flat car in front of where this fight occurred. This report only needed to be started, and the Huntsville Times and the Jackson County Sentinel would do the rest as newspaper correspondents, and from there the news was carried that all the white boys saw the alleged crime, knew all about it, and witnessed it.

NO batch of lies was ever written or penned by the hand of man, than the batch of lies sent out from Scottsboro about these innocent boys and if you will bear with me, I will tell you about it.

In order to make the women swear lies and stick to it they were both locked up in the same jail with the white boys and Colored boys, in separate cells, but why put the women in jail? Put in there to hold them in line and make them tell lies, so Ruby Bates has said.

Why put those seven white boys in jail? Put them in jail to make them swear lies, so Lester Carter says, but not one of the white boys ever testified against my son, Haywood Patterson. Orville Gilley was put in jail but he refused to testify against Haywood Patterson, in Scottsboro, and all the white boys were released and not one of them ever testified in any case against Haywood Patterson. Did they see a crime committed? No, sir. Well, why were they kept in jail at Scottsboro?

They told my son and these other boys that was a frame-up lie and they were not going to testify to such a batch of lies as that was, and they did not testify to it. Not one of the white boys ever took the witness stand against my boy.

When the trial came on, two witnesses, Victoria Price and Ruby Bates, testified against all these nine boys and they were convicts, and while that mock trial was going on, the International Labor Defense had a man from New York sitting in the audience who reported that it was the greatest mock trial ever held in the State of Alabama. This case was held when I was afraid to go to Scottsboro, for fear of mob violence, and I employed George W. Chamlee, attorney, of Chattanooga, Tenn., to represent my son, as he had been my lawyer before that time. Just at that time Mr. Brodsky of the International Labor Defense, and its chief counsel, from New York, came to Chattanooga, and said he would help me pay the expenses of this case on an appeal, and the appeal was taken, and a new trial granted in the Supreme Court at Washington and the expenses of printing that record was about $1,500 alone.

IF it had not been for the International Labor Defense coming to our assistance, quickly, in time to file a motion for a new trial and set up a real defense, the boys would all have been killed, although they were all innocent.

In one of your editorials, you suggested that all we needed was some good Southern attorneys, like Mr. Roddy and Mr. Moody and the boys would have a chance to be acquitted.

Well, Judge Hawkins had them, while the trial in his court was on, and when the State's Attorney got up and shook his finger in the faces of these boys, denounced them, demanded the death penalty for them, no attorney got up and offered one word of argument, or any summation, on behalf of these nine boys, and then a second attorney for the state demanded the death penalty, and Mr. Roddy and Mr. Moody declined to argue the cases.

"WE HAD A TRIAL RECENTLY"

We had a trial at Decatur recently, and the State had one star witness, Victoria Price, an underworld character, who had been convicted in the courts of Huntsville for vagrancy, lewdness and violating the prohibition law; she had broken up the family of Jack Tiller, and Tiller's wife had to take her children and leave him; this woman swore she spent the night at Mrs. Callie Broochie's boarding house on 7th St. in Chattanooga, while Ruby Bates, Lester Carter and E. L. Lewis and Dallas Ramsay all swore she spent the night in the woods on the bank of Chattanooga creek. On her testimony, practically alone with no witness to the facts, and her evidence contradicted by five Colored boys, in addition to other impeaching items against her, a death penalty was pronounced upon my son.

The big lie that Ruby Bates had been bribed. Who bribed her? When and where was she bribed? She has been trying to join the defendants from the first day she was put in jail in Scottsboro. Who bribed Lester Carter? Where did he get this bribe? Why was Carter and Gilley not used on the trial in Scottsboro, if they knew anything material?

"MY BOY SAVED GILLEY"

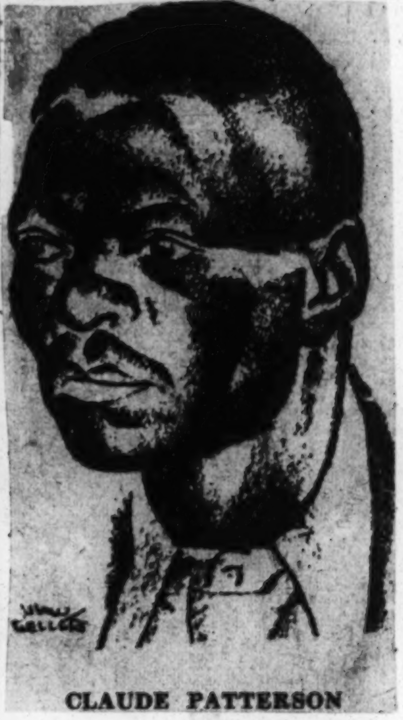
My boy pulled Gilley up on the train to keep him from being killed, while attempting to jump off. Was Gilley afraid of him then? Sure not.

Dr. Bridges testified that two hours after Victoria Price was arrested and put in jail he examined her, that she was not even nervous, hysterical, or that there were any serious hurts, only a few scratches, and no injury, and his testimony did not help her case. Other medical testimony proved no crime was committed.

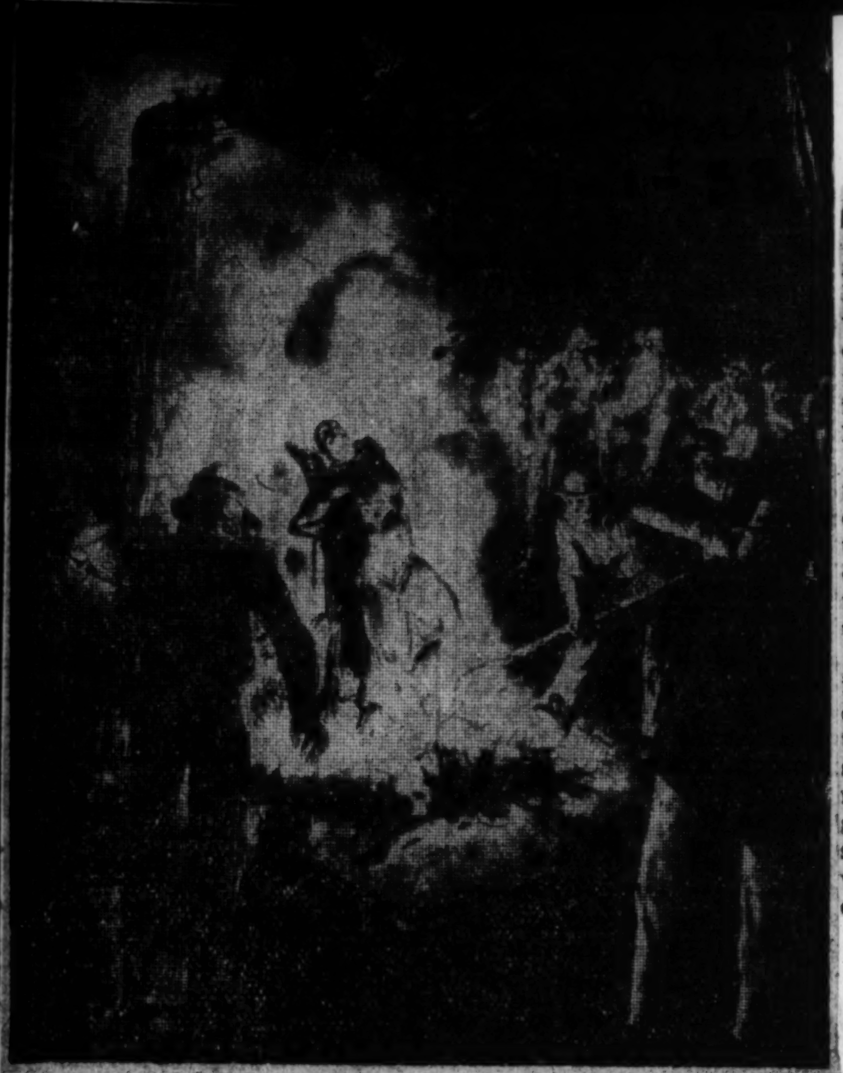
Why did the jury convict Haywood Patterson in Alabama when he is absolutely innocent? Because it was a white woman accusing a Negro boy. If it had been a Negro woman accusing a white boy, he would never have been indicted, or if it had been two Negro girls accusing seven white boys and one Negro woman came up confessing her lies, as Ruby Bates has done, that would have been the end of this litigation.

Haywood Patterson was convicted because he is black. No other reason, no other excuse, no other cause, none wanted, entirely innocent.

Yours truly,
CLAUDE PATTERSON.



CLAUDE PATTERSON



"THE LAW IS TOO SLOW"—From a book of Lithographs by George Bellows.

BALTIMORE, MD.
EVE. SUN
JUN 23 1933

Say This For Alabama

When Judge James E. Horton, of the Alabama bench, yesterday set aside the verdict of guilty rendered against one of the Scottsboro Negroes, he may have been right, or he may have been wrong. But whether he was right or wrong, he exhibited courage enough to disregard local opinion; and when it is known that the judge has courage, the world is much more likely to believe that justice will be served.

It is peculiarly gratifying that it was an Alabama judge, applying Alabama law, who entered a decision not in accord with local feeling. As a matter of fact, Alabama officialdom, throughout this case, has acted a great deal more decently than it has ever been given credit for acting. Some of the prosecuting attorneys conducted themselves disgracefully at certain points in the trials; but throughout, beginning with the original trial in Scottsboro, and continuously since, the judges and the officers of the court, including the commanders of the troops called out, have evinced a disposition to conduct the cases in a lawful and orderly manner.

There may have been a miscarriage of justice. Judge Horton's decision adds weight to the belief that there was one. But there was no lynching with the connivance of the judges and the officers of the law. In view of the records of some other Scuthern States, this fact is one in which Alabama may take just pride.

Even if Judge Horton's decision is right, this remains true; for a miscarriage of justice is possible, even when courts are making a sincere effort to be fair.

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ROME, N. Y.
SENTINEL
JUN 23 1933

New Trial For Patterson

A higher Alabama court has granted a new trial to Heywood Patterson, the young Negro who was recently convicted for the second time as one of the defendants in the famous "Scotsboro case" involving the conduct of several Negroes toward two white women.

Patterson's case had been once to the Supreme Court of the United States and sent back for a new trial, over the rulings of the state courts. Now we have the second verdict overthrown by a state tribunal.

"Constitutional law still prevails in Alabama," exclaims one of the counsel for the defense. Better than that, one might think, the state of Alabama is coming to a new view as to the rights of Negroes under that constitution. It stilll remains to be seen, however, what will be the ultimate outcome of the Scotsboro case as a whole.

WINSTON SALEM, N. C.
JOURNAL
JUN 24 1933

Another Chapter

Another short but vivid chapter has been written in the famous Scottsboro case in which nine Negroes were accused of criminal assault upon two white women. Judge James E. Horton, who presided at the second trial of Heywood Patterson, which resulted as did the first in a verdict of guilty, granted this Negro youth a new trial, declaring that the evidence submitted by the State was wholly inadequate.

Judge Horton wins universal approbation for this action the effect of which is to save the Negroes involved from paying the death penalty for offenses they did not commit. This case brought a great deal of criticism upon Alabama in particular and the South generally. Had it not attracted wide attention, it is obvious that these innocent Negroes would have been executed for a crime they did not commit.

Judge Horton says that "women of the character shown in this case are prone for selfish reasons to make false accusations, both of rape and of insult, upon the slightest provocation, for ulterior purposes." But, had it not been for the wide publicity this case was given, the false charges made by these women would have terminated tragically.

The lesson the South should learn from this case is that in every instance when a man, white or black, is charged with an offense against women the closest investigation should be made. The womanhood of the South can be protected best through orderly court procedure that insures justice. Prejudice can never take the place of justice.

JAMESTOWN, N. Y.
MORNING POST
JUN 24 1933

JUSTICE FOR ALABAMA NEGROES

The grant of a new trial to Heywood Patterson, one of the nine negroes in the Scottsboro, Ala., case, is an incident of wide public interest because of the circumstances involved. In April Patterson was tried on the charge of assaulting a white woman hobo, was found guilty and sentenced to death. Judge Horton, who presided at the trial, now sets aside the verdict on the ground that the story of the chief prosecuting witness "bears on its face indications of improbability and is contradicted by other evidence."

It will be recalled that seven of the negroes were tried, convicted and sentenced to death. Their fate attracted outside help and the case was carried to the United States Supreme Court which ordered a new trial. Patterson was the first to be retried under the Supreme Court order. It appeared that a large degree of race prejudice enteed into the case. The prosecution took full advantage of this phase and the jury responded to the appeal. The judge apparently permitted no such feeling to enter. His conduct of the case received commendation. The grant of a new trial implies his unwillingness to condemn a man to death largely on the ground that he is black, not on evidence of crime.

The public interest in the case is predicated on the desire that men should have a fair trial regardless of their color. There is a belief that guilt has been presumed when a charge was made against a negro in Alabama, and in other Southern states. It has fallen to the negro to establish his innocence rather than that the state should prove his guilt. Therefore, the action of Judge Horton becomes of importance in that it provides a precedent for giving the advantage of the doubt to the negro. The accused should not escape just punishment for any crime he may have committed, but he should not be "railroaded" to death for an offense of which there is not conclusive proof of guilt. That is the ground of the public interest.

Judge Horton has taken a step which should achieve much toward securing justice for negroes in Alabama.

Alabama

4254

Lynchings-1933

Legal Punishment for Rape

The Age
New York

7-1-33

AN EPOCHAL DECISION.

Circuit Judge James E. Horton, who distinguished himself by his impartial rulings and insistence that law and evidence, not hysteria, dominate the Decatur legal proceedings, has voided the verdict of guilty brought in by a jury of Morgan County, Alabama, against Haywood Patterson, one of the Scottsboro defendants, and ordered a new trial.

In an opinion declaring that the conviction was not supported by the weight of evidence Judge Horton attacked the credibility of witnesses for the prosecution. Victoria Price's manner of testifying and demeanor on the stand militated against her, her testimony was contradictory, often evasive, and time and again she refused to answer pertinent questions, the jurist points out, further stating:

> The testimony of the prosecutrix (Victoria Price) in this case is not only uncorroborated but it also bears on its face indications of improbability and is contradicted by other evidence, and in addition thereto the evidence greatly preponderated in favor of the defendant.

Even the story told by Victoria Price does not coincide with the testimony given by Dr. R. R. Bridges, Scottsboro physician, who examined the girls after the alleged attack, the court holds, commenting that "her evidence is so contradictory to the evidence of the doctors who examined her it has been impossible for the court to reconcile this evidence with her."

Judge Horton is inclined to believe the story told by Lester Carter, white hobo, that he and a friend spent a night in the backwoods with Ruby Bates and Victoria Price before the Chattanooga trip on freight cars. The court finds it difficult to believe that such a crime was committed by the Negro defendants in broad daylight, in on open gondola car passing through half a dozen small towns.

This decision, so courageously rendered by Judge James E. Horton is one of the greatest pronouncements on behalf of social justice and fair play that has come out of the South. It is epochal in that it marks a turning point in the South's traditional attitude, which has been to condemn, convict and punish any Negro at whom a white woman, no matter how lewd or lawless she might be, saw fit to point her finger of accusation. The false cry of "rape" has sent many an innocent Negro to an untimely death. Judge Horton has broadcast to the world that in the courts of the South the guilt or innocence of a Negro defendant charged with rape must be determined by the due process of law and not by falsehoods, race prejudice and emotionalism.

There is very little likelihood of the State of Alabama ever securing convictions against any of the nine defendants that would be confirmed by the Supreme Court at Washington. Judge Horton has held that the unsupported word of Victoria Price is insufficient on which to condemn a man to death. Victoria Price is branded as a liar by Ruby Bates. Victoria Price's testimony is doubted by the presiding judge, who frankly admits that the evidence at the Decatur trial "preponderated in favor of Haywood Patterson." The Morgan County jury did not believe Victoria Price's story, but was moved to bring in a verdict of guilty by the injection of sectional and racial prejudices.

Abraham Lincoln freed the slaves. Judge Horton has issued an emancipation proclamation telling the world that the South is being freed of shackles of intolerance and race hatred in the courts.

As the Patterson case will be retried in the Alabama courts, for the time being the U. S. Supreme Court will not be called on to determine the validity of the South's system of excluding Negroes from juries.

NEW YORK TIMES

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JUN 23 1933

JUDGE HORTON VOIDS NEGRO'S CONVICTION IN SCOTTSBORO CASE

Waiving Defense Pleas, the Alabama Jurist Rules Verdict Is Against the Evidence.

WOMAN'S STORY REJECTED

He Bars Death Sentence on Her Unsupported Word—New Trial Demanded by State.

Special to THE NEW YORK TIMES.

ATHENS, Ala., June 22.—The verdict of guilty returned against Haywood Patterson, one of the Scottsboro Negroes, two months ago by a Morgan County jury of white farmers and tradesmen was set aside today by Circuit Judge James E. Horton, who ordered a new trial.

It was Judge Horton who on Palm Sunday last, at Decatur, sentenced Patterson to death in the electric chair at Kilby prison, in accordance with the mandate of the jury. Today he held that the jury's verdict was against the weight of evidence.

The unsupported word of Mrs. Victoria Price, alleged victim of the attack which is supposed to have taken place March 25, 1931, aboard a Southern Railway freight train, Judge Horton held was insufficient evidence on which to condemn a man to death.

Not only did the Price woman's story contain improbabilities within itself, Judge Horton said, but it was flatly contradicted by the testimony of Ruby Bates, the other alleged victim of the assault, who testified for the defense at Decatur that the whole case was "a frame-up."

The judge pointed out also that at the first trial in Scottsboro, Orville Gilley, a white hobo, who was an eye-witness on the freight train, was not called as a witness by the State although he was then in custody.

Second Reprieve From Death.

For Patterson, who is in jail in Birmingham with his eight co-defendants, the court's action constituted a second reprieve from a death sentence. Otherwise it did not change his status or that of the other defendants, who are still awaiting the new trials ordered for them by the higher courts.

Of the nine originally arrested by the posse that stopped the freight train at Paint Rock eight were convicted at Scottsboro within a fortnight of their arrest. In the case of the ninth, Roy Wright, a juvenile, the jury disagreed. The Supreme Court of Alabama later set aside the verdict of guilty against Eugene Williams on the ground that he, too, was a juvenile.

Appeals were taken in the cases of the other seven defendants to the United States Supreme Court, which last November ordered new trials for all on the ground that they had been inadequately represented by counsel at Scottsboro. Patterson is the only one of the nine who has been retried thus far.

Judge Horton's ruling today will prevent a review of Alabama's jury system by the higher courts as it removes the necessity for an appeal. Samuel Leibowitz, chief trial counsel for Patterson, spent days in an effort to prove that Negroes were deprived of their constitutional right to serve on juries in Alabama and was planning to make that charge the basis of a second

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appeal to the United States Supreme Court.

The reason that Judge Horton sat here to entertain the defense motion for a new trial was that the court room at Decatur was being used by another judge. He heard no argument, but as soon as the papers were before him, he began reading his opinion, a document covering 108 typewritten pages which took him an hour and five minutes to read.

Before he had turned the first page of his opinion, smiles of satisfaction appeared on the faces of George W. Chamlee and Osmond Fraenkel, the defense attorneys, who had come prepared to argue for something they did not expect to get.

Thomas E. Knight Jr., the young Attorney General listened tensely with mounting color. He made it clear that he intended to fight.

In a voice that trembled slightly, he declared that the State was ready to proceed at once with a new trial of Patterson and asked that it be set down on the calendar for the earliest possible date, which probably would be about Sept. 1.

Leibowitz Congratulates South.

Samuel S. Leibowitz, the New York lawyer who defended Patterson at Decatur, issued the following statement yesterday upon receiving word of Judge Horton's decision:

"The South is to be congratulated in having as one of its jurists that courageous, brilliant lawyer, James E. Horton. From the very start I felt that the courts of Alabama would never uphold the verdict of guilty rendered by the jury in the Decatur courtroom on Palm Sunday last. I was convinced of the innocence of these poor Negro boys even before I accepted the case.

"In view of the judge's pronouncement I cannot see how the other cases can be prosecuted further. I am glad for the sake of the poor parents of these boys, who have undoubtedly undergone as much, if not more, torture than the boys themselves."

Points of Opinion in Scottsboro Case

Special to The New York Times.

FLORENCE, Ala., June 22.—Following are excerpts from Judge Horton's opinion, sent to The New York Times *by The Associated Press correspondent at Athens. Ala.:* New York Times

"The testimony of the prosecutrix [Victoria Price] in this case is not only uncorroborated but it also bears on its face indications of improbability and is contradicted by other evidence and in addition thereto the evidence greatly preponderates in favor of the defendant."

6-23-33

Judge Horton said further:

"History, sacred and profane, and the common experience of mankind teaches that women of the character shown in this case are prone for selfish reasons to make false accusations both of rape and of insult upon the slightest provocation, or even without provocation for ulterior purposes.

"These women are shown, by the great weight of evidence, on this very day before leaving Chattanooga to have falsely accused two negroes of insulting them. * * * The tendency on the part of the women shows they are predisposed to make false accusations upon any occasion whereby their selfish ends may be gained."

No Fact in Corroboration.

Dealing further with Mrs. Price's testimony, Judge Horton said:

"With seven boys present at the beginning of this trouble, with one seeing the entire affair, with some fifty or sixty persons meeting them at Paint Rock and taking the women, the white boy, Gilley, and the nine Negroes in charge, with two physicians examining the women within one and one-half hours, according to the tendency of all the evidence, after the alleged occurrence of the alleged rape, and with the actions charged committed in broad daylight, we should expect from all this cloud of witnesses or from the mute but telling physical condition of the women or their clothes, some one fact in corroboration of this story."

Doctor's Testimony Stressed.

A considerable part of Judge Horton's opinion was devoted to a review of the testimony of Dr. R. R. Bridges, the Scottsboro physician who examined the girls after the alleged attack and who was was called as a witness by the State.

The doctor's testimony that he found the girls' nervous reactions normal and that he saw no wounds such as Victoria Price said had been inflicted in her scalp with a pistol butt should be taken into consideration, Judge Horton said.

The judge expressed the opinion that the condition in which the doctor found the girls could have resulted as easily from their conduct with white hoboes in Chattanooga as from any assaults by Negroes. Evidence had been offered by the defense, he pointed out, to show that the girls spent the night before the arrest of the negroes with men in "a hobo dive."

"Those few blue spots and the scratches," said the opinion, "would be the natural consequence of such living. Vastly greater physical signs would have been expected from an attack."

Results of Examinations.

Continuing, the opinion stated:

"Dr. Bridges said when these two women were brought into his office neither was hysterical or nervous about it at all. He noticed nothing unusual about their respiration and their pulse was normal.

"Such a normal physical condition is not the natural accompaniment or result of such a horrible experience, especially when the woman testified she fainted from the injuries she had received.

"The fact that the women were unchaste might tend to mitigate the marked effect upon their sensibilities, but such hardness would also lessen the probability of either of them fainting. If her faint was feigned then her credibility must suffer from such feigned actions.

"And this witness's anger and protest when the doctors insisted upon an examination of her person was not compatible with the depression of spirit likely to be caused by the treatment she said she had received."

Reviewing the evidence of Orey Dobbins, a farmer near Stevenson, who testified that he saw a fight aboard the train and a woman dragged back into a car, the judge said:

"It corroborates Victoria Price slightly, if at all, and her evidence is so contradictory to the evidence of the doctors who examined her that it has been impossible for the court to reconcile this evidence with hers."

Declaring the crime was usually one of secrecy, Judge Horton pointed out the Negroes were accused of having committed it in broad daylight in an open gondola car passing through half a dozen small towns.

"Orville Gilley, a white boy, pulled back on the train by the Negroes, and sitting off, according to Victoria Price, in one end of the gondola, is a witness to the whole scene," said Judge Horton. "Yet he stays on the train and he does not attempt to get off the car at any of the places where it slows down.

"He does not go back to the caboose to report to the conductor or to the engineer on the engine, although no compulsion is being exercised upon him, and instead of there being any threat of danger to him from the Negroes, they themselves have pulled him back on the train to prevent him from being injured from jumping off the train after it had increased its speed.

"And, in the end, by a fortuitous circumstance, just before the train pulls into Paint Rock, the attacks cease and just in the nick of time the clothing is restored and the women appear clothed as the posse sights them. The natural inclination of the mind is to doubt and to seek further."

Credibility of Witnesses.

Regarding the credibility of Mrs. Price, the judge said:

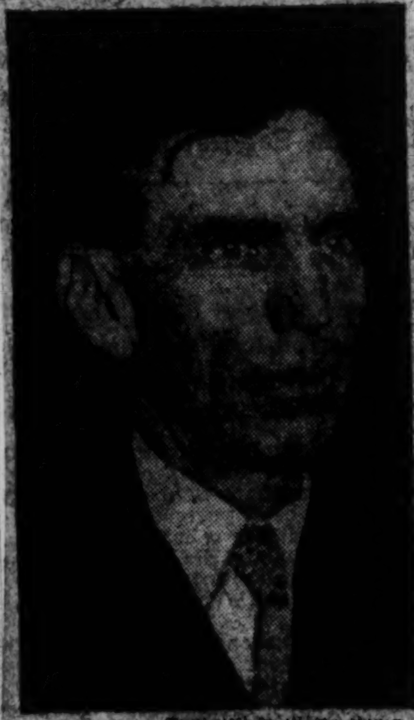
"Her manner of testifying and demeanor on the stand militate against her. Her testimony was contradictory, often evasive and time and again she refused to answer pertinent questions. The gravity of the offense and the importance of her testimony demand candor and sincerity.

"In considering any evidence for the defendant which would tend to show Mrs. Price swore falsely, the court will exclude the evidence of witnesses for the defendant, who themselves appear unworthy of credit, unless the facts and circumstances so strongly corroborate that evidence that it appears true."

Turning to Lester Carter, the hobo who testified that he and one Jack Tiller spent a night in the woods with Ruby Bates and Victoria Price before the Chattanooga journey, Judge Horton said:

"Whether or not he is entitled to entire credit is certainly a question of doubt, but where facts and circumstances corroborate him, and where the failure of the State to disprove his testimony, with witnesses at hand to disprove it, the court sees no reason to capriciously reject all he said."

VOIDS DECATUR VERDICT



Times Wide World Photo.

Judge James E. Horton.

MADISON, WIS.
STATE JOURNAL
JUN 2 2 [illegible]

Rebukes Race Prejudice

JUDGE James E. Horton has risen above the race prejudices of the people in some localities in the southern states and in a scathing decision rebuked the idea still prevalent that white supremacy must be maintained through the acceptance at all times of the testimony of a white person as true as against Negro evidence to the contrary.

Judge Horton has set aside the verdict of a jury convicting Heywood Patterson, one of the nine Negroes indicted at Scottsboro on the charge of having committed criminal assaults upon white women.

The decision of Judge Horton is that the testimony in the case did not warrant the conviction of the Negro. He points out that the law is that a defendant should not be convicted of the crime with which Patterson was charged on the uncorroborated testimony of the prosecuting witness where there is any indication that such testimony may be of an unreliable character. He unhesitatingly declares the testimony of Victoria Price, the prosecutrix in Patterson's case, on its face bore indications of improbability. He further says that the preponderance of the evidence was greatly in favor of the defendant.

It is to be hoped that the judgment of Judge Horton overturning the verdict in one of the Scottsboro cases will end this cause celebre. Seemingly, a decision of the supreme court of the United States overturning a previous conviction in a Scottsboro case and the present order of Judge Horton should be sufficient to stop further proceedings against the Negroes who have been placed in jeopardy because of unreliable white women's charges.

Race prejudice has gone to an unreasonable extreme in the Scottsboro incident. The people of that vicinity should learn from Judge Horton's opinion that the time has come when even the south must accord Negroes their rights before the law.

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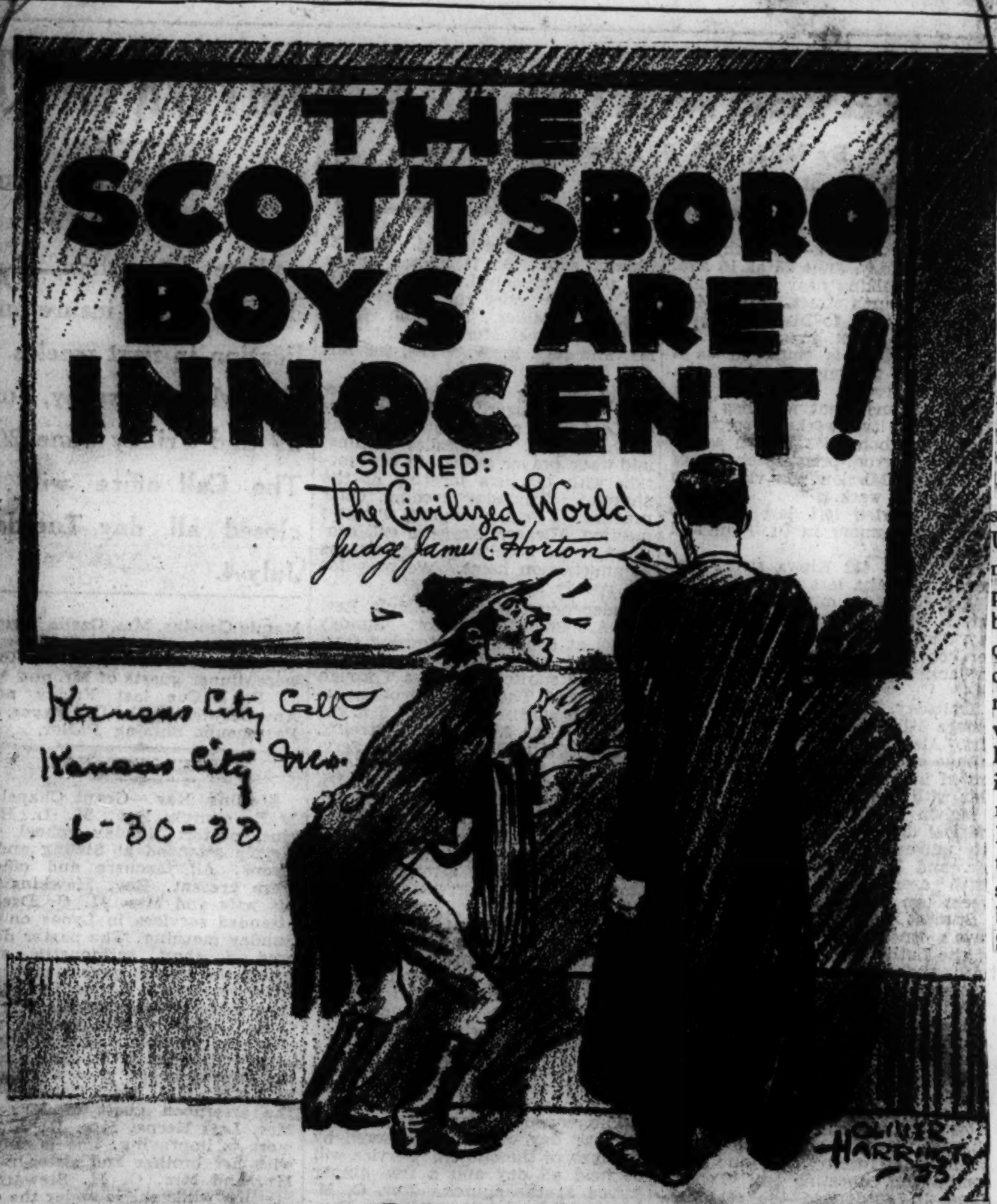
Telling the World **By Harrington**



Kansas City Call
Kansas City Mo.
6-30-33

(Drawn by Oliver Harrington for Cooperative Publishers Association)

Nation
7-5-33
New York N.Y.
Vol. 137
No. 3548

MOST AMERICANS, including many in the South, will rejoice in the action of Judge Horton of Alabama in setting aside the verdict of guilty found against Heywood Patterson in his second trial. Patterson, it will be recalled, is one of the nine Negro boys arrested in Scottsboro more than two years ago, charged with rape upon two white girls in a freight car. After seven of the boys had been sentenced to death, the United States Supreme Court ordered a new trial on the ground that they had not had proper representation by counsel. Patterson alone was then retried, and again convicted. In overthrowing this conviction and ordering a new trial, Judge Horton pointed out that the verdict rested solely on an improbable story by one of the alleged victims, flatly contradicted by the other. He also noted that the prosecution refused to call as a witness a white hobo on the train, when he refused to support the State's case. Judge Horton's action does not in itself free any of the boys, but we may hope for their release shortly, as the State's case appears to be completely destroyed by the decision and further trials would be obvious persecution. The praise bestowed upon Judge Horton is tempered in some quarters by the assertion that his action was taken in order to prevent the United States Supreme Court from passing upon the legitimacy of excluding Negroes from Southern juries. This point was one of three raised in the appeal to the federal bench, but only the question of inadequate counsel was passed on. It was the intention of the defense, though, to concentrate on the race issue if a second appeal should become necessary. Undoubtedly sentiment in the South was for preventing this, and Judge Horton, in his recent decision, may have been as much of a politician as a jurist. This, however, is a criticism which may be made of our wisest and most upright judges. It is scarcely more than saying that Judge Horton is human. *The Nation* gives him all credit for extricating his State from an ugly position. By unyielding stubbornness in similar circumstances the late Judge Thayer brought upon Massachusetts the shame and tragedy of the Sacco-Vanzetti execution.

Judge Horton Knows When He's Licked

Afro-American

7-1-33

Baltimore Md

Judge James E. Horton, white, sitting in Athens, Alabama, last week granted a new trial to Haywood Patterson, one of the Scottsboro boys.

Immediately there will be those to term Judge Horton "a second Lincoln," and to commend his "fair and judicial conduct" in the case.

To our mind, Judge Horton is a typical Southern judge who doesn't direct public opinion but merely follows it—blindly.

The judge's assigned reason for granting a new trial was that Victoria Price was a harlot and her testimony against Patterson was unsupported.

Where was Judge Horton all during the Scottsboro trial?

Didn't he know it then?

Didn't he know it after the state had finished its case?

Didn't he know it when he sentenced Patterson to death?

Of course he knew it, but he didn't have the courage of his convictions. He was afraid to affront the lynching element of his community.

The only thing that has happened since he sentenced Patterson to death for rape was announced unofficially in the AFRO last week, that is: that the International Labor Defense which got Ruby Bates to change her testimony has also gotten Victoria Price to do likewise.

With both girls denying they were raped, wouldn't Alabama courts be the world's laughing stock sure enough, trying nine boys for a crime of which no one accuses them?

Judge Horton saw that comic situation coming, and he ducked it,

Call him fair, impartial, upright, or anything else. To our minds he is a typical white Southerner, who has supported Southern Bourbonism as long as he could, and with defeat staring him in the face, now runs away.

Incidentally, by granting a new trial, Judge Horton puts off, temporarily, at least, a United States Supreme Court's review of Alabama's jury system.

Samuel Leibowitz, attorney for the boys, spent several days of the trial proving that no Negroes were called for jury service in Alabama now or during the past fifty years.

Judge Horton In New Role

Black Dispatch

Okla. City, Okla.

Granting of a new trial to Heywood Patterson by Judge James E. Horton last week, shows that the conscience of the South is being stirred as never before. The new trial was granted on the ground that the testimony of Victoria Price, prosecution witness, was uncorroborated and had been discredited by reliable witnesses.

7-1-33

If there ever was any flimsy ground of evidence upon which these nine black boys should have been held and prosecuted, that framed evidence has now taken flight and the boys should be speedily released. It would be a fine thing for the conscience of the South if an open confession were made that Victoria Price lied, and should herself be charged with perjury. This would in no wise atone for the great and irreparable harm which has been done, but to dismiss these charges would be to strike a death blow to the most hypocritical gesture of prejudice—the charge the South has hurled around the world that all Negroes are rapists.

Judge Horton quite evidently decided to make a good job of it when he rendered his opinion, and he has unquestionably made it extremely difficult for Attorney General Knight to develop a new case.

"History, sacred and profane," declared the jurist in a low pitched voice; "and the common experience of mankind teaches that women of the character shown in this case are prone for selfish reasons to make false accusations, both of rape or insult, upon the slightest provocation, or even without provocation, for ulterior purposes.

"These women are shown, by the great weight of evidence, on the very day before leaving Chattanooga, to have falsely accused two Negroes of insulting them . . . The tendency on the part of the women shows they are predisposed to make false accusations upon any occasion whereby their selfish ends may be gained."

"As heretofore stated," the Judge's ruling said, "the law declares that a defendant should not be convicted without corroboration where the testimony of the prosecutrix bears on its face indications of unreliability or improbability, and particularly when it is contradicted by other evidence.

"The testimony of the prosecutrix (Victoria Price) in this case is not only uncorroborated but it also bears on its face indications of improbability and is contradicted by other evidence and in addition thereto the evidence greatly preponderated in favor of the defendant."

Judge Horton has perhaps forgotten his statement that he postponed the trial of the other youths because of alleged radical statements of Samuel S. Leibowitz, defense counsel. It appears now that Judge Horton was actuated to postpone further hearing because his conscience told him that Victoria Price lied and that the entire case was framed from start to finish.

Bradenton, Fla., Herald
June 25, 133

Public Interest Wanes

Another conviction in the grotesque Scottsboro case involving nine negroes and two white women is hardly likely in view of the statements of the judge in granting Heywood Peterson, one of the group of defendants, a new trial, which were:

"History, sacred and profane and the common experience teaches that women of the character shown in this case are prone for selfish reasons to make false accusations both of assault and of insult upon the slightest provocation or even without provocation for ulterior purposes.

"These women (meaning the prosecuting witnesses) are shown by the great weight of evidence on the very day before leaving Chattanooga to have falsely accused two negroes of insulting them . . . The tendency on the part of the women shows they are pre-disposed to make false accusations upon any occasion whereby their selfish ends may be gained.

X

From this distance one may not accurately determine what Alabama's reaction to the court's ruling in granting Patterson a new trial will be but we believe outside interest was dissipated when one of the young women who traveled all the way from New York to deny her original story of the assault on the occasion of a subsequent trial was shown parading with a group of negresses and communists in pictures released to newspapers by their feature services.

Our opinion, however, that Alabama is competent to handle its own affairs and that justice may be had as readily there as elsewhere remains unchanged and we still think the error of the New York lawyer representing the defendants in seeking to influence opinion by statements made for publication in New York a grievous one, unethical and without a scintilla of justification.

Our guess is that the new trial that has been granted the negro, Patterson, will be largely perfunctory and that in all probability the charges will be dismissed or if conviction is obtained the punishment imposed will be light. This would doubtless be in line with public thought since if the women who claimed to have been injured were not concerned with the punishment of the alleged culprits there is no real reason why the public should be aroused.

Alabama

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Lynchings-1933.
Legal Punishment for Rape

COLUMBIA, S. C.
RECORD

JUL 1 1933

SCOTTSBORO DEFLATED.

The Scottsboro cases involving the lives of seven Alabama negroes who made the mistake of bumming their way on the same freight train with two white girls, had been laboriously built up into one of those causes celebres that the agitators feed upon.

It was to be the perfect demonstration of Southern injustice, the proof of the failure of the Southern jury system in the face of race prejudice. And like the Sacco-Vannetti case in Massachusetts, it would be grade A propaganda. Resolutions could be passed and there could be May day parades in which "Remember Scottsboro" banners could be flaunted in the face of a capitalistic civilization.

The seven negroes, again like Sacco and Vanzetti, possibly if not probably would have gone to their deaths in the process. The defendants in these propaganda cases have way of getting lost in the shuffle. If the" escape what is there to protest about? When there is obviously no injustice there can be little heat and passion, and there is no cause celebre without heat and passion.

And the Scottsboro cases in their earlier phases served the propagandists' purposes well enough, following the procedure established in such causes celebres. Nine negroes were arrested and eight of them were convicted; seven of them—the supreme court of Alabama freed one—were to die for assaulting the two white girls, whose story an Alabama jury, impanneled immediately, chose to believe, there being no particular reason perhaps then to doubt it.

Before the sentence was carried out however doubts had grown and the cases were appealed. Eventually the controversy reached the supreme court of the United States which reversed the Alabama conviction on the ground that the defendants had not been adequately represented by counsel and had not therefore received the fair trial to which they were entitled. The cases were remanded to Alabama for retrial.

And the second trials, with Haywood Patterson's case as the first to be called, were begun. There had been a lot of loose talk between the two trials, a lot of useless agitation and foolish recriminations. The trial, though a change of venue had been allowed, was conducted in an atmosphere of heat and passion, generated largely by ill-judged interference from the outside.

A second conviction was probably inevitable—Alabama jurors, like New York and Massachusetts jurors, are human and susceptible to influences that ought not perhaps to affect them. There were mistakes made by attorneys for both sides. The prosecution resorted to appeals to prejudice; the defense, having laid the groundwork for an attack before the United States supreme court on the Alabama jury system which permits no negroes to serve as jurors, conducted its case so as to incite prejudices. Patterson was convicted and Samuel S. Leibowitz, the distinguished New York attorney, who had conducted the defense, lost his sense of balance and turned loose from New York a tirade of personal abuse against the jurors who had decided the case against him. Whatever its purpose—and The Record refrains from sitting in judgment on Mr. Leibowitz's purposes and intentions—it made a fair trial for the six other defendants impossible; they had to be tried, if tried at all, by such men as the twelve subjects of Mr. Leibowitz's abuse, men who would resent, as they had a right to resent, the defense attorney's words.

Judge James E. Horton, presiding for the trial, continued the other cases to protect the defendants from the results of their attorney's foolish error and then a few days ago, to the surprise af defense counsel, he handed down an order setting aside the verdict of conviction in Patterson's case and ordering a new trial. The jury's verdict, he held, was against the weight of evidence. The unsupported word of one of the negroes' supposed victims, contradicted by the word of the other, was insufficient testimony upon which to condemn a man to death.

And all persons interested in seeing justice done and especially those concerned about the maintenance of local responsibility and authority in law enforcement will applaud Judge Horton's decision. It is evidence that Alabama courts, in accord with Alabama law, can safeguard themselves against error; it is a demonstration that Alabama can rise not only above prejudice but beyond provocation to see to it that it works no injustice. And it leaves the propagandists frustrate and defeated. Judge Horton has done what seemed impossible; he has deflated the Scottsboro case. The agitators will have to look elsewhere for other victims.

Wheeling, W. Va. Register
June 28, 1933

Southern Justice

Southern justice, so much in the limelight of late, makes a notable gain in the new ruling setting aside the conviction and death penalty imposed on Heywood Patterson, one of the nine youthful negro defendants in the Scottsboro case.

By his action Judge Horton revives hope for better handling of cases in southern courts where race is a factor.

In his ruling he says: "The testimony of the prosecution in this case is not only uncorroborated, it also bears on its face indications of improbability, and is contradicted by other evidence."

But in spite of the weakness of the case against them, Patterson and the eight other negroes were railroaded through a Scottsboro court to death sentences two years ago. The Supreme Court of the United States ordered new trials and a change of venue, on the ground of local prejudice.

It was at his new trial, in April, that Patterson was again convicted, after a trial marked by the most disgraceful bigotry on the part of the state's attorney.

Intelligent southerners should thank Judge Horton for his protection of their good name. Discrimination against the negro in their court-rooms should end.

LA CROSSE, WIS.
TRIBUNE

JUN 24 1933

Rebukes Race Prejudice

JUDGE James E. Horton has risen above the race prejudices of the people in some localities in the southern states and in a scathing decision rebuked the idea still prevalent that white supremacy must be maintained through the acceptance at all times of the testimony of a white person as true as against Negro evidence to the contrary.

Judge Horton has set aside the verdict of a jury convicting Heywood Patterson, one of the nine Negroes indicted at Scottsboro on the charge of having committed criminal assaults upon white women.

The decision of Judge Horton is that the testimony in the case did not warrant the conviction of the Negro. He points out that the law is that a defendant should not be convicted of the crime with which Patterson was charged on the uncorroborated testimony of the prosecuting witness where there is any indication that such testimony may be of an unreliable character. He unhesitatingly declares the testimony of Victoria Price, the prosecutrix in Patterson's case, on its face bore indications of improbability. He further says that the preponderance of the evidence was greatly in favor of the defendant.

It is to be hoped that the judgment of Judge Horton overturning the verdict in one of the

Scottsboro cases will end this cause celebre. Seemingly, a decision of the supreme court of the United States overturning a previous conviction in a Scottsboro case and the present order of Judge Horton should be sufficient to stop further proceedings against the Negroes who have been placed in jeopardy because of unreliable white women's charges.

Race prejudice has gone to an unreasonable extreme in the Scottsboro incident. The people of that vicinity should learn from Judge Horton's opinion that the time has come when even the south must accord Negroes their rights before the law.

EAST ST. LOUIS, ILL.
JOURNAL

JUN 27 1933

A COURAGEOUS SOUTHERN JUDGE

Northern lawyers who returned from Decatur, Ala., after defending the so-called Scottsboro Negroes, had only contempt for the jury which found the defendant guilty, but the highest praise for Judge James E. Horton who presided. In a court room where the hate for the Negroes was only too apparent, Judge Horton ~~had held~~ the scales of justice even.

After having sentenced Howard Patterson, Negro, to death on the verdict finding him guilty of assault upon Mrs. Victoria Price, white hobo, Judge Horton last week set aside the verdict and ordered a new trial, thus taking the case out of the hands of the state supreme court to which it had been appealed.

It is evident that Judge Horton follows his conscience and the law. The testimony of Mrs. Price was wholly unsupported. Not only that but her companion on the freight train where the attack is alleged to have occurred, came into court to denounce the story and declare it a fake. Testimony of physicians had wholly failed to confirm Mrs. Price's narrative. Her own testimony left no doubt as to her loose morals, and Judge Horton drawing upon his own experience and the findings of psychologists declared her to be the sort of person who would make false accusation upon the slightest provocation or without any provocation.

This case has attracted national attention. The Communists bore the burden of the defense, for some reason not wholly clear, since between Virginia Price and the boys who stood accused, there was precious little class difference. As a test of Southern justice, it ranked with the Leo Frank case in Georgia in which an intelligent and inoffensive Jewish youth was persecuted to his death for the suspected murder of a white girl.

Judge Horton has demonstrated that there is in Alabama a court courageous enough to accord justice even to a Negro tramp.

PETERSBURG, VA.
PROGRESS-INDEX

JUN 25 1933

A New Trial For Heywood Patterson

THE ACTION of Judge Horton in setting aside the verdict of death for Heywood Patterson, one of the nine defendants in the Scottsboro case, was wise, proper and entirely justified. The testimony in the case was highly contradictory. It seemed to us that as much of it was as favorable to the defense as to the prosecution. It is impossible to see how the jury was able to reach the conclusion that Patterson was guilty beyond reasonable doubt.

Unfortunately, there seems to be foundation for the belief that the courts, especially in the Deep South, are not always particular to render the same justice to colored defenders that is meted out to whites. Judge Horton's decision should do much to dissipate such opinion.

ROCKY MOUNT, N. C.
TELEGRAM

JUN 24 1933

An Alabama Decision

Those who hold that no state has the right to deprive a citizen of his life for a capital offense until all reasonable doubt of his guilt has been removed will find satisfaction in the ruling of an Alabama trial judge that the Negro youth convicted for the second time for a criminal assault on a white woman is to have a new trial. In making his decision Judge James E. Horton, who presided over the second trial of the Negro, said that the preponderance of the evidence was in the favor of Heywood Patterson, the accused, and that the testimony of the prosecutrix, at best of a doubtful nature, had been contradicted.

The case is familar to the reading public. Two white women, hoboing on a freight train, alleged they were attacked by a group of nine Negroes. Seven of the Negroes were tried, convicted and sentenced to die. The jury disagreed on the evidence offered against the eighth and the ninth was remanded to juvenile court for trial. After the Alabama Supreme Court upheld the conviction, the case was carried to the Supreme Court of the United States and a new trial was ordered.

In the second trial of Patterson the prosecutrix repeated the testimony offered in the first trial, but her companion, who first testified that she suffered humiliation at the hands of the Negroes, testified that she had not told the truth in the first instance and that the Negroes were not guilty. Sectional prejudice was aroused because of the statements and the tactics of defending counsel, volunteers to defend the group of eight.

In setting aside the conviction of Patterson on the grounds that his conviction was patently unfair to him, Judge Horton removes any doubt that a colored man in Alabama cannot, if he has a defense, obtain justice. Evidence in this case leaves a strong doubt of the guilt of the nine Negroes and where there is a strong doubt the accused is entitled to such benefits. But if there had been no sentiment against the wholesale execution of the group, they would have been put to death long ago in an Alabama prison. For two years now they have lain in prison. They are ignorant, defenseless against the processes of the courts. Another and a speedy trail should be granted them and some final decision made in the case.

AMSTERDAM, N. Y.
Eve. Recorder & Daily Democrat

JUN 26 1933

Editorial Viewpoints

Justice.

Judge Horton, of Athens, Ala., has granted a new and third trial to Haywood Patterson, the first of the Scottsboro defendants.

The second trial was obtained through intervention by the United States supreme court, which found the first mob-dominated trial unfair and in violation of the Fourteenth amendment of the constitution preventing states from depriving "any person of life, liberty or property without due process of law."

In the second trial the jury law was administered to exclude Negroes from the panel, and the state attorneys conducted themselves in such a way as to prevent impartial consideration of evidence by the jury.

Despite the testimony of two of the three major witnesses that the criminal assault case was a frame-up, and despite repudiation of her testimony by one of the alleged victims, Patterson was sentenced to death on the questionable testimony of a woman witness.

In granting a third trial Judge Horton held that the second conviction was on "insufficient evidence."

The Judge Horton and the supreme court rulings and others of that type go far in restoring confidence in American courts.—New York World-Telegram.

Lynchings-1933
Legal Punishment for Rape

Alabama

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Entry of Defense Lawyer Signal for Mob Rush to Court

By JOHN L. SPIVAK
(Special Correspondent of the Daily Worker)

Daily Worker
11-24-33
N.Y.

DECATUR, Ala., Nov. 22.—Circuit Judge W. W. Callahan of Moran County, who has been practicing law for 42 years and never saw a Negro on a southern jury, today ruled that there was no evidence before him that Negroes were discriminated against for jury services.

The ruling came after hearing testimony in support of the motion made by Joseph Brodsky, International Labor Defense Attorney, to quash the Morgan County venire from which the Jury to try Heywood Patterson is to be chosen.

The defense contended that Negroes were deliberately discriminated against and consequently the venire was illegal.

Court reconvened this morning with fewer than a score of blue overalled farmers in the spectator's seats. The courthouse grounds were deserted.

J. A. Tidwell, Morgan County Jury Commissioner, took the stand to answer the one question that Judge Horton had refused to let him answer at the trial this Spring.

Why the name of [illegible] Sykes, (a Decatur Negro) was not on the Morgan County Jury Roll.

"He was badly crippled," the Jury Commissioner said, "in addition we had information reflecting on his character."

Joseph R. Brodsky, International Labor Defense attorney, asked just what is was about Sykes' character that made him unfit for jury duty, but Judge Callahan refused to permit the defense attorney to probe into that.

Excepts from Ruling

Brodsky took an exception to the judge's ruling. According to Judge Callahan's view, as expressed in his subsequent labored decision on the motion to quash the venire on grounds that Negroes were systematically excluded from jury rolls in Morgan County, when an official stated that he has considered a Negro and for various reasons found him unfit for jury duty, that is sufficient so far as Alabama is concerned.

That Judge Callahan was fully aware that his decision on the motion to quash the venire was watched by the whole county, was evident from his carefully chosen, though forced words. Callahan began delivery of his decision slowly, watching his words carefully, fully aware that it was a record that would go to the U. S. Supreme Court, and that his words would be carefully weighed.

The judge decided that the defense had proven to his satisfaction by the evidence presented, that Negroes had been excluded from the Morgan County Jury Roll, and the fact that Negroes had not been seen to sit on juries, received weighty consideration from him.

"If that were all," he said, "he would deem it sufficient proof that Negroes were systematically excluded from jury service."

However, he continued, it was his opinion that the State had overcome the defense testimony by proving that responsible officials had taken into consideration qualified Negro citizens when they made their selections for the Jury Rolls.

Tries to Justify Decision

"The United States Supreme Court has said in one decision," he continued, "that if officers fairly and honestly endeavored to discharge their duty, then the Constitution of the United States has not been violated.

"In view of the evidence before me I am not prepared to say that the officers of Morgan County, in selecting the jury list, have so administered the law as to violate the Constitution of the United States. Therefore I over-rule the action to quash the venire."

This means that whenever a jury commissioner says that he considered a Negro for jury duty, but found something about his character that made him unfit, that Negro was eliminated and the jury commissioner did not have to explain what it was about the Negro's character that was discreditable.

In other words, a jury commissioner's statement that he considered a Negro and discovered a reason why he was unfit, is sufficient evidence that the law is "fairly" enforced.

Immediately after he had overruled the defense motion to quash the venire, Judge Callahan took up the motion to quash the Jackson County indictments against the Scottsboro boys on the grounds that the Jackson County Grand Jury was composed wholly of whites and that Negroes were systematically excluded from Grand Jury service.

"Well, where are the new witnesses supoenaed by the defense?" The Court asked irritably. "No one of the witnesses, which includes Judge Hawkins, who presided over the original Scottsboro trials was in court. "If they are not here on the next train, I'll issue attachments," Judge Callahan told the clerk irritably. Attachments are usually followed by citations for contempt of Court and jail.

Leibowitz Enters

While the Court was irritably demanding the whereabouts of the subpoenaed witnesses, Samuel Leibowitz, defense counsel, quietly walked into the courtroom, flanked as before by the two men who seem to be his bodyguards, and two deputy sheriffs, who had been instructed to "stay with him everywhere in Morgan County." He had just arrived from New Orleans, where he had been for the past two days.

The moment Leibowitz entered the courtroom the whole atmosphere changed. The score of yawning spectators in the almost empty room, sat up. Word spread through the town that Leibowitz was in court again, and singly and in pairs residents began to dribble in. In twenty minutes the courtroom was half filled, with the deputy on duty at the door "frisking" those who entered more thoroughly than yesterday.

Both Leibowitz and Judge Callahan seemed to be "on edge."

This became evident when, with the calling of the first witnesses on the defense motion to quash the indictment, Jackson County Jury Commissioner J. E. Moody, the judge kept turning from defense to prosecution or standing up with his hands deep in his pockets. The jury commissioner was being asked questions about how he chose his jurors. It was the old questions, by which the defense was seeking to prove that Negroes were being systematically discriminated against and in Morgan County, as throughout the South, it was a subject filled with dynamite. It was when Leibowitz quizzed witnesses at the Patterson trial on this question, that most of the hate that seethed through Morgan County was aroused.

Demands Answer

Leibowitz persisted in pressing for an answer whether the Jackson County jurors kept minutes of their official acts. Moody repeated twice that he "could not remember."

"Who gave you authority to select the names?" Leibowitz asked.

Attorney General Knight interrupted with an appeal to the court to prevent the witness from answering.

"The question, as put, is unsound and illegal," the judge ruled. Then it became evident that Leibowitz, too was on edge. "Did you say "illiterate?" he demanded.

"No, illegal," said the Court.

Court Shields Official

"Did you receive certain instructions about how to select the jurors when you were appointed?" Leibowitz asked. "Yes."

"From whom?" A long silence followed, then, "I don't remember. We got a pamphlet that tells all about it."

"Is there anything in the act that gave you authority to select the jurors?" The judge interrupted. "You needn't answer that. The law speaks for itself."

Moody finally said that he was not familiar with the manner in which jurors were chosen before his appointment as jury commissioner.

During Leibowitz' persistent questioning Moody admitted that he had never brought any person before him to inquire into their qualifications as jurors.

"Do you know whether any of the persons on that jury roll are not white?" Leibowitz flung at him. "No." "Then will you please go through that jury roll and pick out the names of those persons whom you know and tell us whether they are white or black."

Moody thereupon commenced going through the big "Domesday Book" and reading off the names of those he knew. All were white.

Gilley Brought to Decatur

Orville Gilley, a white boy, who was supposed to have been present on the train at the time of the alleged rape of Victoria Price and Ruby Bates, was brought into Decatur this afternoon, by an investigator from the Attorney General's office. Gilley, according to Knight, will testify in the trial of Heywood Patterson, scheduled to start Monday.

According to statements made at the preceding trial this Spring, Gilley was in the hands of the prosecution both at the first trial in Scottsboro, and at the second trial this Spring, but was not used because the State feared his testimony might not be helpful to their case.

7

Lawyers Argue Venue Change In Decatur Court

Reports Of Four I. L. D. Investigators Claim Fair Trial There Is Impossible

Negroes Arraigned

Judge To Hear Evidence Thursday On Motion To Kill Attack Indictment

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, Ala., Nov. [illegible]—(AP)—The reports of four investigators employed by the defense [illegible] were in the record of the "Scottsboro case" to bolster defense contentions that the seven negro defendants couldn't obtain a fair trial in Morgan County.

Also in the record were two score rebuttal affidavits from residents of the county who contended that the people of this district had only one interest—a "fair and impartial trial."

The seven negroes were arraigned today on charges of having attacked Mrs. Victoria Price on a Southern Railway freight train between Chattanooga and Huntsville, Ala., in March, 1931. They also are under indictment for alleged attacks on Ruby Bates at the same time and place, but the Bates indictments were not included at today's hearing.

More Affidavits Today

Through the long afternoon session, the affidavits were placed in the record, first a voluminous file of statements obtained by the investigators, and then the State's file. More will be submitted tomorrow.

Only two witnesses were called during the day on the three motions. The first was a move to quash the indictment, the next a motion for an interrogatory for the testimony of Ruby Bates, now in New York, and the third the motion for a change of venue.

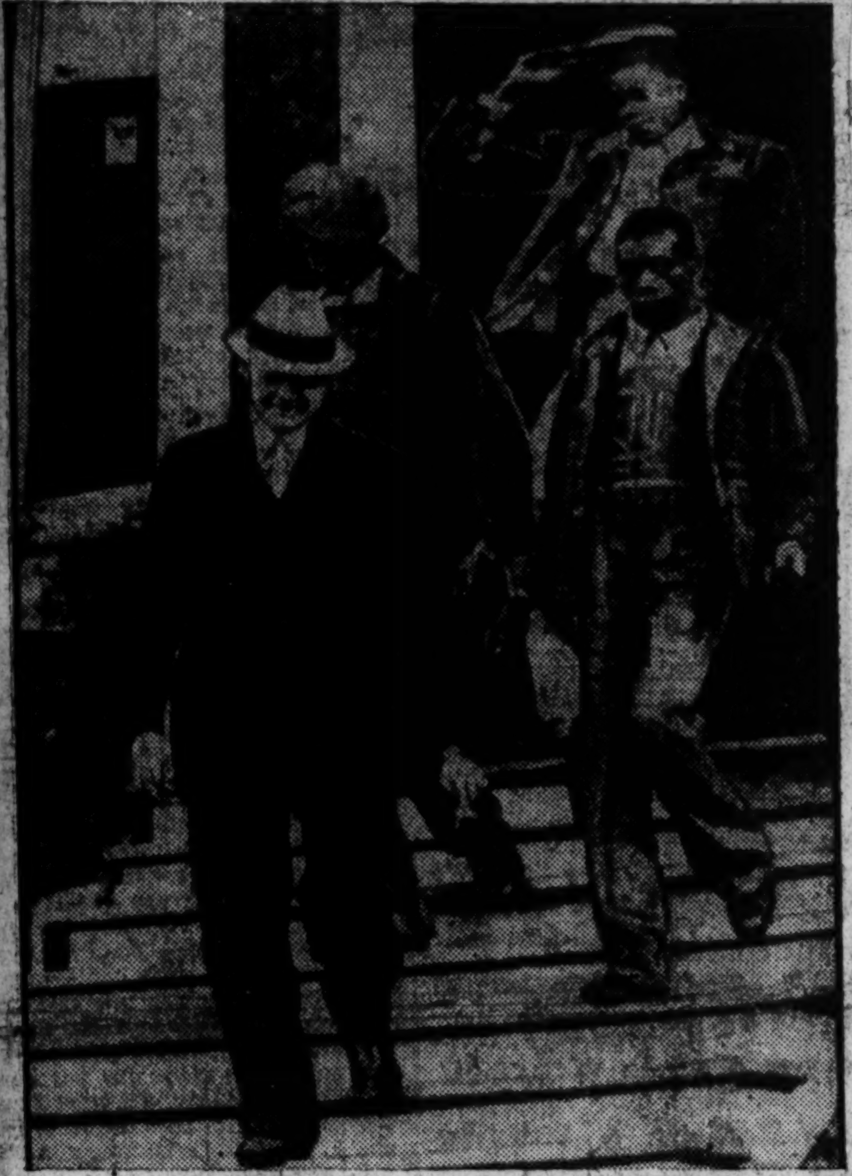
For more than two hours the defense petition for the change of venue and the supporting affidavits were read into the record, first by Joseph R. Brodsky, one of the defense attorneys, and then by Judge W. W. Callahan, presiding.

With their completion, Atty. Gen Thomas E. Knight, Jr., asked that Mr Brodsky take the stand, and questioned

CATUR JUDGE UPHOLDS BARRING OF EGRO JURORS; KEEPS ALL-WHITE PANEL

Daily Worker 11-27-33

Scottsboro Boys Unguarded Entering Court



Three of the Scottsboro boys leaving the flimsy jail in Decatur, Ala. on their way to the Morgan County court. Notice that only one deputy accompanies the boys, facing lynch danger while on trial for their lives on framed-up charges.

him concerning the affidavits of the defense investigators. Brodsky said he had employed David Schriftman, New York attorney, to arrange for the investigators.

"I told him," Brodsky testified, "to get the investigators and have them submit their findings after a thorough investigation, either for or against, that we wanted the whole truth."

On cross examination, Brodsky replied to his own question that his testimony was all that he knew about the matter, in the affirmative.

Attorney Testifies

With the spectators still apparently taking little interest in the proceedings, Schriftman was called to the stand and, under Knight's questioning, identified the investigators as Jim Jones, a negro; Victor Elwood, and Charles Williams, all of Birmingham.

Schriftman, who said he lived in New York, testified that he had spent four or five hours in crossing Morgan County, asking people about their opinion in the Scottsboro case. He recalled the name of only one person he questioned, a Mr. Lee, merchant of the Danville community.

The affidavits gathered by the investigators, about 500 in all, quoted some of the persons interviewed by name, some only by occupation, and some by street addresses.

In one of the defense affidavits, the name of a Mrs. Callahan, was given as that of a woman who said she did not believe the negroes could obtain a fair trial in this county. Questions by Judge Callahan brought out that the woman resided at another address than where she lived.

Venireman Excused

The defense affidavits included the name of Floyd Roberts, a venireman, and Judge Callahan said that Roberts would be excused from the case. The State and defense tomorrow will submit additional affidavits and probably oral testimony on the question.

Today's hearings were held in a courtroom moderately filled and Decatur apparently was going about its usual business unruffled.

The petition for change of venue, a bulky document containing many affidavits, was offered this afternoon. It was the second motion made today after the defendants had been arraigned that would, if granted, result in postponement of the first of the retrials that of Heywood Patterson, which was set for Monday, Nov 27.

In the forenoon, before arraignment Samuel S. Leibowitz, chief of defens counsel, moved to quash the indictmen on the grounds that absence of negroe in the Grand Jury reporting the tru bills constituted a violation of the Constitutional rights of the defendants.

Judge Callahan this afternoon fixe Thursday to hear evidence in addition t that offered on a similar motion i March when the cases were first calle here under a change of venue from Jackson County. Atty. Gen. Knight and Leibowitz agreed to admission of the evidence offered on that motion, which Judge James E. Horton overruled, with the privilege of submitting additional testimony.

Leibowitz Guarded

Although the spectators were orderly and there appeared a lack of interest in the proceedings, Judge Callahan and other authorities took no chances on any untoward happening.

A guard was assigned to Leibowitz day and night, inside the court and out, by Judge Callahan, and every spectator entering was searched for weapons.

One would-be spectator was found armed with a .22 calibre target pistol which he said he had brought to town to have the sight repaired. Sheriff Bud Davis declined to divulge his name.

Brodsky objected to the petition and the accompanying affidavits being read in court and, when Judge Callahan overruled him, asked "will the court instruct the stenographer to note in the record that the courtroom was crowded when the affidavits were read?"

Judge Callahan declined the request and added, "this is a public trial." Brodsky entered an exception and began reading the bulky document.

His voice was barely audible and at times words could not be distinguished on the first row of seats where spectators leaned forward eagerly to catch occasional words.

Refers to Former Trial

The petition cited incidents in the Patterson trial here last April, which, it was contended, created prejudice that would prevent a fair trial here. The allegations mostly were based on "racial prejudice" and called attention to the remarks of Solicitor Wade Wright, in his argument for the State in the Patterson trial, regarding "Jew money from New York, buying Alabama justice."

Only occasional words of affidavits could be heard on the press bench and Judge Callahan frequently asked Brodsky to raise his voice.

Reading the petition and accompanying affidavits consumed two hours of the afternoon session.

The return of Ruby Bates, one of the

Advising that local authorities had informed him there was no necessity for a military guard at arraignment yesterday at Decatur of the seven negro defendants in the so-called "Scottsboro" cases, Gov. Miller yesterday wired George George W. Chamlee, of Chattanooga, Tenn., general counsel for the negroes, that if the necessity should arise he would provide them. The telegram was in response to a telegram from Mr. Chamlee asking for troops.

Text of the Chief Executive's telegram in which he made it known he had authorized the trial judge to employ any additional deputies that might be needed at the State's expense, follows:

"Your wire. Have kept in close touch with trial judge at Decatur and with State and county officials there. They advise there is no indication of mob violence. Have authorized trial judge to appoint necessary additional deputies at expense of the State. Investigation has been made in all portions of Morgan County and local officials base their judgment on this investigation and state that in their opinion no military guard is necessary.

Watching Situation

"I am keeping in close touch with officials of Morgan County in charge of these cases and should they advise any change in sentiment or any necessity for military guard I will provide such immediately. I have confidence in the judgment of civil authorities in charge of these cases and I have an abiding

alleged victims of the attack, to Decatur to testify in these trials today apparently was definitely off, since Leibowitz entered a motion for interrogatories, and was informed by the court that it was within his power to have a commission take her depositions.

The girl recently informed defense counsel she was afraid to return here because "something might happen."

Transfer of the negroes, Patterson, Willie Roberson, Olen Montgomery, Charlie Weems, Andy Wright, Clarence Norris, and Ozie Powell, before dawn this morning was without incident.

Moved By Automobile

A cavalcade of seven motorcars sped over the highway from Birmingham in slightly more than two hours and arrived before the little city was awake. Only two newspapermen were present when the cars loaded with heavily armed deputies, and Sheriff J. F. Hawkins of Jefferson County, and Sheriff Davis arrived.

Judge Callahan, too, took precautions to preserve order and to protect the prisoners by swearing in a score of special deputies sheriff, 15 of them from Jefferson County, and instructing them to protect the principals and their attorneys on the streets as well as in the courthouse.

"You are men chosen for experience, courage and faithfulness to duty," he said, and added he would be extremely severe on any person attempting to molest any one connected with the trial.

The venire of 100 from which a jury to try Patterson will be selected, was drawn in the forenoon. At Leibowitz's motion for severance in each case, after a plea of not guilty had been entered, Atty. Gen. Knight elected to try Patterson, twice under entence of death, first.

The defense affidavits largely were the same, with persons quoted for whom no initials were given. Most of them said that a fair trial could not be obtained and that the defendants should be lynched.

Birmingham Negro Involved

In the affidavits obtained by investigator Jim Jones, names and addresses of a number of persons living in Decatur were given. Jones was identified as a Birmingham negro, and the identity of the persons quoted were not established in court.

Shriftman's affidavit did not quote names, but he mentioned persons in several towns and communities in the State, informing him that a fair trial could not be obtained in Morgan County.

In one of the affidavits, the investigator said "more than 50 young men of Hartselle" had informed him that they would "like to see the niggers lynched" and would be glad to join them. No names were mentioned.

Lynchings-1933
Legal Punishment for Rape.

Alabama.

4258

Predict Riots When Scottsboro Youths Get Retrial; Say Knight Allies Himself With K. K. K.

Age 11-18-33
New York Age

A motion for change of venue to some other Alabama county for the nine defendants in the Scottsboro case which is scheduled for retrial in Decatur, Ala., on Monday, November 20, will be made by Attorney Samuel S. Liebowitz, chief of Counsel for the defense. Attorney Leibowitz, it is said, will submit to Circuit Court Judge Callahan, affidavits that mob violence against the nine accused Negro youths and their counsel are apt to result if the case is retried in Decatur.

Three private detectives and a lawyer posing as brush and soap salesmen went to Decatur and surrounding territory and interviewed more than 500 resdients of Decatur and Morgan Counties to ascertain prevailing sentiment. The investigators reported that violence against "those interfering New York lawyers" as well as the Negroes and representatives of the International Labor Defense, was certain to accompany the retrial of the case at Decatur.

The investigators reported the existence of bitter and intense resentment against Mr. Leibowitz, chief of the defense counsel, who took the case at the request of the I. L. D. Leibowitz, it was said here, will use the affidavits prepared by the investigators in support of his motion for a change of venue to some other Alabama county.

To Submit Affidavits

The affidavits prepared by Victor Elwood, John Williams and Jim Jones, private detectives and David Schriftman, lawyer, all of New York, will be presented by Mr. Leibowitz to Circuit Court Judge W. W. Callahan in Decatur on November 20, when seven of the youths plead to a charge of attacking two white girls, Victoria Price and Ruby Bates, on a freight train near Scottsboro, Ala., on March 25, 1931.

Heywood Patterson, another of the youths, will be retried on November 27. His conviction last spring, when Leibowitz entered the case to defend him, was reversed by Circuit Court Judge James E. Horton. The United States Supreme Court reversed the original conviction of all nine in Scottsboro, Jackson County. Leibowitz obtained a change of venue to adjacent Morgan County for the second trial on his plea that feeling ran high against the youths, preventing the selection of an impartial jury.

Mr. Leibowitz, it is understood, will challenge the Alabama law providing for only one change of venue as contrary to provisions for fair trial given in the United States Constitution.

K. K. K. In Tuscoloosa

While this statement on the Scottsboro case was being released, the National Committee for the Defense of Political Prisoners reported that the Ku Klux Klan massed and in full regalia, and a full one hundred strong, rode the streets of Tuscaloosa, Ala., as the group sent by the Committee to investigate recent lynchings approached the city.

Age 11-18-33

Simultaneously Attorney General Knight, Scottsboro prosecutor, issued a statement which may mean that person who give information to the investigators of the lynch situation will face prosecution. This assertion came when the National Committee requested that Grand Jury records be opened to them for examination. In his reply, Knight said:

New York Age

"I refuse that request. Moreover, if any person permits you to see those records, or gives any information concerning the records, it will be my duty to prosecute him."

In reply to this statement, the National Committee issued a statement which said in part:

"This is a plain attempt to intimidate anyone from giving information to the committee on the outrages and terror against the Negro people which are sweeping the South and which had a climax in the shocking Pippen and Harden murders .... Consciously or unconsciously, the Attorney General of the State of Alabama is allying himself with the Klu Kluxers of Tuscaloosa, with the lynchers who are hampered in their ghastly work by such publicity as it is our purpose to throw upon them."

NEW YORK DAILY NEWS

NOV 10 1933

Troop Threat To Scottsboro Boys Bared

By TOM CASSIDY.

THREATS by Alabama National Guard officers and privates to deliver the nine Scottsboro case colored youths to a lynch mob were bared in a series of affidavits made by private detectives here yesterday.

The testimony, identifying the makers of the threats, and naming some of the mob planning the hangings, will be used by Defense Attorney Samuel S. Leibowitz in an effort to have a retrial of the cases shifted from Decatur, Ala.

Samuel S. Leibowitz

Leibowitz, who will journey south with legal associates for the arraignment of the youths at Decatur on Nov. 20, will argue that his clients, charged at two previous trials with attacking two white girl hobos on a freight car in 1929, will be unable to get a fair trial or protection for their lives at Decatur.

Affidavit Shown.

Victor Ellwood, a detective, in one affidavit swears that "——— ———, in the National Guard and on duty as such at the last trial of Haywood Patterson, at Decatur, said that 'If they bring them damn Scottsboro niggers up here again, why, the mob can have them.'"

Ellwood added that the same Guardsman told him that he would not try to stop the mob and that other Guardsmen felt the same way, but that they planned to "put up a bluff to fool everybody."

Another Guardsman named stated that he and his fellows "would have to put up a sham," but that he favored what would-be members of the mob termed "the big necktie party" in their talks with investigators.

Feeling Is Bitter.

Feeling, which ran high in the Decatur sector since Haywood Patterson, one of the nine accused youths, was convicted and sentenced to the electric chair a second time on last Palm Sunday morning, became intensified by the recent reversal of the verdict and the granting of a new trial by the Decatur jurist, James E. Horton.

"The recent lynching of a Negro by the name of Royal on Aug. 25, 1933, in Decatur, and the twice threatened lynching of Thomas Brown, a Negro charged with attacking a white woman, has thrown the entire Morgan County, where Decatur is located, into an uproar," another affidavit states, "and the cry for blood against Negroes charged with any crimes involving white persons has overreached all bounds."

Another investigator, under oath, lists the names of thirty-two of the mob which attempted to kill Brown as given to him by one of the mob, who said that he and others in the group were willing to serve in a similar capacity in the Scottsboro cases next week.

Hostile Blasts.

Here are some quotes from citizens and troopers of Morgan County as specified by the detectives:

"If that New York lawyer, Leibowitz, ever puts his foot in this place again there will be a lynching."

"Ruby Bates (who recanted her testimony of attack at the second trial) ought to be swung up herself, just like those niggers."

"They ought to get next to the Guardsmen and get them niggers like they did in Tuscaloosa."

"They ought to burn Ruby Bates and them niggers all together. I'm a good shot with a pistol and I would like to kill all of them."

"We guardsmen would have to give them up and would be damned glad to do it. I'd like to see them taken out and killed."

Lawyers Threatened.

"The Jew lawyers from New York were the cause of the niggers not getting what they deserved, the chair, and these lawyers ought to be killed for saying that a nigger is as good as a white man."

Leibowitz, seen at his office at 225 Broadway, said he and Joseph Brodsky, associate counsel of the International Labor Defense, planned to seek the removal of the trial to Mobile, Ala., although more than one change of venue is not allowed under Alabama law.

"I will carry to the United States Supreme Court if necessary," he said "my contention that this law in the present case violates the due process provision of the Federal Constitution, which holds that no man's right to life or property may be taken away without due process of law."

THE DECATUR ARRAIGNMENT AND THE RESPONSIBILITY OF ALABAMIANS

Defendants in the celebrated Alabama drama known popularly as the "Scottsboro" case, will be arraigned in the circuit court at Decatur Monday. Trials will begin a week later.

Advertiser

The Advertiser trusts and believes that the arraignment and the subsequent trials will not be accompanied by any untoward incident.

11-19-33

The Advertiser is frank to say that in its opinion if counsel for the defence will but deport themselves with dignity and good taste, this will be just another court trial, and not a great circus.

Montgomery, Ala.

Alabama is sick of circuses staged by agitators professing an interest in "political" prisoners—as if mass rape were a "political" crime.

The Advertiser is hopeful that counsel for the defense have learned their lesson and will deport themselves Monday and subsequently in a manner not calculated to arouse unnecessary antagonisms.

Having said as much The Advertiser begs leave to direct a sober word to Alabamians.

The Advertiser is assured that ample provision has been made for the physical protection of the defendants and their counsel.

It believes that Judge Callahan, who is to preside, is correct in his opinion that military protection is not required.

It is devoutly to be hoped that it will not be necessary to place a uniformed soldier on duty in Decatur; if Judge Callahan believed that such precaution were necessary, naturally he would so advise the Governor of Alabama, for his own reputation is at stake.

The prisoners are entitled to and will undoubtedly receive physical protection in their transit from Birmingham to Decatur.

Naturally Judge Callahan will see that no harm befalls counsel for the defense.

It is the desire of all responsible Alabamians, and we believe that it is the desire particularly of citizens of Morgan county, that these men shall be tried in a fair and orderly manner, and that their counsel shall receive consideration and courtesy.

The reputation of Alabama is at stake, and the responsibility of all concerned, especially oathbound officials, is large and inescapable.

Let all concerned on both sides deport themselves with restraint and dignity. Let them be just and fair, and above all decent at every turn.

Let all Alabamians especially be upon their good behavior!

Their reputation before the world is at stake.

That being true, The Advertiser trusts them.

HEYWOOD PATTERSON GOES ON TRIAL FOR THIRD TIME IN DECATUR, ALA., TODAY

Expert's Testimony on Forged Jury Roll Ruled Out by Judge

Prosecution Plans to Railroad Negro in Three Days

By JOHN L. SPIVAK

(Special Correspondent of the Daily Worker.)

DECATUR, Ala., Nov. 26. — With an allowance of only three days for the trial in which Alabama seeks his life, Heywood Patterson goes on trial tomorrow in the Morgan County Courthouse for the third time on the charge of attacking two white girls in a freight car.

Three days—Monday, Tuesday and Wednesday—that is all the time the State of Alabama and Circuit Judge W. W. Callahan, who is presidng will give to a Negro when his life is at stake.

And while the jury is "deliberating," Judge Callahan will rush Clarence Norris, another of the Scottsboro Boys, to trial on Thursday morning.

"Too Much Publicity"

Alabama does not want to spend any more time on the Scottsboro cases. They have attracted too much attention already. "It has been over-publicized" in the opinion of Judge Callahan, so the jurist intends to "debunk" the internationally famous Scottsboro cases.

Judge Callahan is determined to rush these cases through even if he has to continue with the late night sessions which marked the past two days of court. It is reported that if he tries to force the International Labor Defense attorneys into night sessions, they will refuse to attend on the grounds that their health is being impaired and that they will not be rushed in a matter where a man's life is at stake.

Frame-up Carefully Planned

Callahan's plan to "debunk" the Scottsboro cases, from a publicty point of view, is well planned. The Clarence Norris case, scheduled to start immediately after the Patterson case, will be a repetition of the evidence taken in the Patterson case. Newspapers throughout the country will give much less space.

Immediately after the verdict is brought in the Norris case, probably by next Sunday, Judge Callahan will adjourn court for one week. During that time the news interest in the case will have died down, and when more Scottsboro Boys are put on trial for their lives the repetition of evidence will probably receive even less space than the Norris trial.

Newspapermen May Leave

It is doubtful whether the New York newspapermen who are here will remain over the week' adjournment.

It is also doubtful whether the I. L. D. chief defense counsel, Samuel Leibowitz will even make a summation to jury. Summations are not recorded in the record that goes to higher courts and in view of the sentiment in Morgan County against "Jew lawyers from New York" and the Scottsboro boys, a verdict of guilty is almost a foregone conclusion. To make a summation would only be a waste of time and energy.

Decatur is still chuckling over the way Judge Callahan overruled the defense's motion to quash the Jackson County indictments against the Scottsboro boys on the grounds that systematically excluded from jury service.

Names on Jury Forged

The defense proved conclusively by the testimony of John V. Haring, a nationally known handwriting expert, that the Jackson County jury rolls had been tampered with. The names of Negroes used by the defense at the trial this spring had been forged on the jury roll.

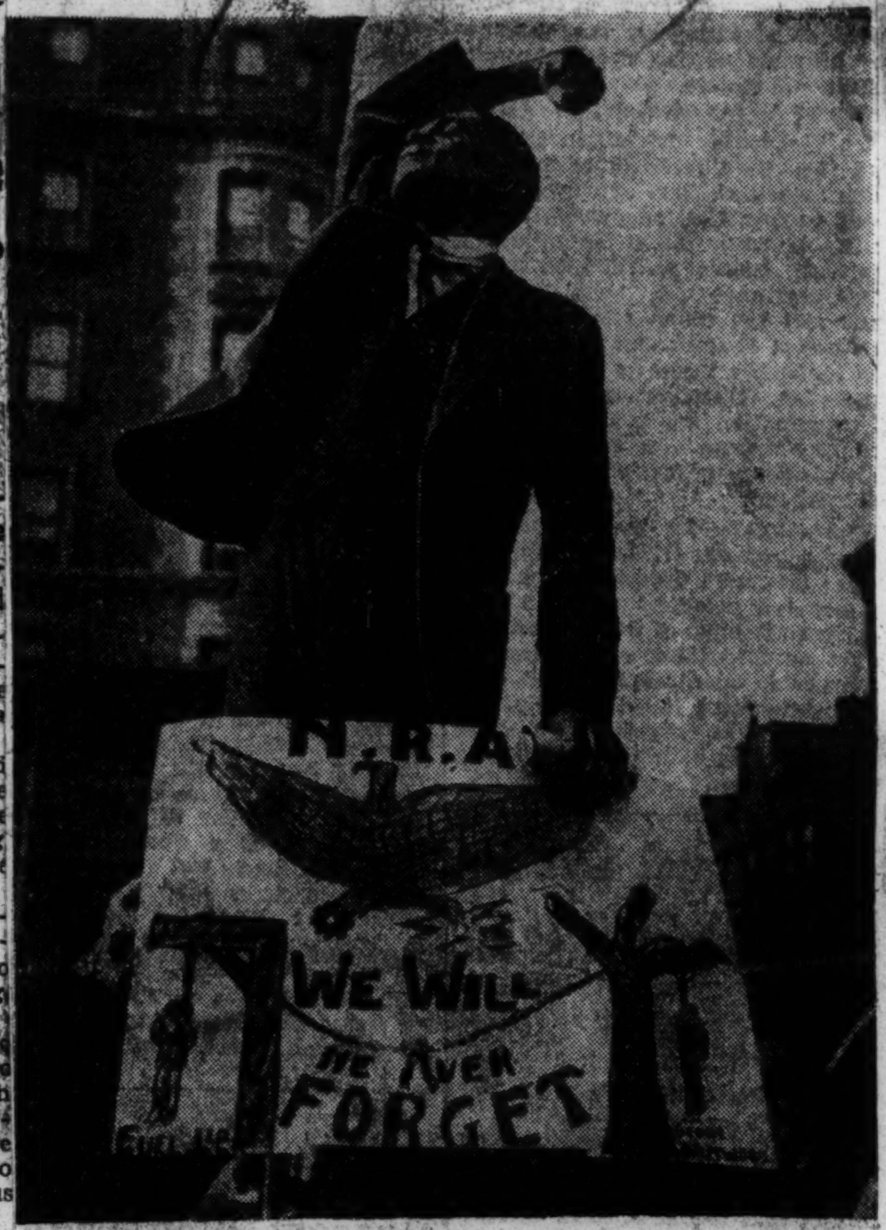
The handwriting, according to the expert, was that of Kelly Morgan, a Jackson County jury commissioner. The names had been forged on the roll after the roll had been completed. The superimposing of names over red lines which had been drawn across the pages of the jury roll, was clear even to spectators who peered through Haring's magnifying glass.

In one case a letter of one of the forged names was superimposed over the writing of another name written before the Negro's name had been forged. Nevertheless Judge Callahan held that the defense had not proved that there was any fraud connected with the jury roll.

Judge Silent on Important Point

In utering his decision overruling the defense's motion to quash the indictments, the jurist chose his words with care. When he concluded he had left out the most important part of the testimony presented by the defense; that of the sworn testimony of Kelly Morgan, who said that there were no red lines drawn through the jury roll book when he wrote in the names of the jurors. Since the Negroes' names were written over the red lines, it was clear that these names had been added since the roll was completed. This Judge Callahan did not touch upon. When Leibowitz tried to call his attention to it, Judge Callahan said irritably: "My mind is made up. I will not listen to arguments."

Calls for Death to Lynchers!



Leonard Patterson, of the Young Communist League, demanding death for lynchers and lynch-law in his address to thousands of Negro and white workers in the Scottsboro demonstration in Harlem Saturday.

Daily Worker 11-27-33

Lynchings-1933
&
Legal Punishment for Rape.

4259

Alabama

Eufaula, Ala. Tribune
April 12, 1933

THE DECATUR VERDICT

Efforts of attorneys for the defense in the "Scottsboro case" to seize every opportunity to arouse sectional and racial prejudice are strongly condemned by the press. On this subject The Montgomery Advertiser says:

Once more an Alabama jury, hearing all the testimony has said that Heywood Patterson is guilty of a capital offense against the laws of Alabama and once more he has been sentenced to the electric chair.

The state of Alabama gave this man a fair trial. When the defense asked for a change of venue from Jackson county, the request was granted. When Morgan county was selected the defense squawked. Having lost a case before a Morgan county jury the defense will ask for a change of venue for the remaining defendants.

The state provided the utmost protection to the person of Heywood Patterson.

The trial judge, (an Alabamian!) presided with such impressive fairness that even the chief of the defense counsel while denouncing the jury in scandalous terms, pays Judge Horton the tribute of saying that he would have been "delighted" to leave the case in the Judge's hands!

That is to say, he would have been willing for this lone Alabama judge to decide whether his client should live or die.

Twelve jurors, friends and neighbors of Judge Horton, sat in judgment on the facts in this case. They heard the whole sordid story, including the highly suspicious testimony of La Bates whose staged appearance at the eleventh hour with her avowal of perjured testimony in the previous trial, proved a dud.

These twelve jurors did not go out, smoke a round of cigarettes and return with a hasty verdict. They deliberated for 21 hours. In the end they agreed that Victoria Price had told the truth and that Ruby Bates had not.

Mr. Samuel Leibowitz wanted to be the hero of this unpleasant drama and emerge from it with an enhanced professional reputation. He says that he acted without remuneration, even without expense money. No doubt he did, but if Leibowitz had succeeded in his natural ambition to set his man free, he would have had ample compensation in his enlarged fame. He is perhaps less of an altruist than he represents himself.

But he lost, in spite of his device of using the Lord's prayer as a peroration.

He lost because the jury believed the facts did not support his fervid oratory.

Did Leibowitz accept the verdict with becoming grace, after the manner of lawyers everywhere? Not at all. His answer was a brutal attack upon the jury. Said he:

"This verdict is an act of bigots, spitting upon the tomb of Abraham Lincoln."

The chief of all the bigots at Decatur was Mr. Leibowitz himself.

He left little if anything undone to arouse the resentment if not the bitterness of everyone in the courtroom including members of the jury.

He was not content to try his client on the facts, as other clients in Alabama are tried.

His purpose was to put the state itself on trial.

From the beginning of the trial he was arrogant, contemptuous and domineering.

Anyone of 100 Alabama lawyers would have handled Heywood Patterson's case far more effectively.

Mr. Leibowitz came into Alabama as the voice of bigotry and arrogance. Instead of seeking to make the way easy for his client he exercised his talents to make the way as difficult as possible.

What a stupid lawyer poor Patterson had!

Solicitor Wade Wright, of Morgan was unfortunate in his reference to "Jew money" in the case. This was an appeal to prejudice and Judge Horton asked the jury to disregard it, as he should have done.

But this one aberration does not offset the sustained appeal to prejudice on the part of Mr. Leibowitz and his friends of the I. L. D.

But even Mr. Leibowitz refrains from accusing the attorney-general of Alabama to whom he lost after a long and bitter struggle, of any improper remarks.

Mr. Knight was chief counsel for the prosecution, for whom it should be said by the way, that he managed the case with fine ability and a coolness which must have been difficult to maintain at times.

Mr. Leibowitz bestows high praise upon the presiding judge, he is silent on the conduct of his opponents, Mr. Knight.

But he denounces the jury in savage terms.

Mr. Leibowitz is a poor sportsman.

A good lawyer should know when he has a bad case, and hope for better luck next time.

Kansas City
Mo

Call 11-24-33

SCOTTSBORO AGAIN

For months the state's chief witnesses, on whose testimony the Scottsboro boys were twice convicted, have been telling that the accused are victims of a frame-up. The prosecution has little evidence left, not enough to convict any other defendants than these. For that reason the new Scottsboro trial will decide not the guilt or innocence of the Negro boys accused of rape, but whether or not Alabama can do as it pleases with Negroes.

That a great state would try to kill seven humble boys seems incredible, but Alabama is capable of doing just that. The proof is that for sixty years it has done its best to crucify the souls of its black citizens. It has kept them in ignorance and poverty. It has denied them even hope. To take their lives calls for nothing new either in its attitude or resolve.

The Scottsboro case once was described in the daily press as the trial of Negroes for rape. It now is treated in its true light, a case wherein law and custom, rather than persons, are on trial.

The American people, our white neighbors, have a stake in this Scottsboro trial now in progress greater than Negroes have, even those whose lives hang in the balance. Shall law and customs evolved after hundreds of years of sweat and sacrifice, be simply a means of doing what a caveman accomplished with a rock? Shall justice be forgotten and only passion be heeded? Can a sovereign state wallow in blood because its dominant group is prejudiced against a minority, and still be a respected unit in the United States? Can a trial in Alabama have an entirely different verdict from what the same facts would produce in New York?

Scottsboro is a symbol. The interpretation of old laws is far more humanitarian today than ever in this country's history, and new laws are adding to the progress made. The Scottsboro trial is yesterday making a stand on an old battle ground. Machines are improved, laws are amended, business evolves new methods. But southern prejudice remains unaltered. It will continue as long as that section feels the need of an excuse for its conscienceless inhumanity to Negroes.

Roosevelt Asked to Intervene To Protect Scottsboro Negroes

Times

Warning of 'Massacre' of Seven Prisoners and Their Lawyers at Decatur (Ala.) Court Today, Defense Counsel Wire President a Plea to Obtain State Troops.

11-20-33
N.Y.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., Nov. 19.—President Roosevelt was urged today to intervene and avert the danger of mob violence tomorrow when seven of the nine Negro defendants in the Scottsboro case are to be arraigned here in the Morgan County Court House.

Attorneys for the accused men, who have been in prison for nearly three years, telegraphey the President at Warm Springs, Ga., urging him to use his good offices with Governor Miller of Alabama to insure military protection for themselves and their clients.

Times
11-20-33
N.Y.

In the message sent from Birmingham and signed by Samuel S. Leibowitz, chief counsel; G. W. Chamlee and Joseph Brodsky, his associates, Mr. Roosevelt was informed that "the probability of a massacre of the defendants and their attorneys is extremely grave."

The tentative decision of Circuit Judge W. W. Callahan, who is to preside at the third trial of Heywood Patterson, opening a week from tomorrow, to dispense with the militia, occasioned the despatch of the telegram after a direct appeal to Governor Miller, who is ill, failed to bring the desired result.

The telegram to the President, as made public by Mr. Leibowitz in Birmingham, where he is staying pending the opening of court tomorrow, was as follows:

"We earnestly ask your good offices to persuade Governor Miller of Alabama to order out sufficient National Guardsmen to provide adequate protection for the nine Scottsboro boys and their attorneys who are to appear at Decatur tomorrow for arraignment of the defendants and for trial Nov. 27.

"At the previous trial this Spring, Circuit Judge Horton, presiding, took judicial notice of incipient mob action to Lynch defendants and attorneys by ordering soldiers in open court to shoot if necessary to preserve the peace. Shortly after the trial, Judge Horton, who has since been supplanted, adjourned court on his own motion because of temper of citizens.

"Since last trial, two Negroes in custody of Sheriff were recently lynched in Tuscaloosa cases, a Negro named Royal was lynched in very city of Decatur in August and a mob visited the Decatur jail to lynch a Negro prisoner named Brown. Only removal to Huntsville jail before mob arrived prevented his assassination.

"Situation now infinitely more tense. Have affidavits naming many persons in Decatur and neighboring towns who have openly voiced intention of 'getting' the niggers and their attorneys.

Times
11-20-33
New York

"Editorials today in Birmingham Age Herald and Post show their appreciation of imminence of danger and urge officials to call out millitia. Despite this situation, the Governor has rejected plea for State troops to guard prisoners and attorneys. The robability of massacre of defendants and attorneys is extremely grave. We urge your intervention."

Prepare to Transfer Negroes.

Despite the concern of the defense attorneys, there were no indications here today that Judgge Callahan contemplated the summoning of troops, and officials and townsfolk insisted that there was no need for his doing so.

Attorney General Thomas E. Knight Jr., who is to prosecute the Negrgoes on charges of attacking two white girls in a freight car in March, 1931, indicated that he regarded the presence of millitiamen at the last trial as a needless expense.

Sheriff Bud Davis left here with one deputy this afternoon with an order on the Sheriff of Jefferson County for a transfer of the prisoners from Birmingham, where they have been held for safe-keeping since last Spring.

Birmingham police and deputy sheriffs of Jefferson County will help gguard the prisoners on the ninety-six mile automobile trip from Birmingham to Decatur. The time of their rarrival is being kept secret, but the arraignment si set for 9 A. M.

Mr. Chamlee, the only Southern lawyer associated with the defense, which is financed by the International Labor Defense, visited the prisoners in the jail this afternoon and said he found them in a state of panic.

Fearing that they would be lynched en route to Decatur, they said at first that they would resist any attempt to remove them from the Birmingham jail and it took a great deal of persuasion by Mr. Chamlee to induce them to sign the motion papers for a change of venue. Finally they agreed.

Girl's Deposition Sought.

In addition to the motion for a change of venue Mr. Leibowitz said he itnended to move to quash the indictments against the defendants and to petition the court for permission to take a deposition from Ruby Bates outside the State of Alabama.

The Bates girl, who charged at the first trial in Scottsboro that the Negroes had attacked her and Victoria Price, recanted publicly at Patterson's second trial here last Spring. Recently she reaffirmed her exoneration of the prisoners, but said that she did not dare return to Decatur to repeat her testimony in court.

Times
11-20-33
New York

The motion for a change of venue will be supported by affidavits alleging violent prejudice in Morgan County against the defendants and their lawyers. Although the Alabama law limits defendants in criminal trials to one change of venue, which in this case already has been granted, Mr. Leibowitz will undertake to prove that the statute is unconstitutional.

The battle to quash the indictments was fought and lost by Mr. Leibowitz before Judge James E. Horton last Spring. The motion was predicated upon the theory that exclusion of Negroes from grand jury service violated the Fourteenth Amendment and invalidated the indictments.

A similar motion to quash the venire from which the all-white jury was drawn to try Patterson likewise was lost after Mr. Leibowitz spent several days attempting to show that there were Negroes in Morgan County qualified to serve as jurors except for their color.

Judge Horton, however, reversed the verdict of the jury which found Patterson guilty and set aside the death sentence which he was compelled by law to pronounce upon the Negro defendant. In an opinion accompanying his decision Judge Horton said the verdict was against the weight of evidence and expressed the opinion that the testimony of Mrs. Price was unreliable.

Plot Rushing Trial of Scottsboro Boys Before K.K.K. Judge

NEW YORK.—Every effort is being made by Attorney General Thomas E. Knight, Jr., of Alabama, to bring the Scottsboro boys to a quick lynch-trial before Judga W. W. Callahan, notorious Ku Klux Klanner, in Decatur, Ala., it was learned today by the International Labor Defense, William L. Patterson, national secretary, announced.

Judge Horton, Patterson pointed out, is aiding in this effort by refusing to set a date for hearing on writs of habeas corpus filed by the I. L. D. lawyers demanding that he set bail for the Scottsboro boys, as he is legally obliged to do by his own ruling in the decision granting Heywood Patterson a new trial.

Besides going up to Decatur to confer with Judge Horton and Judge Callahan, Knight has written a formal letter to the Ku Klux Klan judge asking that he take over the cases, the I. L. D. learned.

An attempt is being made to force the boys to face a lynch-court again in the beginning of December, in the town of Decatur, which is being prepared for the new "trial" by a wave of lynching, terror and frame-up of Negroes.

Patterson issued a call today to all districts and branches of the I.L.D., to all friends of the Scottsboro Boys and the oppressed Negro People, to immediately intensify the wave of protests from every part of the country, to President Roosevelt, to Judge Horton, at Decatur, to Attorney General Knight and Governor B. M. Miller, at Montgomery, Ala., demanding the immediate, unconditional release of the innocent Scottsboro boys, and protesting against attempts to bring them to lynch-trial before Ku Klux Klan Callahan.

At the same time, Patterson issued an appeal for funds to carry on the heavy expenses of the campaign and legal steps to save the Scottsboro boys, to be sent to the I.L.D., Room 430, 80 East 11th St., New York, N. Y.

Lynchings-1933
Legal Punishment for Rape

Alabama

4262

4262

Augusta, Ga. Chronicle
April 13, 1933

The Scottsboro Case

It is highly unfortunate that in every cause celebre the original matter at issue gets out of hand, and men summoned merely to do justice in the case of one individual find themselves rendering a decision on a whole social system. And it is to be expected that under our present system of society judges, juries, and prosecuting attorneys will affirm their belief in the established order. The conviction for the second time of one of the negroes accused in the "Scottsboro case" is simply one proof more of a fact that must be reckoned with by all who would protest.

Alabama, of course, was "on trial" before the nation. And that was precisely the trouble. San Francisco was on trial, and with her California, in the Tom Mooney case. Massachusetts was on trial in the Sacco-Vanzetti case. Georgia was on trial in the conviction of Angelo Herndon, young negro Communist. Mooney has stayed in jail these long years because of his alleged complicity in the Preparedness Day bombing in San Francisco in 1916—and because he was known as a radical and had been charged with other bombings sponsored by them. Sacco and Vanzetti went to their deaths after the prosecuting attorney had quite unnecessarily waved the Stars and Stripes and called them reds in an attempt to prove to a jury that they were guilty of a hold-up slaying.

Those three may have been guilty, again they may not. Angelo Herndon undoubtedly was guilty. But the punishment given him, eighteen years under Georgia's carpet-bag law punishing "attempts at insurrection" with as much as death, was and remains an unqualified reflection upon our state. He was a Communist, and he was attempting to organize Communist meetings. But year after year we have had Communist candidates for president, and a Fulton county jury barely avoided disgracing the name of Georgia beyond redemption by bringing a sentence of death.

A young negro lawyer, handling his first case, muddied the waters in the Herndon case by making the matter one of negro persecution, rather than radical persecution, and to a degree the death sentence imposed at Decatur upon Heywood Patterson, 19-year-old negro, may be blamed upon a conduct of the case out of touch with conditions in the South. Samuel S. Leibowitz, the chief counsel for Patterson, elected to challenge the supremacy of the white race in Alabama. That was not at issue. What was at issue was whether two young white women, hoboing their way on a freight train, could be believed in their story that the nine negroes attacked them.

These women, as Judge James E. Horton declared in his charge to the jury, were of easy virtue. One of them, Ruby Bates, repudiated her testimony given in the trials two years ago, and declared that the other, Victoria Price, was "framing" the negroes. The jury presumably had the opportunity to decide which to believe. In its deliberations perhaps it recalled the inexcusable statement of a prosecutor, that the witnesses had been "bought." It was true, lamentably true as far as Heywood Patterson was concerned, that Ruby Bates appeared in court comparatively well dressed, in clothes bought during her recent visit to New York.

The fact that the International Labor Defense had its attorneys present, that the mother of one of the accused negroes has toured Europe in an attempt to arouse the sympathy of radicals there for the condemned; that the people of Alabama have felt rightly or wrongly that the rest of the country has been unjust in its condemnation, and that Communists have made no secret of their attempt to organize the negro population of the South through the notoriety that the case has attained—these are facts which Northern as well as Southern liberals must face as they consider this glaring miscarriage of justice.

Whether a second appeal to the United States Supreme court will lie open to Patterson on the grounds that as negroes were not on the jury rolls the verdict was contrary to the Fourteenth Amendment, or because of the statements of the prosecutors, is a matter for lawyers. Meanwhile thousands of negroes are signing petitions to the president or anyone they think may be influential, and the south once more has come in for abuse as bigoted and oppressive to the negro.

It must be said now, and with all emphasis, that attempts to coerce Southerners, or Americans of any section, do more harm than good. Had local attorneys handled the case, had radicals over the country and the world kept out of it, especially had the International Labor Defense remained silent, the case could have been tried on the pertinent issues. Counsel for Patterson elected to try it on the issue of "justice" for the negro, and "justice" for Communists. Both appeals were ill-directed. The South feels that it is doing the best job possible with a racial problem far surpassing in difficulty that of other sections. And all juries, under stress of appeals by prosecuting attorneys, become prejudiced against reds, even in states where an anachronistic law does not encourage them.

The liberal elements of the South for years have fought against lynch law, against injustice and oppression. They are dissatisfied with this first verdict in the re-trial of the negroes. But a calm consideration of the circumstances makes understandable the verdict of the jury. It is to be hoped that when next Florida torture barrels or Georgia chain-gangs, North Carolina strikes or Alabama prosecution for attack, engage the rest of America liberals elsewhere will consider the matter in the light of what Southerners are attempting to do toward righting these wrongs. The Scottsboro-Decatur cases are ample cause for regret that the accused's own friends did him grievous injury.

Birmingham, Ala. [illegible]
April 16, 1933

I. L. D. METHODS IN TRIAL CRITICIZED BY NEGRO GROUP

Mass Meeting Will Be Held Here In Interest Of Scottsboro Negroes

BY RALPH E. HURST

An attempt to have the International Labor Defense conduct the Scottsboro cases with "sane and dignified methods in the future" will be made by the National Association for the Advancement of Colored People, according to Dr. Charles A. J. McPherson, secretary of the Birmingham branch, who announced his organization's entry into the cases in cooperation with the forces now handling the defense.

Dr. McPherson's statement opposing the injection of communism, racial issues, and mob action into the cases, was issued here Saturday on the eve of a mass meeting to be held at the First Baptist Church in Graymont at 3 p.m. Sunday.

Persons sponsoring the meeting had announced that Samuel Liebowitz, chief defense attorney for the Negroes, would attend the meeting but press dispatches from New York Saturday night said Liebowitz was the principal speaker at a meeting there during the evening.

At the same time Atty. Gen. Knight, who Saturday received a death threat at Decatur where he has gone to prepare for the next trial beginning Monday, announced the following:

"A statement in the New York Herald-Tribune quoting Samuel Liebowitz as reflecting upon the people of Morgan County and members of the Heywood Patterson jury has been called to my attention.

"Liebowitz is quoted as stating when asked how the jury could find a verdict as it did that: 'If you ever saw those creatures; those bigots, whose mouths are slits in their faces, whose eyes pop out at you like frogs,' whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it.'

"If this statement was made by Liebowitz, it can be taken only as a wail of a contemptible loser, particularly in view of the fact that in his address to the jury he lauded the people of Morgan County and the members of the jury to the skies. Referring to members of the jury he characterized them as highly intelligent, painstaking and honorable men. That was before the jury returned a verdict sentencing Heywood Patterson to death for raping Mrs. Victoria Price.

"I, like every other Southerner, resent his despicable slurs. However, we must remember that whatever excitement his forensic discourse causes in Harlem, it cannot and will not cause the citizens of Morgan County and Alabama to deviate from the orderly and dignified course which was followed in the Patterson trial.

"I was very glad indeed, that Liebowitz's insincere flattery of the court, myself and the jury could not swerve the jury from a verdict in this case, when they believed, as I do, that Heywood Patterson was guilty beyond a reasonable doubt.

"Liebowitz, having borne his gifts of compliments, now wants to take it back."

Dr. McPherson's statement was as follows:

"Following the receipt of the action of the national office of the National Association for the Advancement of Colored People in reference to its reentering the Scottsboro cases and the many inquiries as to our position in the matter, we submit the following:

"1. We are unalterably opposed to any organization raising communistic or revolutionary issues in the Scottsboro cases—we are American citizens, red, white and blue.

"2. We are bitterly opposed to bringing into these cases racial issue of whatever sort. We are for the upholding of all of the amendments of the United States constitution.

"3. We are opposed to the silly practice of some organizations sending threatening messages to the governor, judges and other officers which, in our opinion, created an atmosphere for the verdict rendered. These officers and the courts are human, not gods."

"4. We believed that enlightened citizens of Alabama regardless of class or color should come forward and assert themselves in behalf of sober and humane justice in the Scottsboro cases. The courage of your convictions only is needed to wipe out the unpleasing spectacle from before your eyes and the world at large.

"5. The Birmingham branch of the N. A. A. C. P. is not composed of hot-headed radicals who believe in the overthrowing of our present form of government. Like Lincoln, we believe in the preservation of our government by sane and peaceful methods. We regard any other method as treason.

"6. The Birmingham branch of the N. A. A. C. P. is interested in a variable local program which will of necessity force us to divide our attention, energies and resources in the promotion of the same. This branch is interested in easier registration of Negroes in Alabama, reduction in the homicide rate in Birmingham and Jefferson County, a clean, fully equipped municipal park for Negroes, another High School to relieve the congested and overcrowded Industrial High School in another section of the city, improved housing conditions and many other problems vital to the welfare of the Negro.

"7. In the very heart of the Scottsboro cases this branch will pledge itself to aid an intelligent and dignified handling of the Scottsboro cases in the future. To that end we respectfully insist, and more, we demand, that our board of directors go immediately into conference with the I. L. D. authorities for the purpose of controlling and restricting their activities and propaganda to sane and dignified methods in the future. We disdain mob action because we oppose it. We are sure you appreciate our position which we hold is identical with other social organizations. This is paramount to concerted action. We also demand that an account of all monies raised for this purpose by all organizations be given as was done by the N. A. A. C. P. in 1932."

Charge Of Jury Tampering Heard

NEW YORK—(AP)—The News says Samuel S. Liebowitz, chief of the Scottsboro defense counsel, will charge jury tampering in the retrial of Haywood Patterson, one of seven Negro youths once sentenced to die for an alleged attack on two white girls in Alabama.

The jury tampering, The News says, will be averred in a motion for a change of venue from Decatur, Ala., in the retrial next week of Charles Weems.

Liebowitz, reached at his Brooklyn home before he went to a mass meeting at Arcadia Hall to speak in behalf of the Scottsboro defense, refused to affairm or deny the tampering charge.

"I don't know where the information came from. I cannot say until we make our motion for a change of venue just what we will include," the attorney said.

"I do know that we will charge our lives were threatened, that during the trial it was necessary to have military protection and that this surely indicates without doubt that we cannot obtain fair trials in Decatur, which is a hotbed of intolerance and open prejudice."

Liebowitz said he would move to have the cases transferred to "a more cosmopolitan city—such as Mobile."

"We do not want our change of venue motion, however, to be taken as a reflection upon the presiding judge, James E. Horton, who was the acme of fairness throughout the case."

Greensboro, N. C. Patriot
April 13, 1933

RACIAL PREJUDICE

BACKED UP AGAINST THE WALL

Alabama and her courts have been subjected to a vast amount of ridicule and censure from press, pulpit and forum in all parts of the nation as result of last week's trial at Decatur in which one of nine negroes, charged with the capital crime of assault on two white women, was for the second time found guilty.

In the first trial in which the nine were convicted and found guilty there was such strong evidence that there had been no fair trial, that international opinion was aroused and a fight was conducted which led to the highest tribunal in the land before a new trial was secured.

In this second trial one of the two women went through again with her story of the alleged attack by the nine young negro men after they had forced a group of white boys from the freight train in which it was said the wholesale attack was made. But the other girl, one Ruby Bates, dramatically appeared as a witness for the defense, repudiated her previous story about the Scottsboro assault, and declared that she and her woman companion were in an entirely different part of the train from that in which the two groups of boys had their racial clash. Evidence showed that both Ruby Bates and her companion were underworld characters but the testimony of the Bates girl was worth just as much as that of the other woman.

The presiding judge took full liberty in his charge to instruct the jury that the good name of Alabama justice was on trial as much as was the negro youth. It was a masterly plea for justice to prevail instead of hatred and prejudice, but it was a plea that was ignored by the jury.

The verdict was not surprising to those who know inter-racial problems in the southern states. If the defense of the nine negroes had been handled by southern lawyers, the best that could be found, if there had been no effort to discredit the first findings of the court, and if the trial had been conducted in a calm and dispassionate manner, The Patriot is convinced that this jury of Alabama citizens would have seen this case in its true lights.

But true to its traditions, the International Labor Defense, which had eagerly assumed the burden of defending these negroes as its chance to advance its cause through promoting race hatreds and class prejudices, sacrificed its clients for the sake of publicity and Samuel Liebowitz, the chief defense counsel, from the first minute of the trial until the verdict was brought in seemed to devote himself chiefly to antagonizing the people of Alabama through his insinuations that justice for a negro is not possible in that state's courts. He deliberately brought down on himself the contempt of the jury and the court by pushing his own race and his own personality into the picture.

The trial started out as the state of Alabama against this negro defendant but it soon became in the minds of the jury as the state of Alabama against insolent and interloping outsiders, and of course Alabama won the verdict.

If anyone is caught unjustly in the toils of the law, let him avoid the International Labor Defense as he would the plague, for here is a crowd that will summons the world judice to fight on the other side, and no man or group of men can hope to win against a whole society.

SCOTTSBORO AGAIN PLAGUES ALABAMA

Times

Third Trial of Negroes Brings Misgivings of Racial Antagonisms.

10-29-33

NEW JUDGE APPOINTED

New York, N.Y.

Counter-Tide to Prejudice Is Rising Through Activity of Negro and White Leaders.

By JOHN TEMPLE GRAVES 2d.

Editorial Correspondence, THE NEW YORK TIMES.

BIRMINGHAM, Ala., Oct. 25.—With the third trial of the Scottsboro Negroes scheduled for Nov. 27 at Decatur, and with Judge W. W. Callahan assigned to preside in place of Judge James E. Horton who conducted the second trials last April, Alabama approaches with profound misgivings a probable resurrection of the antagonism

and dispute attendant upon this now famous case.

When Haywood Patterson, the only one of the Negroes to be tried last April, received a jury verdict of guilty Judge Horton set the verdict aside on grounds of insufficient evidence. Shortly thereafter he ordered the trials of the other Negroes postponed until local feeling aroused by statements of counsel on both sides should have become more calm. The withdrawal of Judge Horton now is said to have been brought about at the instance of Attorney General Knight. It is approved by Chief Justice Anderson the only member of the State Supreme Court to favor a retrial of the case after the first convictions at Scottsboro.

Although Judge Horton's expressions of opinion in setting aside the verdict against Patterson last April provide legal and ethical grounds for his withdrawal, dissatisfaction with the removal is being voiced among certain groups here, and The Birmingham Post has warned the new judge, Callahan, that "critics of our courts will now charge, inevitably, that the State Supreme Court permitted Attorney General Knight to shop around until he found a judge who combined some of the qualities of a prosecutor with those of a jurist." The situation, warns The Post, "makes it doubly obligatory upon Judge Callahan to proceed with strict judicial impartiality. Nothing more can be asked of him than that he handle the matter equally as well as did his preceding judge."

Racial Feelings Stirred.

Meanwhile, circumstances have done more to augment than allay the local feeling that caused Judge Horton to postpone the trials last Spring. Attempted interference by International Labor Defense attorneys in other cases involving Negroes, a number of criminal assaults or attempted assaults on white women by Negroes, and the lynching of three Negroes charged with assault in Tuscaloosa County (of whom two are generally believed to have been guilty but the third was patently not guilty), have served to intensify the racial consciousness and feeling that Judge Horton hoped might be allayed.

The only promising thing about the situation is that many of the Alabamians who have been bitterly demanding the right to settle their affairs without outside interference are now going about the business of really settling those affairs. Thanks largely to an enlightened and understanding attitude on the part of important elements of the Alabama press, public opinion in both races is being inspired to an examination and elimination of the bases of interracial hostility and crime. One evidence of this is the fact that even though the interference of the International Labor Defense and its alleged efforts to exploit the Negro for its own political ends are undoubtedly the partial source of feelings responsible for the recent

lynchings, the initial tendency to excuse the lynchings on that account has given way to an encouragingly widespread protest against lynchings on any account. Another is the growing demand that the legal machinery of the State be vindicated by the apprehension and punishment of parties involved in the recent mob murders.

Other interesting evidence of this counter-tide against lawlessness and racial antagonism is to be found in the activities of Negro leaders. A group of them in Mobile lately have adopted a set of resolutions which have been published with editorial praise in the Mobile newspapers and The Montgomery Advertiser. Deploring the "ignorance, passion, prejudice and poverty" that threaten to destroy "the fine work of the past years which has been done by white leaders and Negro leaders" in the direction of "tolerance and friendship between the races," these resolutions denounce "crime among our people, whether perpetrated within the race or upon members of other races," and go on record as "disapproving of any person who shields, or helps to hide, such criminals."

The resolutions ask, on the other hand, that Negroes accused of crime be given a fair trial and the protection of the law. "We believe that every guilty person should be punished, but that they should be given a fair trial and punished according to law. * * * We are calling upon the Negro citizens of Alabama to obey the laws and we are pleading with the law-enforcement officers of Alabama to protect the lives of all persons, regardless of race, by rigidly upholding the law."

Used by Agitators.

Special significance is attached to what this group of Negro leaders has to say of International Labor Defense activities among their race. "Some of the present unrest and friction," the resolutions declare, "is due to the influence of certain outsiders under the name of Communists—or some other high-sounding name. We believe that paid agents are circulating literature among the Negroes in certain sections and inciting them to commit crime by spreading unwise, inflammatory doctrines among our people. Negroes have nothing to gain by following foolish propaganda; we have everything to lose. We do not believe that the Negroes should be led astray by unsound, alien influences. The Negro, as a race, is not criminally inclined, but he has been used as a tool by evil designers and has been unduly influenced" * * *

Enlightened Alabamians who are honest with themselves realize that "outside interference" in the race question here may have been of some initial benefit in bringing about the soul-searching upon which the State is now rather hopefully engaged. But they are of one mind in their conviction that this outside interference is as harmful now as it may have been beneficial originally and that any more of it at this particular time would tend merely to tip the scales adversely in the trembling balance between darkness and light which characterizes existing race relations.

Alabama.

4263

Lynchings-1933.
Legal Punishment for Rape.

Appeal Patterson Verdict; Seek Trial Delay, Change of Venue, Pending Appeal

Daily Worker 4-11-33
New York, N.Y.

TRIAL OF WEEMS SET FOR MONDAY

Negro Boy to Be Tried at Same Lynch Scene

Daily Worker

DECATUR, Ala., April 10.—As reverberations of the tempest of fury which swept the country following the verdict of "guilty" in the case of Haywood Patterson reached this little Southern Alabama town, lawyers for the International Labor Defense mapped out the next moves to thwart the executioners.

Immediate appeals are being planned to the state Supreme Court and ultimately to the U. S. Supreme Court, which, on November 7 last, turned the case back for a second trial, lawyers for the ILD announced here yesterday, just before their departure for New York, where they will confer with leaders of the labor defense organization regarding further moves.

Fight for Vanue Change

Side by side with the taking of an immediate appeal against the lynch verdict rendered against Patterson, the 19-year-old Negro boy, is a demand for a change of venue to Birmingham for the trials of the remaining Scottsboro boys. On Saturday, while the jury in the Patterson case was still "deliberating," Judge Horton flatly denied a motion made by Jos. R. Brodsky, defense counsel, for the change of venue. This fight will be pushed more energetically than ever, however, the ILD declares.

At the same time—while mass protest against the murderous verdict rages throughout the country—the defense is calling for a postponement of the trials of the remaining Negro boys until after the appeal in the Patterson case is heard in the higher courts.

It is doubtful, however, whether the prosecution—eager to take advantage of the lynch atmosphere which it has succeeded in creating during the past weeks of the trial—will permit this delay.

May bar Press At Next Trials

An indication of the rope-and-faggot spirit which has been whipped up here by the prosecution is found in the report which gained credence today that Judge Horton may exclude newspapermen from the remainder of the trials, giving as his reason the "intense feeling" which exists.

Unless the defense wins its fight to postpone the remaining trials until after the appeal in the Patterson case is heard, Charlie Weems, second of the innocent Scottsboro boys, will go on trial in Decatur next Monday before Judge Horton.

Yesterday the condemned Negro boy was taken to the Jefferson County Jail at Birmingham, to which the other Scottsboro boys were removed Saturday night when Decatur became filled with klansmen ready for lynch action in the event that an acquittal verdict would be returned in the Patterson case.

Although the jury in the Patterson case was out for nearly 20 hours, it actually arrived at a verdict of "guilty" in exactly 21 minutes—a slightly longer time than it took the frame-up jury in the original Scottsboro trial to doom the nine innocent Negro boys to the electric chair in the Spring of 1931.

On the first ballot the jury, it became known today, was unanimous for conviction. On the second ballot, which was to determine the degree of punishment, the vote was 11 for electrocution and one for life imprisonment. It was the foreman of the jury, an architectural draftsman, who held up his associates for nearly 20 hours, with his insistence that the young Negro be sentenced to life imprisonment instead of to the electric chair.

NEW YORK CITY JOURNAL
APRIL 11, 1933

Heywood Patterson, one of nine Negroes for whom the Supreme Court ordered a new trial, ~~is sentenced~~ to death after the jury had deliberated nearly 24 hours. He and the eight other Negroes are accused of a crime against two white women, a crime punished by death in Alabama.

One of the women who formerly accused the men swore at Patterson's recent trial that he and the other Negroes were innocent, had never molested her or the second woman. The Rev. Dr. Fosdick, of New York, she said, persuaded her to tell the truth. The second woman swore that the nine men, Patterson included, were guilty, as she had sworn at the first trial.

Seven of the other Negroes will be tried, one at a time, with one woman, presumably, swearing to their guilt, the other swearing to their innocence. The ninth is a minor. The strange thing, which makes the case unusual, is that the Southern Judge, in his jury charge, describes both women as "women of the underworld." They were traveling in a freight car with white hoboes at the time the crime is alleged to have been committed.

With one woman swearing one way, the other swearing the other, and the judge describing both as unworthy of belief because of moral turpitude, there would seem to be considerable possibility of "reasonable doubt" in the case.

I.L.D. TO FIGHT MOVE TO RUSH THRU OTHER TRIALS

Defense Will Demand Postponement Pending Appeal; Weems Trial Set for Monday

DECATUR, Ala., April 12.—Gen. George W. Chamlee, attorney for the International Labor Defense in the Scottsboro frame-up, will move for a postponement of the trial of Charlie Weems pending the appeal of the case of Haywood Patterson to the higher courts, when Judge Horton orders the commencement of the Weems trial here on Monday.

Meanwhile the ILD, backed by international protest, is demanding a change of venue to Birmingham for the remaining trials.

4-13-33. New York Daily

NEW YORK.—"I am glad to be in New York. I am glad to be with the workers and the I.L.D. who are fighting for my boy," Mrs. Janie Patterson, mother of Haywood Patterson, framed-up Scottsboro youth, told the Daily Worker reporter who interviewed her before she stepped off the train at Pennsylvania depot where 700 Negro and white workers waited to greet her. Attorney Samuel S. Leibowitz was among those greeting her.

The train was half an hour late. Fifty police deployed themselves around the steps at the south end of the station. They could not hold the ranks back, however, when Mrs. Patterson mounted the steps escorted by the reception committee of the International Labor Defense.

"Long live the Scottsboro boys. Three cheers for Mother Patterson," some one called out and the roof of the station echoed a thunderous response of the hundreds of workers present. Workers who had come from Harlem and other parts of New York in spite of the snow outside.

Mrs. Patterson was escorted to a cab that was waiting to take her to the I.L.D. office. The crowd pushed the police aside and ran after her. They surrounded the cab, cheering and shouting. Hundreds immediately started marching to Union Square for the Scottsboro protest meeting.

* * *

The Negro and white workers of the world have swung into their most intensified action in the fight to save the Scottsboro boys, following the pronouncement by an all-white jury in Decatur, Ala., of a lynch verdict of death against Haywood Patterson, first of the boys to be retried.

It is estimated that at least a million workers throughout the country took part in protest demonstrations and meetings in the last three days, with the tempo of protest constantly rising.

* * *

On Chicago's South Side the Negro workers are up in arms against the Decatur verdict. Large contingents of Negro workers are expected to join the parade and demonstration on Saturday. The mobilization point is 33rd and State Sts.

* * *

A national movement was launched by the International Labor Defense, to obtain a million signatures to a petition addressed to President Franklin D. Roosevelt, demanding that he step in and prevent the legal lynching of Haywood Patterson and of the other boys.

Protests Pour In.

It was announced from Alabama that Governor B. M. Miller, Judge James E. Horton and Attorney-General Thomas E. Knight, Jr., special prosecutor in the case, had received at least 25,000 telegrams each, protesting the lynch verdict. At least as many are believed to have been sent to President Roosevelt.

In Santiago, Cuba, a demonstration of workers was held before the American consulate in protest against the lynch verdict.

In Harlem hundreds of meetings were held day and night, on the streets and in churches and clubs, at which International Labor Defense and other speakers spoke on the case.

The Amsterdam News, New York Negro weekly, announced that 50,000 signatures to its Scottsboro protest had been obtained by Monday morning, with thousands more pouring in hourly.

Plans for a march of Negro and white workers to Washington to present the petition were announced with thousands volunteering to join it.

A tremendous demonstration of Negro and white workers took place at Union Square, New York, Wednesday evening, while Chicago, Boston, Pittsburgh, Philadelphia, Cleveland, Akron, Indianapolis and Birmingham, and the Pacific Coast cities reported huge mass protest meetings in preparation.

Millions of leaflets calling for protest, linked with specific local meetings, have been issued throughout the United States.

* * *

In Philadelphia

PHILADELPHIA, Pa., April 12.—Mrs. Janie Patterson will be the main speaker at a huge Scottsboro protest meet called for Reyburn Plaza at one o'clock Saturday, April 15, it was announced today. The meeting will be preceded by a protest parade. Thousands are expected to greet her when she arrives at the station Saturday at 12 o'clock.

A band and a workers' chorus will accompany the parade. On Saturday evening she will be the guest of honor and speak at a bazaar of the I.L.D. at 1710 No. Broad St.

* * *

Cleveland Demonstration

CLEVELAND, April 12.—Plans for a monster Scottsboro protest demonstration under the auspices of the International Labor Defense, Saturday, April 15, in Public Square, were announced today. Similar meetings are being arranged in Cincinnati and every other large city in Ohio.

IMPORTANT SCOTTSBORO NOTICE!

Workers, party and non-party, are urged to call at the various headquarters tonight for leaflets for the Second Scottsboro demonstration to be held in Union Sq. Friday at 5 p. m. Section organizers and heads of workers' clubs should come to District Office of Party today for the leaflets.

Pittsburgh Protest

PITTSBURGH, Pa., April 12.—A demonstration against the Scottsboro decision will take place on Saturday, April 15, at 7:30 p.m., corner of Kirkpatrick and Wylie Avenues.

* * *

Section N. Y. Protests

NEW YORK.—A Scottsboro demonstration and parade will be held by the Downtown Section, N. Y. District I.L.D. tomorrow, beginning at 7:30 p.m., at 10th St. and 2nd Ave.

Paul Green, who has just returned from Decatur, will speak at 2nd Ave. and 10th St., 7:30 p.m.

The parade, led by the Red Front Band, will culminate in a mass demonstration in Rutgers Square, with Sadie Vanveen, Fred Biedenkapp, S. Stein, David Kolliscrita, Negro worker recently returned from the Soviet Union, as main speakers.

NEW YORK [redacted] WORLD Telegram

APR 11 1933

NEGROES' TRIAL IS CARROUSEL TO LEIBOWITZ

Will Carry Defense on Appeals to Highest Court and Back "ad Infinitum."

MIGHT BE SHOT, HE SAYS

Lawyer Avers Issue in Scottsboro Case Now Is Sociological and Political.

By MARGUERITE YOUNG,
World-Telegram Staff Writer.

Samuel S. Leibowitz sat in his Brooklyn home today and announced he will carry the defense of the Scottsboro negroes on appeals to the United States Supreme Court and, if successful there, back through the Alabama Courts "ad infinitum."

"It'll be a merry-go-round," he asserted, "and if some Ku Kluxer doesn't put a bullet through my head I'll go right along until they let the passengers off. In the end, of course, the verdict must come from an Alabama jury, and, frankly, I don't know when we can get one there to acquit these innocent boys. But we can make them mighty tired. The fight is just beginning."

Acting Without Pay.

A moment earlier he had turned to his wife and said, "I'll tell you right now, Belle, I couldn't leave this case now if it meant the loss of all my practice." He is to be representing without pay the Negroes accused of assaulting two white women in a freight car two years ago.

"The last trial we fought on technical, legal grounds," he said. "From now on every sociological, religious and political issue will be dragged right out into the open. We'll hold those bigots right up to the mirror of public opinion.

"I am not a Communist, but I want to say this for the International Labor Defense—had it not been for the International Labor Defense, those nine Negro boys would be in their coffins now, buried back of the county jail.

White Against Negro.

"The International Labor Defense brought this case to the attention of the world.

"To get justice in the South, the Negro will have to go out and take it, the same as the Americans took their freedom from Great Britain. Mind you, I'm not a 'Red.' I'm not advocating revolution. But unless the whites leave a little slack in the chain they're holding taut around the Negro's neck, the creatures at the other end . . . well, once they break loose, heaven help Alabama!"

On behalf of Haywood Patterson, convicted on a second trial ordered by the United States Supreme Court, Mr. Leibowitz will ask the State Supreme Court to pass on "three vital questions."

Questions He'll Ask.

They are:—Whether the right to sit on juries had not been systematically denied to Negroes? Whether the weight of evidence in the case is not "overwhelmingly" in favor of the defendant? And whether the conduct of the case was not such as to be "a mockery" of a fair trial?

He expects to hear whether the second trial must begin next Monday, as tentatively set. If it does he will go to Alabama, regardless of threats.

Lynchings - 1933
Legal Punishment for Rape

Alabama

4264

PRESS
MIDDLETOWN, CONN.
APR 10 1933

THE SCOTTSBORO CASE.

That Scottsboro case from Alabama invites nation-wide—yes, to some extent, world-wide—attention. As far as political radicals are concerned, it has stirred up as much discussion as that Vanzetti case from up Boston way. Once again there was a trial, this time in another county, far from the scene of the original crime. The United States Supreme court found the first trial a miscarriage of justice. Now the second jury declares that the negro on trial is guilty of serious assault upon two women and that, in Alabama means death.

No one following the trial and taking note of the tense feeling in evidence, with militia surrounding the court house to prevent the execution of the threats plainly in the air, can feel assured that justice has been allowed unimpeded action.

The conduct of counsel on both sides has been such that prejudice was aroused. The words of one state prosecutor were bound to invite hard feelings. Although the trial judge charged the jury not to heed what was said yet the spoken words clearly hampered fair decision by the twelve men. The fact that the jury took twenty-one hours to reach a verdict indicates that some jurors were doubtful.

That the character of the state's witnesses is of such a nature as to raise a reasonable doubt is certain. At the same time, there were also signs that perjury was not absent.

Another unfortunate factor is that counsel for the accused are from New York, one at least with manifest evidence of not only radical tendencies, but of some Communist support as well.

All this, together with the inability of negroes to gain recognition for jury service and the known attitude of so many persons in the southland against black men accused of the crime involved in this case, make it next to impossible to secure that even justice in the trial that the constitution guarantees to all, whatever their color,

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Brooklyn, N. Y. Eagle
APR 17 1933

Mayor Offers Moral Support In Negro Trial

Leader McCooey Among Speakers Encouraging Scottsboro Case Lawyer

Mayor O'Brien and Democratic National Committeeman McCooey have pledged their moral support to Samuel S. Leibowitz in hi fight against "Southern Hitlerism" as defense counsel in the Scottsboro case.

The retrial of the first defendant, Heywood Patterson, 19, resulted in a verdict of guilty on April 19. Eight more defendants are to be given second trials for an alleged attack on two white women two years ago.

The pledges of the Mayor and McCooey were given last night before aa gathering of about 4,000 persons under the auspices of the National Afro-Protective League. The Rev. Dr. Thomas S. Harten, pastor Holy Trinity Baptist Church and president of the league, was chairman.

The last speaker of the evening was Mr. Leibowitz. He was introduced by Sheriff Jacoby and as the attorney rose to his feet the crowd rose with him and for ten minutes the hall reverberated with the ovation given the champion of the Negro youths on trial for their lives in Alabama.

Mr. Leibowitz reviewed the case as far as it has gone, stating that it would be the turning point toward the better in the life of the American Negro and asserting that the nine youths themselves were not the only ones on trial, but America herself was on trial. He concluded his address dramatically with:

"These nine Negro boys shall not die."

O'Brien appeared to be disturbed by applause which greeted the presentation of William Patterson, Communist candidate for Mayor last Fall.

'For Fair Play'

McCooey said: "I speak not as a statesman, as Dr. Harten would have you believe; not as a political leader, but just as an ordinary citizen. I am talking as one of those Brooklynites who is interested in fair play.

"Sam Leibowitz," continued McCooey, "is one of the best criminal lawyers at our bar, and I think those young men are perfectly safe with Sam in charge.

"But when he's way down in Alabama we want him to know he's got friends way back here, and whenever it's time for us to go in we'll be ready."

O'Brien Wins Applause

O'Brien preceded McCooey on the list of speakers. He outlined his own relations with colored New Yorkers in political life and was applauded by his audience, mainly Negro.

He then posed for a photograph with McCooey, Leibowitz, Magistrate Salvatore Sabbatina, Exalted Ruler of Brooklyn Lodge of Elks, and Dr. Harten.

While photographers were maneuvering O'Brien and the others into position, a shout arose from members of the International Labor Defense attending the meeting.

"We want William Patterson in that picture," came the roared demand, measured, distinct.

Irritation was noticeable on O'Brien's features, but Leibowitz seized his right hand in a friendly clasp and, grinning amiably, brought a smile to O'Brien's lips just in time for the flashlight.

All resumed their seats and the Rev. Dr. Harten arose to welcome Rabbi Lyons of the Eighth-Avenue Temple and to acknowledge William Patterson's presence on the speaker's platform.

Mayor Leaves Hurriedly

Applause greeted mention of Patterson's name, and cries of, "We want to hear Patterson! Let Patterson speak!" O'Brien's face was noticeably tense, as he arose, briskly shook hands with those about him and almost ran across the wide stage to his waiting police escort.

He left the hall to the strains of "Salutation," played by the Colored Elks Band, present at the request of their Exalted Ruler, Thomas Higgins.

McCooey then spoke.

Is Native of Alabama

Rabbi Lyons astonished many of his listeners when he recalled that he is himself a native of Alabama. He resented the Southern prosecutor's recent reference to "Jew money" raised for the defense of Patterson, Weems and their fellow prisoners.

"I want to see you, and all other Christians," he said, "interpret the Resurrection properly. I am tired of a religion of mere pretense or theory.

"As sure as there is a God of Israel, who neither slumbers nor sleeps, there must be justice for the relatives of your Saviour."

He compared Southern race hatreds to Hitlerism and urged justice for all—Jew, colored, white, Gentile—on grounds of common humanity.

Among Other Speakers

Among other speakers were:

Register Aaron Jacoby.

Records Commissioner Hyman Schorenstein, Democratic leader of the 23d A. D.

Sanitation Commissioner Edward F. Cadley, Democratic leader of the 17th A. D.

Harry Wolkof, clerk of the Second District Municipal Court.

Tax Commissioner John R. Crews, Republican leader of the 5th A. D.

Transfer Tax Appraiser David F. Soden.

Dr. G. M. Hinkson, president Providence Medical Association

William H. Davis managing editor N. Y. Amsterdam News, colored weekly.

Mrs. Jennie Patterson, mother of the condemned boy.

PHILADELPHIA PA. BULLETIN
APRIL 19, 1933

A SERVICE TO ALABAMA

Decision of Judge Horton in ordering indefinite postponement of the trials of eight defendants in the Scottsboro case that it is "impossible at the present time to fulfill the high purpose of a court of justice" in proceeding with these cases accords with opinion prevailing outside of Alabama based on observation of the circumstances surrounding the trial of the one defendant already convicted. It would be more serviceable to the cause of justice if the present opinion of the Judge could have been retroactive in its application and the initial case could have been carried over to a more judicial situation.

The Scottsboro cases present extreme difficulties, because, unfortunately, the only pertinent issue, guilt or innocence of the accused, has been inextricably tangled with and largely overshadowed by extraneous controversies. Despite the desires and efforts of a conscientious Judge, the lives of these Negroes accused of a capital crime have become pawns in a contest between local prejudice and outside intervention. The fact that without such intervention the accused, innocent or guilty, would by now be dead and buried justifies "foreign" defense of the prisoners, but does not mitigate the rancor it has aroused.

It is possible that when the heat generated by the Patterson trial has cooled and bitter words spoken by both sides have ceased to echo the Scottsboro Negroes may be tried in an atmosphere more conducive to calm deliberation and honest weighing of the credibility of witnesses. The conduct of the recent case indicates that fair trial now, as Judge Horton finds, is out of the question. That jurist has rendered his State a service which in calmer moments it may appreciate.

Huntsville, Ala., Times
April 18, 1933

Judge Horton Right

Judge Horton, in our opinion as a layman, pursued exactly the right course in delaying trial yesterday of the second of the so-called Scottsboro cases at Decatur.

"No court, regardful of its duty to see that trials must be fair and impartial," said the Athens jurist, after reading the interchange of recriminatory statements of Samuel Leibowitz, attorney for the defense, and Attorney General Knight, for the state, "could under such baneful influences permit the trial of this case to proceed at the present time. The case will be continued, therefore, until such time when, in the opinion of the court, a fair and impartial trial may be had."

Judge Horton, throughout the course of the first trial, that of Heywood Patterson, displayed judicial temper and judgment of the highest quality.

Despite efforts to inject extraneous influences to sway the jury, he maintained the trial on a high judicial plane.

His charge, after all the evidence was in, was in the finest judicial vein.

* * *

We regret the state's attorneys allowed themselves to be drawn into a controversy with the propagandist attorney of the International Labor Defense, to whom the lives of those whom he is supposed to represent are but a secondary consideration.

We regret that one of them was so tactless as to refer in his speech to "Jew money from New York." It was plain to everybody that an abundance of it from some outside undisclosed source had been sent down here to influence the trial. There is none so guileless as not to believe that two of the defense's witnesses had been tampered with with.

But this was not in the record. It was not a part of the trial. It added not one whit in the conviction of the negro defendant. Its introduction by one of the state's at-

[illegible] put an instrument in the hands of Leibowitz to go back to New York and fan the fires of racial hatred still higher, and to raise more money with which to smear the courts and the people of Alabama.

Attorney General Knight, in our opinion, displayed poor judgment in answering the vile, filthy, lying interview of Leibowitz in a New York newspaper.

The best way to handle an opponent of that kind is to let him rave, not engage him in a controversy. The best place to try a lawsuit is in the courtroom, not in the newspapers.

• • •

The tactics of Leibowitz, Chamlee and Brodsky have been unspeakably contemptible.

They have not tried to conduct the case to acquit their clients or to prove their innocence.

Their whole effort has been directed toward making them appear in the role of martyrs before the people of the North and East.

No sooner had Leibowitz landed back in New York, after conclusion of the first trial in Decatur than he took the stump in Harlem, Manhattan proper, Brooklyn and other places in the metropolitan era to defame and abuse the jury, courts and people of this state.

He essayed the role of defender and savior of a persecuted race. He tore his hair, beat his breast and swore to high heaven that he would not let his clients be massacred by a vile, ignorant, prejudiced jury, composed of "nigger haters."

He intentionally tried to goad judge and prosecutor, so that he could make capital for consumption by the radicals and the uninformed, the reds and the "parlor pinks" of another section of the country.

Judge Horton held him in bounds by his strict judicial rulings in the first trial, but the state's prosecutors let down the bars during their arguments by reference to Jew money and alleged bribery of witnesses.

Judge Horton, by his action yesterday in postponing the second trial, merely attempted to restore [illegible] semblance of judicial atmos[illegible] [illegible]ere to the case, and to provide a setting whereby the accused negro may have a fair trial—something that his own attorneys do not desire. The literal fact is they would crucify him for the sake of publicity and dirty money for themselves.

NEW YORK TIMES

APR 24 [illegible]

Aid Scottsboro Fund in Montclair

Special to THE NEW YORK TIMES.

MONTCLAIR, N. J., April 23.—More than 600 persons attended a meeting here today called by the Montclair branch of the National Association for Advancement of Colored People to raise funds for the Negro youths facing their second trials in the Scottsboro case in Alabama. The speakers included C. R. Spector, representing the International Labor Defense Committee; the Rev. J. C. Love, Negro pastor of the Union Baptist Church here, and Mrs. W. P. Allen, president of the Montclair branch of the association. Donations totaling about $100 were contributed.

NEWS

Florala, Ala.

APR 13 [illegible]

The fact that Samuel S. Leibowitz attorney for the defense, has entered the race question in the trial of the seven negroes who attacked two white women in Jackson county, allegedly will not make it any milder.

If the fact that no negroes served on the juries which billed an convicted these defendants were upheld it would also be reasonable to nullify other cases where all juriors were white.

All jurors are sworn to decide the guilt or innocense of the individual on trial according to law and evidence, regardless of race, color or sex, and if these sworn obligations are not fulfilled the juror responsible for the failure is subject to a purjure charge, regardless of race or color. Therefore, the race agitation brought into the Patterson trial will only be considered a point of argument between the attorneys and not a question of justice or injustice by the law abiding people of either race. There are thousands of white men and women in Alabama who have never been called on for jury duty and the fact that the race question has been entered into the trials of these negroes to our opinion will only serve to prolong the court proceedure, and not wave the rights of justice.

LEOMINSTER MASS. ENTER

APRIL 20. 1933

ALABAMA IN DEFEAT

(Pittsburgh Courier)

Regardless of what Alabama may think or do, the nation and the world know that it has already suffered defeat in the Scottsboro case. With the retrial of only one of the young colored men concluded, the credibility of the prosecution witnesses has been so seriously impaired by the brilliant defense of Atty. Leibowitz that no fair-minded person any longer believes the defendants are guilty as charged.

Alabama senses her defeat. With the establishment conclusively that her system of selecting juries is grossly unfair and discriminatory, she began to feel herself slipping. Now that the clever defense has clearly demonstrated the almost farcical character of the State's case, the old mob spirit, latent at first because of confidence that the result of the second trial would be like that of the first, now begins to manifest itself. Alabama is indignant and bitter in defeat and wishes to revenge herself by using extra-legal methods of execution so beloved by the mobbocratic South. An attempt to lynch the boys has been nipped in time only by the alertness of the authorities. The court is trying hard to be fair.

NIAGARA FALLS N. Y. GAZETTE

APRIL 19 1933

CLAIMS SCOTTSBORO NEGROES NOT GIVEN IMPARTIAL VERDICTS

Adopt Resolution Protesting "Lynch Verdict" in Trial of Negro Youth.

"International exposure and pressure was what made the United States supreme court call the first trial of the Scottsboro Negro boys unconstitutional," Mrs. Gertrude Welsh, secretary of the Buffalo branch of the International Labor Defense, declared last night. She was the principal speaker at the meeting of the Falls branch of that organization, held in St. John's A. M. E. church, 155 Thirteenth street. The Rev. Harvey L. Gault, pastor of the church, presided. David Wagner, secretary of the Falls branch of the I. L. D., was chairman of the arrangements. About 100 persons were present.

Asserting that the Scottsboro "boys" accused of assaulting the two white girls riding on the freight train with them are entirely innocent, that they were "framed" in both the Scottsboro trial and the Decatur trial, that the juries in both cases were entirely white and so unfairly chosen, Mrs. Welsh asked concerted pressure from all labor organizations to save from the electric chair the lately convicted Haywood Patterson. She declared that all the courts in this country are constructed for the benefit of capitalists and that only through such pressure as she called for could the "workers" hope for fair dispositions of their affairs

The minds of the white people of the South have been "poisoned" with the idea of suppressing the Negro and the poor white, she said. The jury that convicted Haywood Patterson at Decatur was "not a workers' jury; it was a farmers' jury," she declared, condemning the means which, she said, made it contain not a single Negro.

She condemned the President's program for work camps as a measure preparatory for war and for the low wages paid the workers in the "army."

There will be a march on Washington, April 28, she said, composed of black and white workers. Under the auspices of labor organizations thousands of persons already have been enlisted in this, the speaker said. The marchers will demand a greater fairness for the working classes in this country."

In conclusion a resolution condemning the "lynch verdict" in the trial of Haywood Patterson and his fellow prisoners in the Alabama case, and demanding a fresh and fairer trial was read and adopted by acclamation.

Richmond, Va. News-Leader

April 10. 1933

CARRY IT UP AGAIN.

The second trial of the "Scottsboro cases" confirmed all the suspicions aroused by the first hearing. One of the women who had appeared against the Negro boys went on the stand, admitted that she had lied at the first trial, and testified that the accused youths had not molested her. In the face of this, the jury brought in a verdict of guilty for the first of the seven boys brought to the bar.

By what process of reasoning that verdict was reached it will be impossible for anyone to say who does not know in what spirit trials of this sort are usually conducted. There is in some parts of the South, even now, an "unwritten law" that when a white woman accuses a white man, she must prove his guilt, but that when she accuses a Negro, he must prove his innocence. This is what happened in Decatur. The men are being sentenced to death primarily because they are black. They are being sentenced, but they will not be electrocuted. The case must be carried to the supreme court a[illegible]n and must be remanded, and this must [illegible] on until the Negroes are released. It i[illegible]ot merely a question of "[illegible]asonable do[illegible]"; it is a question of unreasonable co[illegible]tion.

ST. PAUL, MINN.

NEWS

APR [illegible] 1933

The Scottsboro Verdict

The conviction of Haywood Patterson, first of the Negro defendants in the second trials of the Scottsboro cases, will be appealed. It should be.

Among other things prejudicial to a fair trial, the defense attorney was able to show that the jury law apparently was administered to exclude Negroes from the panel for this case. On more than one occasion during the trial the state attorneys conducted themselves in such a way as to prevent orderly and judicious consideration of evidence by the jury.

In repudiating her testimony at the earlier trial, Ruby Bates swore that the other girl in the case, Victoria Price, had framed the Negro youths. Lester Carter, a white friend of the two girls, confirmed the testimony of Ruby Bates.

To execute boys on the discredited evidence of a woman of Victoria Price's character, and following a trial in which racial discrimination seemed to operate in the jury panel, would be unthinkable. Just as the chief justice of Alabama dissented from the first Scottboro conviction, and just as the United States supreme court threw out that conviction as a violation of the 14th amendment of the constitution preventing states from depriving "any person of life, liberty or property without due process of law," so the latest Decatur verdict appears certain to be set aside by a higher court.

Lynchings-1933

Legal Punishment for Rape

Alabama

4265

Lafayette, Ala., Sun
April 19. 1933

THE SCOTTSBORO CASE

The nation, if not the entire world, has manifested great, if not undue, interest in the trial of eight negroes charged with committing rape on two Alabama girl hoboes on a freight train as it rumbled through the hills of the Sand Mountain section of this state over two years ago.

It is plain now to enlightened public opinion that publicity on these cases was not in the interest of justice and for the protection of eight defendants from the wrath and prejudices of a Southern moronic citizenship, but by self-seeking organizations whose ends do not promise justice to those it would aid, but subtlety to destroy the fundamental fabric of American jurisprudence; while not the most perfect system it has withstood the thrusts of alien darts and schemes of years and remains yet as the bulwark of protection to the humblest of American citizens and a haven for those who must seek redress at the bar for wrongs committed. It is probably evident now to the man in black, who has heard for the second time within two years the cold words of a superior demanding his life in expiation in the name of society for a crime heinously committed, that the International Labor Defense is more of an enemy than a friend.

Written into the fundamental fabric of our laws and into the consciousness of every true white there is an ever present spirit of protection of womanhood. In many a nation woman has her inferior place in the affairs of men, but in the South her people, glorying in the traditions of an ancestry untouched and unsurpassed, exalts to the highest pinnacle and defends at any cost the mothers, sisters and wives of men. If the South is prejudiced it is prejudiced and jealous of its womanhood. Words of condemnation from organizations and nations cannot separate the natures and consciences of men in whose fabric and make-up there is indelibly forged and fused the idea of protection of womanhood. In the South, as it should be everywhere, woman is guaranteed this protection, and there is none who do not know when they once get their consent to commit a crime against her what awaits them at the bars of justice.

In the Scottsboro cases it has been different. Sympathy and pity has existed in the hearts of all fair-minded persons for those who were consigned to death for a crime. The characters of those against whom the crimes were committed have been a mitigating circumstance in the formulation of public opinion. That these two women were of low order cannot be denied. The evidence and every circumstance and detail of all conditions establish this fact but because they are of such character there is no loophope or provision in the law to allow rape to be committed against them. The standards of womanhood are established in many instances by the least responsible of women, but a crime against a woman is considered, as it should be, by the courts in the light of the most perfect of them. The courts of this state protect its subjects in the pursuit of life, liberty and happiness. Some of them may be misguided and on the road to neither, but the protection remains the same. Those who invade the rights of others in the same degree as in this case may as well get their consent to accept similar verdicts at the bars of justice.

Two juries in two different counties have passed the same judgment on the character and extent of the crime. It is not for this newspaper to decide its gravity; the juries and courts have done this in these two instances. We stand by the organized tribunals.

The trial judge who sentenced one of the defendants to death included in his remarks the following, which shows the seriousness and gravity of the occasion:

"We are a white race and a negro race here together—we are here to live together—our interests are together. The world at this time and in many lands is showing intolerance and showing hate. It seems sometimes that love has almost deserted the human bosom. It seems that hate has taken its place. It is only for a time, gentlemen, because the great things in life, no matter what they are, it is God's great principles, matters of eternal right, that alone live. Wrong dies and truth forever lasts, and we should have faith in that."

Bradenton, Fla., Herald
April 18, 1933

Unjustified Presumption

No verdict in the grotesquely revolting Scottsboro, Alabama, case will be based on justice unless it liberates, in the opinion of the eminent New York Herald-Tribune which while condemning the findings of the trial jury presumes to pass on the merits of the case without having heard the evidence. We can recall no previous case of such far fetched ego. Its comment follows:

"It is useless for any one, either in or out of Alabama, to pretend that the verdict of guilty rendered against the first of the nine negroes to stand retrial in the Scottsboro cases will not be received with a profund sense of shock by justice-loving Americans.

"The case admittedly presented an extraordinarily difficult problem to the small northern Alabama community into whose hands it was confided. It had become involved, over a period of two years, with nearly every kind of racial and political prejudice; its history had developed in such a way as to entangle it accidentally in all sorts of extraneous considerations which might interfere with a fair verdict, and the evidence itself was not the sort through which it would be easy to find the straight path of justice.

"The presiding judge did find that pathway, nevertheless. Though evidently feeling himself under strong local pressure to do otherwise, Judge Horton made every effort to see that the accused was given a fair trial; he emphatically repressed any hint of mob action and guaranteed the protection of the prisoner and his counsel with the lives, if necessary, of the court officers. His charge to the jury was eminently fair in dealing with the evidence, and in its appeal to put aside every consideration save the merits of the case it reflected honor upon the standards of the Alabama bench.

"Its effect, unfortunately, has now been destroyed by the verdict. On the basis of the evidence, as reported it is simply impossible to believe that the guilt of the accused was established 'beyond reasonable doubt.' Outside observers cannot tell the state of Alabama or the people of Alabamo what they ought to do. One may, however, revert to the attorney general's declaration that the new trial would demonstrate to the world the impartiality of Alabama justice; and to those Alabamans who are interested in outside opinion it seems legitimate to point out that the actual result has been the precise opposite. The fairness with which the trial itself was conducted only throws into higher relief the astonishing finding—as it will be universally regarded outside of Alabama—of the jury. Whatever the real merits of the case may have been, the fact is that national opinion everywhere will accept this outcome as proof of the impossibility of securing a really just verdict in Alabama in a case of this kind.

"We shall still hope that this conclusion is unwarranted. There are countless high-minded men and women in the state of Alabama sincerely desirous—as was Judge Horton— of seeing justice done, and sensitive of the regard in which their state is held by national opinion. The right of appeal offers one source of hope, especially in view of the courageous dissent of the chief justice of the state upon the appeal from the verdict in the last trial. The governor's power of commutation and pardon offers a second method of correcting the verdict. Mo[illegible] over, the present trial concerned only o[illegible] nine defendants. It does not seem too m[illegible] ask of Alabama opinion that it insist of its own accord that the venue for the remaining trials be changed from the northern counties where the public psychology has been so, desperately embittered. We believe that it is possible for Alabama to conduct the remaining trials in an atmosphere which will be free from the threats of lynching, the intensity of local issues and local fear and anger which marred the present case, and to arrive, with no outside help, at a verdict which the nation at large will receive as just and honorable to the state."

The Herald has been unconcerned with the outcome of the trial which involves nine negroes who were charged with assaulting two white girls whom they encountered during the course of a hobo holiday, on the assumption that Alabama was qualified to handle its own affairs.

But the Herald-Tribune entertains no such opinion. It would sit as judge and jury in the case with its sharpened darts pointed at the jury and the people of northern Alabama without attention paid the slanderous utterances of imported counsel which have indicted a people on the flimsiest of all grounds, uninformed opinion.

VERSVILLE N. Y. HERALD
APRIL 13, 1933

The Morning Herald's Eye Opener

Questionable Justice

NEW YORK CITY'S teeming Harlem has a new hero in the person of Samuel Leibowitz, recently returned from Decatur, Alabama, where he defended the first of nine Negroes being retried in the notorious Scottsboro case. Leibowitz, well known lawyer, who gave his services free to the accused youths because, he says, he believes them innocent, was met at the train by a big crowd of Negroes. He was carried aloft on their shoulders to his waiting taxicab, and later 3,000 of them staged a parade in his honor, battling police when they tried to end the demonstration.

. Back in Alabama another lawyer was being honored, too. He is Solicitor Wade Wright, who prosecuted the Negroes and won a verdict of guilty against Heywood Patterson, key man in the two-year old attack case. But those who feted Wright were Whites, and they commended him for "upholding the dignity of the White race" and "resisting outside influences."

Here are two incidents which illustrate how badly racial issues beclouded the Scottsboro case. And difficult as it was to find the path of justice through evidence that was years old, through racial and political prejudice, through stories that were contradictory and dubious, it is hard for most of us to accept the verdict that has come out of Decatur as a just one. It is hard indeed to believe that Patterson and his eight companions are "guilty beyond a reasonable doubt." And it is a terrible thing to put nine youths to death for a crime of which they may be innocent.

Most of all, it is lamentable that such a trial could not be held without the iniection of race intolerance. of bigotry and unfairness. When Solicitor Wright charged that witnesses were being bought "with New York Jew money" he unquestionably overstepped the bounds of fairness. When he declared again that "there isn't much difference between these Jews and the Niggers they are defending" he went far out of his way to insult two great races, races that have contributed fully their share to the world's poets and musicians, statesmen and scientists. Again, when he ridiculed an Alabama white youth for testifying for the defense and for coming forward to help Leibowitz, he appealed directly to the racial prejudices of the jurors. "We'll call him Carterinsky after this," he said, sneering at the witness, whose name is Carter.

Such evidences of intolerance sicken and saddend Americans who like to believe their country is educated and advanced enough to be above race hatreds. Certainly we can't look down upon Hitler and his Nazis so long as our own Southland demonstrates that it can be just as shortsighed, just as unfair.

No one is trying to tell Alabama how to conduct its affairs; what the real merits of the case are we do not know, but the methods used in gaining a conviction were certainly unjust. If these nine youths are guilty of assault, and if under Alabama law the penalty for such assault is death, let them suffer that penalty. But how can it be determined that they are guilty unlesss they are given a trial free of blind racial prejudices, of appeals to hate instead of to reason? It can't, and the world will never accept such a guilty verdict so long as conditions that prevailed at Decatur continue to hold sway in the South.

SPRINGFIELD MASS REPUB
APRIL 21, 1933

ALABAMA AND CONSTITUTION

Supreme Court Rulings Against Exclusion of Negroes From Jury Service

To the Editor of The Republican:—

That the exclusion by the prosecution and the presiding judge of Negroes from the jury box in the re[illegible]r criminal assault at Decatur, Ala., resulting in the conviction of Patterson for first-degree murder, constitutes a clear and open violation of the 14th amendment to the federal constitution is most convincingly proved by a New York Times correspondent, Wilbur Stammler of New York, who quotes the following decisions by the supreme court of the United States in substantiation of his claim that "the supreme court has held in several cases that the systematic exclusion of Negroes from jury duty deprives a Negro tried, convicted and sentenced to death (as was Patterson at Decatur) by such jury of his life without due process of law."

Prominent among the high court's decisions on the point of Negro-exclusion from jury service, Mr Stammler quotes from the subjoined rulings: Ex parte Virginia, 100 U. S. 339, a case in which a Virginia judge was convicted of violating a federal statute which provided that "no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified from service as grand or petit juror in any court of the United States, or of any state, on account of race, color or previous condition of servitude." This statute is still in force and is now section 44 of title 8 of the United States code annotated. Likewise, in Strauder against West Virginia, 100 U. S. 303, one Strauder, a Negro, was convicted of murder in West Virginia and duly sentenced to death. He appealed to the supreme court of the United States on the ground that by the laws of West Virginia no Negroes were eligible for jury service. The supreme court of the United States reversed Strauder's conviction and declared that the 14th amendment to the constitution of the United States prohibited racial discrimination in the selection of jurors. And again, in the case of Carter against Texas, 177 U. S. 442, an identical ruling was made by the high court with respect to Negro exclusion from the jury box.

Thus it will be seen, as the Times's correspondent has so abundantly and exhaustively demonstrated, that the supreme court of the United States cannot fail to reverse the Patterson verdict, order a retrial and doubtless even a change of venue to some other county in Alabama, where Negroes are not excluded from the jury and where the 14th amendment is obeyed, instead of openly violated and flouted as in Decatur.

A. B. H.

Stockbridge, April 19, 1933.

HACKENSACK N. J. LEADER
APRIL 16, 1933

NEGRO TRIALS IMPROVED IN SOUTH, Dr. ASKEW SAYS

Scottsboro Case Not All It Should Be, But At Least It Is Not Lynching, Hackensack Negro Leader Cites, Hopefully

By JOSEPH A. WALSH JR.

In spite of the result, thus far, in the Scottsboro, Ala., case, involving 7 negroes, conditions are improving in the Southern states' handling of trials of Negroes involved in crimes against white women, believes Dr. E. F. Askew colored Hackensack dentist.

"In Alabama where the trial of the seven Negroes is taking place white justice is taking a formal course instead of the usual lynching which follows in a case of this sort in other southern states", Dr. Askew said.

Although a Negro himself, Dr. Askew has assumed a rather liberal attitude in the case. In all fairness to his own race he said he believes that the prosecuting attorney was set to send the seven men to the gallows by disregarding the statement made by one of the white girls involved in the case at the second trial.

"Of course there are circumstances upon which I base my conclusion," he said, "the Northern press stories which I have been reading lead me to such conclusions.

"One man has been sentenced to death. The Negro populace of the country plans to take the case to the Supreme Court, but I doubt if the men would go free if that body should act favorably.

•

"The white man in the south hates the Negro. Education handed down through generations has inflamed his hatred, but, if you were to ask him why he hates the colored race, he could not answer you.

"This hatred must persist until the South can be persuaded by liberal-minded people to lay aside their predujices and treat the working Negro class the same as any other human being."

DR. E. F. ASKEW

Lynchings-1933
Legal Punishment for Rape.

Alabama

4266

Reactionary Negro Paper Falsifies Criticism on South

Daily Worker 6-10-33 New York

N. Y. "Age" Distorts Daily Worker Article to Knife Scottsboro Defense

By SENDER GARLIN.

THE New York "Age", a reactionary Negro weekly, in its issue of June 10, quotes from an article which appeared in the Party Life column of the Daily Worker on May 31 under the head, "Errors of the Party in the South on the Negro Question."

The "Age" is owned by Fred R. Moore, reactionary republican leader in Harlem and former New York Alderman. It was Moore who several months ago told a workers' committee which asked him to protest the Scottsboro lynch verdict that "I am quite comfortably situated and have no fear of lynch mobs coming to my office in Harlem." Cynically, he told the committee that "he wasn't interested."

Written by Jim Mallory, editor of the Southern Worker, the article in the "Daily" had called attention to serious opportunistic mistakes which had been made in the South, and told of the energetic fight being made by the Communist Party against these tendencies.

Crude Distortions

A comparison of the original article in the Daily Worker with the article in the "Age" shows the dastardly method used to poison the minds of the readers of this Negro paper against the Communist Party and the International Labor Defense, outstanding fighters for the rights of the Negro people.

What is the method?

It is simply to quote the "damaging" references made by Comrade Mallory to the opportunist errors which had been made in the work in the South, and **omitting the sharp, categorical criticism of these errors.**

For example, the "Age" quotes this paragraph from Comrade Mallory's article:

"In the preparation of leaflets in Birmingham for May Day, 1933, the demands for Negro rights were deliberately omitted from certain leaflets. It was explained that these leaflets were for the eyes of the white workers."

The "Age" fails to print the following sentence — extremely important—which follow this criticism:

"The Agitprop Commission of the Central Committee condemned these leaflets in the sharpest terms."

* * *

ANOTHER example:

The "Age" quotes a paragraph from Comrade Mallory's article, as follows:

"Some white non-Party members in Birmingham suggested a united front ticket for the October, 1933, city elections. They believed that such a ticket would be highly successful, on condition that all nominees be white. It is neither surprising nor scandalous that white workers in the heart of the South, without previous contact with our movement, should make such a suggestion. What is highly scandalous, is that many of the leading comrades in the district favored the concession."

The "Age," in line with its determination to distort this Communist criticism of inexcusably wrong actions into a **justification** of these actions, fails to quote the sentence which follows immediately after:

"Our Central Committee forbade such a shameful deal."

Finally, the "Age" deliberately omits Comrade Mallory's statement that "race prejudice and the oppression of the Negroes have been among the chief factors in making the Southern working class, white and Negro, the most oppressed group in the country. To bow before this prejudice is the most terrible treachery, not only to the Southern Negroes, but also to the Southern white workers."

Hinder Boys' Defense

The purpose of the New York "Age" in reprinting this article—and in garbled form at that—is made clear in the very first paragraph which says:

"The Communists, who are making so much capital out of the Scottsboro Case in the hope of recruiting Negroes in cities and towns above the Mason-Dixon line are at the same time guilty of racial discrimination."

Knifing the Scottsboro defense—this is the reason for this vicious article.

* * *

LENIN, the great leader of the Proletarian Revolution, in discussing the question of self-criticism, wrote:

"The attitude of a political party towards its errors is one of the most important and surest criterions of the party, and of how it fulfills in practice its obligations towards its class and towards the laboring masses. To admit a mistake openly, to disclose its reasons, to analyze the surroundings, which created it, to study attentively the means of correcting this mistake—these are the signs of a serious party, this means a performance of its duties, this means educating and training the class and consequently the masses."

Our enemies, alas, can get little consolation from this Communist

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VICTORIA PRICE MAY CHANGE TESTIMONY

Afro-American

Alabama Rumor Now Is that She Will Follow Ruby Bates.

6-17-33

NO ONE WOULD BE LEFT TO ACCUSE

Baltimore, Md.

The Trial Could Go on Just the Same.

Staff Correspondence

HUNTSVILLE, Ala.—The AFRO-AMERICAN learned this week on what is regarded as good authority that when the seven Scottsboro boys charged with attacking Victoria Price and Ruby Bates on an Alabama train near Paint Rock, are again put on trial, neither Miss Bates nor Victoria Price will appear against them.

Victoria Price, the informant says, may follow the example of Ruby Bates and recant her former testimony that six of these boys criminally assaulted her. Ruby Bates, it will be recalled, has already testified that the whole story was a frame-up concocted by Victoria Price to keep them from spending a term in Alabama jails.

State's Last Prop

If Victoria Price fails to appear against the boys or goes on the stand and changes her testimony, it will knock the last prop from under the Alabama prosecution's case.

In all of the testimony produced by the prosecution there were but three eye witnesses to the alleged crime. They were the two girls, Victoria Price and Ruby Bates, and a white boy companion, named Ovilie Gillis. It was Gillis whom Victoria Price testified sat in the car while the twelve men assaulted her and Miss Bates. It was he who, she said, was going to remain there with them or die.

In none of the cases has Gillis appeared to corroborate the story of Victoria Price, while Miss Bates has repudiated the whole thing as a fabrication. If, therefore, Victoria Price drops out of the picture or comes back a changed witness as did Ruby Bates, the seven boys yet to be tried will face court without a principal prosecuting witness.

Afro-American 6-17-33 Baltimore, Md.

Important Effect

That repudiation of her own story told in the two trials by Victoria Price would have an important effect on the case of the eight boys yet to be tried, is certain.

Those who have studied Attorney-General Thomas J. Knight's attitude towards the recent Ruby Bates testimony are of the opinion, however, that it will not cause that Dixie prosecutor to abandon his effort to send the Scottsboro boys to the electric chair.

The attitude of the prosecution at the Decatur trial was that the rape had been committed and that there was enough testimony in the record of the Scottsboro trial to convict the boys without further testimony. Even if Victoria Price repudiates her story now they will probably attempt to establish the guilt of the boys by a cross-examination designed to show that "Jew money from New York" has tried to buy more Alabama justice.

If this position is taken and paraded before an Alabama jury it is still within the realm of possibility that such a jury would again bring in a verdict of guilty despite any change in testimony Victoria Price might make.

May Grasp Chance

On the other hand there are those close to the Alabama situation who believe that the governor and other officials in that state would grasp a chance to drop the "hot brick" which the case has become. Nothing has happened to the prestige of the South since the Civil War that had pricked so deeply into their flesh as the Scottsboro case.

Bankrupt

In addition to this, the state is pratically bankrupt and the possibility of having to spend thousands of dollars on cases which they know may be sent back and back again for retrial is galling. At the Decatur trial nothing seemed more in evidence than that Alabama prosecution, as long as it is headed by Thomas J. Knight, would never consent to square that state's jury system with the U. S. Constitution by including colored citizens on its panels.

They fear the formidable spirit of organization that is making itself felt and that if ever the South recedes one inch on the race question, the whole Dixie structure will crumble. At the Decatur trial Knight could have easily circumvented the Supreme Court fight by including one colored citizen on the jury panel and striking him off if he were drawn for service. But this was unthinkable to him.

The Present Status

That there are at least two well defined moves to bring about a compromise disposition of the Scottsboro case, the AFRO-AMERICAN also learned this week. One of these movements is to persuade the International Labor Defense to co-operate with a plan to secure a new defense personnel.

Some of the most influential men and organizations in the country are now at work on an effort to bring this about, it is learned, and William L. Patterson, secretary of the International Labor Defense will be approached, if he has not already been, by a formidable proposition of this kind this week.

Another group, either representing the Interracial Commission or leaders of this trend of leadership, are advocating giving Alabama a chance to pull her own self out of the hole in which this case has gotten her. They say that with an Alabama lawyer, or a lawyer acceptable to Alabama, there would be a good chance of freeing the boys.

I.L.D. Sitting Tight

The International Labor Defense leaders, however, are not disposed to turn the defense of the boys, in its present stage, over to any other group. It may be possible, it is said, to work out the question of counsel personnel, but they regard the collateral issues too important to stop the fight along the broad front they have launched.

Another fact which disinterested observers see, and which may scotch any compromise movement, is that the main objective of the I. L. D. is to solidify and widen its organization throughout the country. This case has given them an excellent opportunity to do this. They are not now likely to fade, of their own accord, out of the pic-

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Scottsboro, Ala., Sentinel
June 8, 1933

BLOW AT RACIAL PEACE

(Chattanooga News)

Interference by the International Labor Defense in the Scottsboro case has had other bad effects than that of substituting the hysteria of propagandists for the calm consideration of justice. It has hampered considerably, the work of Southern men and women who are working for better relations between the races.

From the very first of the Scottsboro case, the Alabama Interracial Commission has sought to secure justice. After the first trial the Commission passed a resolution saying in part: "We hope to see a careful review of these cases in the courts, that all lingering doubts may be cleared up, if possible, and each of the accused may be dealt with on the basis of ascertained guilt or innocense." Such men as Dr. Henry M. Edmonds, pastor of the Independent Presbyterian church, of Birmingham; Dr. C. B. Glenn, superintendent of the public schools of Birmingham; Mr. Robert M. Jemison, Jr., banker, of Birmingham; Prof. Robinson Brown, of the University of Alabama, and the Rt. Rev. William G. McDowell, bishop of the Episcopal diocese of Alabama, signed the resolution.

Then the I. L. D. began inflaming Northern opinion against the South and began working to make a cause celebre of the case. James D. Burton, former secretary of the Inter-racial Commission of Alabama and Tennessee, and now secretary of the Tennessee Commission, has summed up, in the Christian Century, the bad effects of I. L. D. action on race relations in the South.

Some of the main points summed up by Mr. Burton are as follows:

1. Alien influences now overshadow the local leaders interested in racial justice, and thereby have put these leaders in an embarrasing position. This applies particularly to the situation confronting white leaders of the better class who have not only the difficulty of handling race prejudice, but criticism, misunderstanding and interference from other parts of the country.

2. This outside influence is working hard to discredit the natural Negro leadership, by which I mean the ministers, teachers and professional people of that race.

3. More serious than it appears on the surface is the unhappy position in which Southern Jews are placed by the fact that the defense is employing almost exclusively New York Jews with Russian names to handle their cases here in the South. This is beinning to accomplish what certain groups here could never accomplish, but which they now have the satisfaction of seeing accomplished, namely, the irritation of the better class of Southern people and the consequent arousing of all the latent anti-Semitism which Gentiles potentially have.

4. This is not only giving the radical group a perfect chance to serve their purposes and spread their propaganda, but also plays directly into the hands of Southern political demagogues who make the position of the best people in the South, both white and negro, extremely uncomfortable.

5. There is a breaking out afresh of intersectional bitterness which is to be deplored.

For fourteen years, the Alabama inter-racial Commission, like those of other Southern States, has worked on education, health, child welfare, law and order, and in other lines to foster amicable relations between the races. Southern white men, of the educated type, understand the problems arising between the races better than do men of the North.

For the good of inter-racial relatins as well as for the cause of justice in the Scottsboro case, we again express the hope that the I. L. D. will be forced to withdraw from the picture.

SCOTTSBORO BOYS FLOGGED IN CELL, I.L.D. IS TOLD

Daily Worker 6-10-33

NEW YORK.—A report that the nine Scottsboro boys now confined in the Jefferson county jail in Birmingham, Ala., are "being flogged daily" has reached the national office of the International Labor Defense. The source of the information cannot be divulged for obvious reasons.

The report said that they are kept in a small cell and not permitted to see visitors, or even communicate with the outside world. Every device is used by the prison authorities to prevent any intimation of their ill-treatment from leaking out.

Protest Wired.

Immediate demand that this vicious mistreatment of the Negro boys be stopped at once, and they cease being held incommunicado were made in a telegram to the warden of the prison by Frank Spector, assistant national secretary of the I. L. D.

The telegram follows:

Learn prison guards torture, flog otherwise brutally mistreat Scottsboro boys continued Birminghm jail International Labor Defense demands you immediately order vicious illegal attacks these nine innocent boys stopped stop Demand remove punish guards guilty these inhuman cruelties stop Holding you responsible well being health lives these nine boys."

A similar demand was sent to Gov. B. M. Miller of Alabama.

Spector also instructed Gen. George Chamleee, chief of the I. L. D. Scottsboro legal defense corps to make an immediate demand he be allowed to visit the boys.

At the same time, all I. L. D. districts and branches, liberal organizations, trade unions and others were called upon to rush telegrams of protest to Governor B. M. Miller, Montgomery, Ala., and to the warden of the jail at Birmingham.

Hearings Approach.

News of the vicious persecution of the nine innocent Scottsboro boys was revealed as preparations are under way for arguments on a motion for a new trial June 22 on behalf of Haywood Patterson, convicted and sentenced to death again after his recent Decatur, Ala., retrial. Judge James E. Horton, who presided over the retrial which resulted in the lynch-verdict, will hear the arguments at Athens, Ala.

The next day, at Decatur, Judge B. L. Malone is scheduled to conduct juvenile court hearings in the case of Roy Wright and Eugene Williams, the two youngest of the Scottsboro boys. These proceedings will take place at Decatur.

Chattanooga, Tenn.
NEWS

JUN 1 1933

Blow at Racial Peace

INTERFERENCE by the International Labor Defense in the Scottsboro case has had other bad effects than that of substituting the hysteria of propagandists for the calm consideration of justice. It has hampered considerably, the work of Southern men and women who are working for better relations between the races.

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3. More serious than it appears on the surface is the unhappy position in which Southern Jews are placed by the fact that the defense is employing almost exclusively New York Jews with Russian names to handle their cases here in the South. This is beginning to accomplish what certain groups here could never accomplish, but which they now have the satisfaction of seeing accomplished, namely, the irritation of the better class of Southern people and the consequent arousing of all the latent anti-Semitism which Gentiles potentially have.

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Lynchings-1933

Legal Punishment for Rape.

Alabama

4267

Daily Worker

5-8-33

Scottsboro March In Washington Today; To Present Demands

New York N.Y.

2,000 from Washington Alone Expected to Join Parade; Delegates Arriving

Fight for Scottsboro Boys, "Bill of Civil Rights," Chief Demands of Marchers

WASHINGTON, May 7.—Two thousand Negro and white workers living in Washington will tomorrow take part in the parade, through the capital, of the "Free the Scottsboro Boys Marchers", it was announced here today by the Washington Scottsboro Action Committee.

The largest section of the marchers is expected to leave Monday morning from Baltimore in trucks and buses, and arrive in Washington in the afternoon. Several thousand are expected from Baltimore alone.

Meanwhile, a caravan of trucks and automobiles are converging on Washington in preparation for the demonstration and march here tomorrow, when a committee will demand the release of the Scottsboro boys and seek to present President Roosevelt and congress with the "Bill of Civil Rights", aimed to compel the enforcement of the 13th, 14th and 15th amendments to the U. S. constitution.

Strong Local Support.

The local support behind the march is indicated by the fact that between 2,500 and 3,000 heard Ruby Bates at an overflow meeting at the Mt. Carmel Baptist Church here today. So large was the crowd that an overflow meeting was necessary. Ruby Bates spoke at both meetings, which were held under the auspices of the Washington Scottsboro Action Committee.

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NORFOLK, Va.—Thirty delegates from this city will join the Free the Scottsboro Boys March in Washington.

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RICHMOND, Va.—Over one hundred delegates from here will join the Free the Scottsboro Boys March in Washington, Monday, May 8.

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NEW YORK.—Delegations from Chicago, Seattle, El Paso, Cleveland, Atlantic City, Atlanta and many other points, east, west, north and south, will join the mass march to Washington to demand the freedom of the Scottsboro boys according to information received here by the International Labor Defense.

Marchers Leave New York.

NEW YORK.—In 17 large buses, 13 of which were from Harlem, several trucks and a number of private automobiles, nearly 1,000 New York workers left Union Square late Saturday afternoon for the Scottsboro March to Washington.

Due to difficulties in getting sufficient buses and trucks to convey them to the capital, many did not depart until early evening.

More than half of the marchers were unregistered workers who came into Union Square with the necessary funds to pay their share of the trip. This influx of unexpected workers caused the delay of more than five hours, which everyone cheerfully accepted however, seeing that New York was sending a real representation in the fight for the rights of the Negro people.

Arrive Early.

Several hundred workers were in the square two hours before the Harlem contingent was due to arrive. Workers from all over Greater New York, 15 from South Brooklyn, including three Negro women delegates from Women's Council Nos. 45 and 35 from Jamaica and Richmond. The Needle Trades Workers Industrial Union sent 25 representatives and the Food Workers Industrial Union sent seven. The union had been very active in raising food for the march. Bristol, Conn., sent two Negro delegates, and Schenectady, N. Y., sent two Negro and one white worker.

Rain drove the marchers into the Irving Plaza Hall, near Union Square and there they waited for hours, many fearing they might be left behind.

"I certainly want to see that man Roosevelt. I want to tell him you promised us plenty. I left three barefooted children at home and I want the Scottsboro boys cleared. That's why I'm going", declared Mrs. [illegible] Reid, a delegate of the Navy Street, Brooklyn Block Committee.

Alberta Ruffin, who has [illegible] children, and Marie Walker, who has three children, came with Mrs. Reid representing Women's Council 45.

The Spartakus Greek Workers Club and the 51st St. Block Committee brought their own truck into the Square, with over twenty workers going to Washington to carry on their fight. They come from a locality where Negro and white workers have already learned the value of united struggle in rent strikes.

At 2:30 in the afternoon, the committee announced that only 500 would be able to go. A committee of captains met to decide who would have to be left behind. Not a person left the hall, all hoping to go. The selection was made and still they stayed. Later, however, the necessary number of trucks were obtained.

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Will Report Wednesday.

NEW YORK. — The Scottsboro marchers who by that time will have returned from Washington, will return to a mass meeting in Rockland Palace, 220 W. 155th St., this Wednesday evening at 8 p. m.

Representatives of the marchers who will describe the events in Washington, and Joseph R. Brodsky, chief counsel of the International Labor Defense in the Scottsboro case, will discuss next steps in the fight.

N. Y. HERALD

MAY 1 1933

The Scottsboro Case

Justice Levy Contends Decatur Verdict Cannot Stand

To the New York Herald Tribune:

I do not know whether the Negro on trial for his life in the Scottsboro case is guilty or not. The question today is not whether he is guilty but whether he has had a fair trial. The very atmosphere of the courtroom seemed impregnated with prejudice. If the testimony printed in the New York press is correct, and I have a right to assume that it is, then the trial was a travesty on justice, and the verdict cannot stand.

The state's attorney, whose duty it was to prosecute impartially and disinterestedly, himself appeared to be saturated with prejudice which he exuded with almost every sentence. His summation was sufficient in itself to set aside the verdict. And Judge Horton, though an excellent man whose intentions were fair and honorable, should, as matter of law, have decided that the action and remarks of the state's attorney were such as to create prejudice in the minds of the jury, and he should have directed a "mistrial." The jury should then have been discharged and a trial ordered de novo, and in such event the state's prosecutor should have been warned that his unethical and illegal remarks must not be repeated. The latter's action appears to have been absolutely prejudicial to the defendant, and I cannot too strongly criticize it.

Moreover, it has been decided in Strauda vs. West Virginia, 100 U. S. 303, that where a state neglects or refuses to permit colored men on the jury it is a violation of the Federal Constitution, and that fact itself will compel the Appellate Court to set aside the verdict in that case. The latter question also is similarly involved in the decision of Judge Lowell of Massachusetts, sustaining habeas corpus, which is now the subject of impeachment proceeding against the judge.

SAMUEL D. LEVY,

Justice, Children's Court, City of New York.

New York, April 28, 1933.

ADVOCATE

Wauchula, Fla.

APR 21 1933

4267

THE SCOTTSBORO CASE.

Judge James E. Horton acted wisely in halting the trial of those Alabama negroes on charges of attacking two white girls.

The statements attributed to chief defense counsel were entirely unfair and un-called for. His published remarks were an insult to every white man in Alabama, and a slur on the entire South.

When the International Labor Union sends a New York Jew into Alabama to defend negroes and he in turn makes such remarks as have been attributed to him, the negroes cannot expect to profit by it. In fact, it tends to cause unrest all over the South, especially among the negroes.

But the Scottsboro case is Alabama's affair, and we don't propose to take any part in it, other than to join her in resenting the remarks of the New York attorney.

AS TO LEIBOWITZ

To the Editor of The Telegraph:

Mr. Samuel Leibowitz, New York, your most insignificant remarks in the New York paper were read with much surprise that any man of your standing to make such of an ass of yourself by such junk. I am sure Alabama has people much superior to you. I have much regard for New York but must say you have shown less respect for yourself than any Alabama colored lawyer would attempt to do, to try to uphold such a crime regardless of color.

Hahira, Ga. REV. J. A. [illegible]

CHRONICLE
Pella, Ia.
APR 27 1933

THE SCOTTSBURG ASSAULT CASE

The ire of the thinking populace of the country was raised, and rightly so, several months ago when seven Alabama Negroes, residing at Scottsburg, were tried and sentenced to death for an alleged assault on two white girls while they were "beating a ride" on a freight train.

Later one of the girls, whose mysterious disappearance during the trial, was noted in the press, made the trip all the way from her home in New York state to the southern city to go on the stand and repudiate her confession, declaring that neither she nor her companion were assaulted by the Negroes.

In spite of the newly acquired evidence in the favor of the seven defendants, one of them, a 19-year-old youth, in his second trial gets the death sentence.

What we are concerned with is not the guilt or innocence of the Negroes, although we have serious doubts if the alleged attack ever took place, but with the question of fair play and equal justice to all colors and races.

The writer, a southerner, and residing in that section until he was 30 years old, can testify to the fac tthat color lines are sharply drawn and the man with black skin has little chance for a fair and impartial trial at the hnds of a jury of the opposite race. We say "little chance," for there are cases where jurors are actuated by the impulses of social and moral righteousness and act accordingly. However, in the majority of cases, the convicted Negro is facing a losing battle. Many a white man in the south has committed as heinous crime as any Negro ever attempted and has escaped the gallows and electric chair and sometimes the prison, while a Negro charged with a like offense has to forfeit his life, and in many cases is the victim of mob and lynch law and does not have the right to a trial. That is as unjust as we can imagine. The preponderance of evidence may be in his favor, and yet it has no weight with the jury.

Our opinion is that if the above case had been left in the hands of the eminent jurist who presided at the trial the verdict in the first trial would have been different, for he instructed the jury to not be guided in their deliberations by racial prejudice and to forget color lines and give the prisoners the benefit of the doubt. And yet it appears that they were guided by that very thing.

We have not forgotten the stirring scenes at Roanoke, Va., in 1893 when a Negro assaulted a white woman, he was arrested, taken to jail, the militia were stationed at the jail until midnight to prevent incensed citizens from taking the prisoner out and lynching him; and when it was believed that all danger had passed the militia was withdrawn, and later the mob returned and carried out their purpose, dragging the Negro through the streets of the city, stringing him up to a tree, riddling his body with bullets and pouring kerosene on his body and burning it. In later years, when there was a shakeup in police circles, it was revealed that, following this incident, the right man had surrendered to police, but he was advised to keep it quiet, as one man had been lynched for the crime, and that was enough, or words to that effect.

With all the progress that we have made in tearing down racial barriers, we have quite a journey yet to go. It does not seem possible that in a so-called and loudly proclaimed Christian nation we should still have a condition that militates against the chances of a man or woman having a fair and impartial trial and that either can be sent to the gallows or the electric chair when one may be innocent of the crime charged.

We know that southern Negroes have a mania for attacking white girls and women, and we would not for a moment excuse them where there is evidence sufficient to convict them, but we believe this is one case that will bear the most thorough investigation. The repudiation of confession on the part of one of the alleged victims seems to warrant it. Let's have fair play.

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pipefuls every day. Asked whose dog he is, he replied, "He belongs to the fourth ward. Everybody claims him, but no one pays any tax on him."

* * * *

Speaking of dogs, we heard that Jake Plender was trying to assess a dog against a supposed owner. The party said, "That is not our dog. He is just a stray one that runs across the yard occasionally." It is said that at that moment the canine let out a big yelp in the house where one of the children was choking him.

* * * *

And here is another dog story: Auditor Paardekooper was in this office April Fool's day and was making ye scribe believe that he was collecting the dog tax. Finally he let out the joke. Gerald says they used to say that every time a man came through Knoxville he stopped at the auditor's office and got a bucket of water to feed his oxen. Now he thinks they come to that office for everything except a tire tester.

* * * *

One of our friends wants to know if the "coffee hour" in the country will be converted into a "beer hour." We hardly think so.

* * * *

We had a sign on our car to this effect: "Stay Dry For Safety." Joe De Koning says, "If your car is dry, why don't you have it greased." Along comes someone and pastes another over it , saying, "We Want Beer." And it is suggested "Let both of them stay on, and they will think you are neutral." This life is one beery thing after another.

* * * *

We have read somewhere that "whosoever toeth not his own horn, verily, verily, it shall not be tooted."

* * * *

We had an argument last week with Carl Clark to the effect of whether a fellow who borrows a pocket knife should return it or whether the lender should ask the borrower for it.

* * * *

The members of the Stamps slugging and fielding aggregation are getting their wits together for the annual skirmish. Maybe they figure they will be harder to lick since the postage rate has changed.

* * * *

We understand that the ranks of our business army were somewhat depleted on Tuesday of last week when many of them went to Des Moines to sample the new beverage.

ANOTHER NEGRO CONDEMNED

The Scottsboro Case

Guardian

Manchester England

Clarence Norris, the second of the seven negroes accused of assaulting two white girls on a freight train at Scottsboro, was found guilty by the jury at his retrial on Wednesday at Decatur (Alabama).

The jury had deliberated for over forty hours and brought in their "guilty" verdict despite the fact that Ruby Bates, one of the two white girls in the case, signed a declaration last week that Norris had not attacked her.

Later the judge formally sentenced to death both Heywood Patterson, the negro who was found guilty on Friday, and Norris. He first fixed the date of the electrocution at February 2, but gave a stay of this later, following notice from the lawyers for the defence that they would appeal and would go to the Supreme Court if necessary.

Asked if he had anything to say, Patterson replied: "I am not guilty. I have been sentenced to the electric chair three times for something of which I am not guilty."

Norris said: "I am not guilty of the charge. It was framed against me."—Reuter.

This is the second retrial of the case, which has been the subject of nationwide agitation in the United States.

The Third Trial

Guardian

12-8-33

Manchester England

For the third time Heywood Patterson, one of the seven negro youths charged with assaulting two white girls (Victoria Price and Ruby Bates) in a train at Scottsboro on March 31, 1931, has been found guilty and sentenced to death.

The defence announced that they would ask for a new trial as soon as the Court had formally sentenced Patterson, and that they would carry the battle to the United States Supreme Court if necessary.—Reuter.

An Exchange telegram dated December 5 says that the retrial has been indefinitely postponed.

History of the Case

The assault with which the negro youths were charged was alleged to have been upon two white girls on a freight train in which a mixed crowd of boys and girls were travelling. A quarrel broke out, in which the white youths were said to have been thrown off the train.

The case has been the subject of nation-wide agitation in the United States. The youths have been lying in the death cells of Alabama State prison since April, 1931, and gifts towards their defence have been sent from all parts of the world. Eight were originally sentenced, but on appeal to the Alabama Supreme Court one sentence was reversed on the ground of juvenility.

The execution of the seven youths was originally fixed for May 13, 1931, but the time was extended by the Alabama Supreme Court to afford time for an appeal. The negroes were convicted only after a protracted trial in an atmosphere seething with colour hatred. The affair called forth thousands of protests from all parts of the United States and of the world. Mr. H. G. Wells was among those who signed protests addressed to President Hoover and the Governor of Alabama.

As the result of an appeal the Supreme Court in Washington set aside the death sentences and returned the case to the Alabama court. At the retrial Miss Ruby Bates, one of the white girls who was said to have been assaulted, completely repudiated the evidence she had previously given.

In spite of this evidence, Heywood Patterson, who was the first of the negroes to be retried, was again found guilty and sentenced to death. The judge, however, came to the conclusion that a fair trial could not be obtained in the court at Decatur, and the trial was "indefinitely postponed."

In June this year the death sentence on Patterson was again set aside and a new trial was granted, which opened on November 27.

Lynchings-1933

Legal Punishment for Rape.

Alabama

4268

AUGUSTA, GA.
CHRONICLE

AUG 17 1933

An I. L. D. Lynching

The temptation to place at the doors of the International Labor Defense the double Alabama lynching this week doubtless is to be resisted, for whatever the provocation, there is never an excuse to keep the law from taking its course. The negroes lynched were accused of the murder of a young white woman, and the officers who were spiriting them from Tuscaloosa to Birmingham appear to have acted in good faith. The lynching followed the attempt of the International Labor Defense to employ counsel to represent Pippen, one of the negroes killed and the rejection of its aid by Pippen's parents had followed.

There have been two cases of interference with the administration of justice in the South which immediately spring to mind in explanation, though, naturally, not justification, of the lynching. The first, naturally, was the conduct of the trial of Heywood Patterson, one of the Scottsboro negroes, by Leibowitz, the New York lawyer who went and described the "bigots" making up the jury. Judge Horton's decision to give Patterson a new trial because of Leibowitz's conduct of the case was a striking vindication of law, which must play no favorites. Then, Federal Judge Lowell, of Boston, took it on himself to deny the state of Virginia extradition papers for a negro accused of murder, the grounds being that no negroes would be on the jury and that he would save everybody the trouble of appealing the case to the United States Supreme Court.

All this, we may assume, was not in the minds of the misguided men who took the law into their own hands Sunday night. But there was no doubt a feeling that the law was being impeded by activities of outsiders, and particularly of the International Labor Defense, an organization clearly more interested in stirring up bad feeling between whites and blacks than helping individual negroes. An investigation of the lynching, and punishment of those guilty, is to be hoped from Alabama authorities. But, since Southereners, all these years have been carrying on the fight to end the curse of lynchings, it is time that we warned the I.L.D. and the other professional protesters that it is precisely their interference which is making it difficult for us of this section to achieve our goal. For their opposition to the established processes of low provoke other actions in contempt of the law. It is true that all such actions, whether of I.L.D. lawyers or Alabama lynchers, were brought to a stop.

ANNISTON, ALA.
STAR

SEP 14 1933

HULL HOUSE SETTLES THE SCOTTSBORO CASE

Hull House in Chicago has become famous throughout the world because of the fact that it is the nucleus for one of the finest adventures in social settlement work undertaken in this generation. It is inseparably connected with the name of Jane Addams, conceded to be one of the foremost of American women, and has become a center of attraction for visitors to the fair during the celebration of the Century of Progress.

But all who have visited Hull House have not come away in a pleasant frame of mind. A case in point is furnished by a well-known Annistonian who was there recently and found that this noted institution was being used for the purpose of stirring up race prejudice and casting aspersions on the courts of this state. The gentleman in question brought back a prospectus of a meeting that was held on September 5 under the auspices of the Chicago Scottsboro Action Committee, reading as follows:

"The purpose of the meeting is to acquaint professional people in Chicago with the facts concerning the conviction of the Scottsboro boys of a crime which no unprejudiced person believes they committed. There is wide-spread feeling that these boys have been convicted not because of the alleged crime of rape but because of the color of their skin.

"Professor Robert Morss Lovett is chairman of the Chicago Scottsboro Action Committee. Speakers for the meeting include Ruby Bates, the principal witness for the prosecution, who at the second trial exposed the frame-up and declared the boys innocent; Mrs. Ada Wright, the mother of the youngest of the boys; Llewellyn Jones, well-known journalist; Thyra Edwards and A. G. Falls, M. D."

It is to be regretted that Miss Addams and her backers should allow the famous Hull House to be used for so partisan a purpose as this meeting probably proved to be. She probably is suffering from that same ignorance of Southern conditions that characterized Lady Perkins, Secretary of Labor, in her famous intimation that the people of this section do not wear shoes. If Miss Addams would come down to Alabama and sit in on one of the hearings of the Scottsboro case, she might conclude, as does Elmer Davis in the August Harper's, that there was no more of racial prejudice in the trial of this case than there was in the notorious Sacco-Vanzetti case in the East, or in the unpardonable race riots of a few years ago in Chicago.

The people of Alabama have an open mind as to the guilt and innocence of the Scottsboro boys, but they resent the exploitation of Ruby Bates and others who were involved in the case by the pink Socialists of the North, and Miss Addams should have studiously avoided becoming involved with this class of our citizenry.

Macon, Ga., Telegraph
September 24, 1933

Jolting Alien Law Aid

One of these organizations which make a business of tendering the services of their lawyers to defendants whose rights, because of racial or political prejudice, are supposed to be insufficiently safeguarded, has received a jolt at Leipzig, Germany, where five men, including Ernst Torgler, former Communist party whip in the German Reichstag, are on trial for having set fire to the Reichstag building in February.

The New York organization sent one of its high-powered attorneys all the way to Leipzig for the purpose of tendering his services to Torgler.

At the very moment when the American lawyer arrived the situation was looking particularly dark for the Communist defendant and we imagine that it was with a great deal of self assurance that this attorney made his offer to breast the waves of prejudice and snatch the defendant from the axe of the headsman.

By the same token it must have caused pained surprise when Herr Torgler curtly rejected the services of the American lawyer. He said he was entirely satisfied with the manner in which his own lawyer was handling his case and the alien attorney had nothing to do but cool his heels in the corridors. Perhaps there is something to be said for the existence of a disinterested organization which stands ready to finance the defense of a man who might be in special jeopardy because of prejudice, but we know by experience, here in the South, at least, that the wiser course is always to employ a local attorney. We have no doubt but what the defendants in the Scottsboro case would have been better off if their defense had been left entirely to Southern lawyers. Prejudice has not yet gained such a foothold here in the South, on any ground, but what it would always be possible for a defendant to find competent counsel for the most desperate case.

We are quite prepared to believe that this whole trial at Leipzig is a frame-up to conceal the fact that the Brown Shirts themselves were responsible for the burning of the Reichstag building in order to create a prejudice against the Communists upon whom they place the blame.

But this does not alter the fact that the German people, like those of other countries, would resent the gratuitous intrusion of an alien and it is hoped that, guilty or innocent, Torgler has served a useful purpose by the stand he has taken.

10,000 Protest Frame-Up Case Against Negro

Daily Worker

9-6-33

LYNCHBURG, Va.—Ten thousand people, one-quarter of the town's population, attended a meeting Tuesday night and heard Frank Lewis, of the newly-formed Scottsboro Committee of Action, and T. H. Stone, of the International Labor Defense, who spoke on the frame-up of Reginald Leftwitch and the growing oppression of Negro and white toilers. The meeting adopted a Plan of Action to conduct a militant struggle against these conditions.

The unusual size of this meeting can be attributed to the [illegible] of the Negro workers and their white comrades over the frame-up of Leftwitch, who was immediately arrested after he reported finding the dead body of A. B. Coates, a white farmer.

The Negro and white workers were stirred to action by this event. Immediately the newly-formed Scottsboro Action Committee took up the case. They invited a representative of the International Labor Defense, T. H. Stone, who investigated the case and reported that the whole thing was a palpable frame-up.

The Defense Conference held Tuesday night was a big step in the campaign for the release of Leftwitch. Thirty organizations, representing practically the entire Negro population of Lynchburg, rallied around the ILD and its campaign to free Leftwitch, and in support of the Conference held in the local Presbyterian Church. 9-8-33

The ILD plan of action, including concrete steps for building the campaign organizationally and financially, was adopted at this conference and committees elected to begin the work immediately.

The first resolution adopted proclaimed the belief of the conference in the absolute innocence of Leftwitch, demanded a change of venue from lynch-spirit-riddled Rustburg to Richmond where the organiz workers can give more adequate protection to Leftwitch, and demanded that Negroes serve on the trial jury in his case.

Resolutions were also passed demanding the release of the Scottsboro boys and demand the punishment of the Tuscaloosa lynchers.

Heflin Renews Call For A Scottsboro Gang Lynching

Planet 9-16-33

Birmingham, Ala.—An open and direct call for lynching of the nine innocent Scottsboro boys, and for more lynchings, was made in a Labor Day speech by ex-Senator Tom Heflin in Ensley, a steel mill suburb of Birmingham.

"Southern white womanhood is greater than the Constitution," he said, "and if the courts of Alabama can't stop 'nigger' rapists, the white men can and will.

"The Scottsboro niggers are guilty as hell. If it hadn't been for the International Labor Defense and Jew money from New York, they would have been dead two years ago.

"They would have been killed for the crime they committed, and if our courts can't give them what they deserve, the white people of Alabama must see to it that justice is done to them."

The Ku-Klux Klan ex-Senator, who is helping Attorney General Thomas E. Knight in his lynch prosecution of the Scottsboro boys, is special prosecutor for the white landlords against the framed Tallapoosa share-croppers pointed to Tuscaloosa as the "right way to deal with dirty nigger rapists."

He referred to the Scottsboro boys as "filthy, nasty nigger men who raped two innocent white girls," and spoke of Willie Peterson, tubercular Negro veteran framed on murder charges, as "guilty as hell."

Lynchings-1933
Legal Punishment for Rape

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High Point, N. C. Enterprise
April 22, 1933

SCOTTSBORO CASE.

Much criticism has been heaped upon the Alabama jury which tried and convicted, for the second time, one of the negroes in the famous Scottsboro case. The Columbia, S. C., Record points out that it had "become finally impossible for the negroes to get a fair trial at Decatur and to blame for this fact is not Southern prejudice but the foolish bitterness or bitter foolishness of the man who was their chief of counsel."

The Record praises Judge James E. Horton, who conducted the first trial, for postponing the other trials and goes on to say:

"Concerning the Alabama jury—which was probably much like juries in New York and South Carolina—that convicted Haywood Patterson, first of the negroes to face retrial, the New York Herald-Tribune quoted Samuel L. Leibowitz, New York attorney, as saying:

" 'If you ever saw those creatures, those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it.'

"This statement, reeking of prejudice, was obviously calculated to arouse animosity and resentment. It left the jurors who would have tried the other defendants in no position to give them a fair trial and Judge Horton puts the fact mildly enough when he declared that the accused negroes would be the victims of this statement.

" 'His leading attorney,' the judge said of the second of the defendants called for trial, 'would be a millstone about his neck.' "

Statesville, N. C., Record
April 21, 1933

Trouble Breeders

If Haywood Patterson, one of the nine negroes charged with assault upon two white women, and convicted for the second time, escapes the death chair, it will not be because he had a good lawyer defending him. If his sentence is changed in any way, it will be in spite of the fact that Samuel Leibowitz was his chief defence counsel.

For commenting on the verdict and the sentence, Leibowitz said of the jury: "If you ever saw those creatures, those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drop tobacco juice, bewhiskered and filthy, you would not ask how they could do it."

The lawyer was talking for the benefit of ignorant souls up North, whose support he covets. He was thinking less about the man he was defending than he was about the publicity he was building through the dirtiest sort of prejudice.

Fortunately some enterprising news gatherer obtained a picture of the jury, and this gives the lie to what Leibowitz says. They appear to us as being men of more than ordinary intelligence, and capable of rendering a just verdict. But the persons the lawyer wanted to reach will not want to believe the truth, so the picture won't matter.

It is such as this that serves to keep the race question alive. The whites and black of the South, if left to work out their own relationship will both be happy with the result. Here in North Carolina, right now, outside influences are injecting a virus calculated in advance to spring a fever.

There has been a question in our mind whether the negro Patterson should have been convicted on the testimony of women, admittedly impure and not altogether reliable, but there has been no doubt as to the integrity and high purpose of the jury that heard the evidence in full.

The wonder is that Mr. Leibowitz did not have some of that tobacco juice "dripped" into fresh bruised places on his body before he left Georgia.

GAZETTE
Clintonville Wis.
APR 26 1933

The Scottsboro Case

The Scottsboro case down in Alabama has resulted in some new sidelights on the very interesting subject of th race question in the south. The case arose about two year ago when the ten ~~Negro men were~~ arrested for assaultin two white girls who were riding on a freight train. Thi crime in Alabama and most of the southern states is punishable by death. The ten were tried, convected and sen suit. The dead wood must be cut away lest the tree perish

MAPLE VALLEY

The pupils and teachers of the school enjoyed a short Easter vacation from Thursday until Tuesday.

Mr. and Mrs. Louie Ratzburg and son Harold and Margaret Ratzburg were visitors at Bill Dieck's on Sunday afternoon.

Mr. and Mrs. Robert Stillman visited at the Wm. Brandenburg home Friday evening.

The pupils in the upper grade room who were neither absent nor tardy the past six weeks are Edna Bork, Pearl Gruenstern, May Schewe, Arthur Schoenrock, Hazel Tischauser, Dorothy Schoenrock, Dora Krueger.

Those in the primary room are: Francis Bork, Gladys Tischauser, Wilfred Tischauser, Donald Hidde, Elaine Schoenrock, Franklin Bork, Harold Hidde.

Mr. and Mrs. Herman Brandenburg and son Floyd visited at Wm. Brandenburg's Sunday afternoon.

Honor students in the primary room are: Franklin Bork, Sylvia Krueger, Elaine Schoenrock, Ruth Radtke, Francis Bork, Ceylon Gruenstern.

The upper grade list is practically the same as last six weeks list.

Mr. and Mrs. Emil Bork and family and James Rice visited at Wm. Bork's Sunday.

The following visited at Chas. Dieck's on Sunday evening: Mr. and Mrs. Emil Bork, Mr. and Mrs. Louie Krueger and family, Mr. and Mrs. Fred Lutzewitz and daughter Rose.

Mr. and Mrs. Wm. Froederick and daughter Evangeline visited at the Chas. Steckbauer home on Sunday. They visited at the Robert Froederick home on Monday evening.

Miss Erna Krueger visited

school Monday.

Singing practice was held on Tuesday evening.

Mr. and Mrs. Herbert Piehl, Mr. and Mrs. Crawford Radley and son Gilbert were visitors at Wm. Froederick's on Sunday.

Mr. and Mrs. Leonard Brandenburg and daughter were visitors at Paul Keller's on Easter day. Mrs. Emma Goodstorf and family were visitors there on Monday.

Upper grade pupils are busy dressing and getting ready their puppets for the show at the community meeting on Thursday evening, April 27th.

Mr. and Mrs. Kueblock and daughter Anita and Mr. and Mrs. Klingbidle of Tigerton visited at the Fred Herzberg home Monday.

Mr. and Mrs. John Arndt and daughter Barnette, Mr. and Mrs. Arthur Krueger and family, Mrs. Frank Arndt and family, Mrs. Bernard Gensckow were Monday evening visitors at Henry Arndt's.

Mr. and Mrs. Arthur Krueger and family visited Friday evening at Gust Miller's.

N. Y. EVENING POST

APR 25 1933

ANOTHER VOICE ON SCOTTSBORO

To the Editor of the Evening Post:

Sir—Your editorials on the Scottsboro verdict, while brief, were impartial, fair and complete, but the letter of Mr. J. T. Neal of Thomson, Ga., printed in today's Post, contains "another point" which is not well taken. Is his distinction between Negroes of a low type and those who are good citizens drawn by Southerners in every case where a colored man is *spurlos versenkt?* Are there no "rowdy criminal" whites? How many convictions have there been in Georgia or Alabama since Reconstruction of white men for attacks on colored females or for the wanton murder of Negroes? If there really are good citizens among the Negroes, why are they not allowed to vote or to serve on juries?

What is a "low type" anyhow? I assume that the proof of the infallibility of Southern judgment of type is the inevitable conviction by a prejudiced white jury, death in the lyncher's noose or failure to survive a pot-shot.

While Mr. Neal is pragmatically voicing a merely local hypocrisy, the unfortunate part of the situation is that the United States loses its national prestige because of the conditions in the South and the feebleness of our excuses for them. How strong an effect can our protests against rampant prejudice and oppression in other countries be when we fail to suppress these evils in our midst?

D. C. WEST.

New York, April 21, 1933.

Sylacauga, Ala., News
April 21, 1933

The people of Alabama have more respect for the Scottsboro negro rapists than for Leiowiest, their New York communist attorney. But there is no satisfaction in cussing a fellow when you can't pronounce his name

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Scottsboro March Committee at the White House Today

Daily Worker
5-2-33 New York, N.Y.

Call to Arrange Presentation of Bill of Civil Rights to Roosevelt May 8

NEW YORK.—A committee will call at the White House today for the purpose of making an appointment with President Roosevelt to meet representatives of the Scottsboro Marchers on May 8, who will present the Bill of Civil Rights demanding the enforcement of the 13th, 14th and 15th amendments, at the same time calling for the immediate release of the Scottsboro boys.

The committee which will call upon Louis Howe, secretary to Roosevelt, is composed of Frank Spector, assistant secretary of the International Labor Defense; Maud White, of the Trade Union Unity Council of New York; Samuel Patterson of the Carribean Union; Rev. James W. Brown of Grand United Order of Odd Fellows; Rev. J. W. Brown of the Mother Zion Church and treasurer of the National Scottsboro Action Committee; William N. Jones, editor of the Baltimore Afro-American, and Elinor Mish, of Hagerstown, Md.

In connection with the Scottsboro march, the program of action includes:

1. Telegrams to pastors of leading Negro churches, asking them to urge their congregations to join the march. The telegrams declare that "attacks upon the Scottsboro boys in their cells, covered by a false charge of 'mutiny', make quick action essential."

2. Designation of May 2 and as "Scottsboro days". A house to house canvass will be made in Harlem and other sections to recruit marchers and secure food and supplies for the trek.

3. Sending a delegation of prominent Negro and white intellectuals to Washington, D. C., early this week to arrange with President Roosevelt for an appointment with representatives of the marchers on May 8.

4. Securing marchers and support from the hundred odd organisations represented in the National Scottsboro Action Committee.

PITTSBURG PA PRESS
APRIL 18, 1933

An Appeal for Funds in Scottsboro Case

Editor, The Pittsburgh Press:

ON APRIL 9, an all-white jury filed into the Decatur courtroom. With grins on their faces, they delivered a verdict of legal lynching for Heywood Patterson, first of nine Negro Scottsboro boys to be tried on framed charges.

This was the verdict asked for by Wade Wright, Morgan County solicitor, and Attorney General Thomas E. Knight, Jr., of Alabama, who disregarded all the testimony presented and demanded a verdict, based solely on sectional, racial and religious prejudice and hatred.

The other eight boys were taken to Birmingham for safe-keeping as mobs of farmers jammed the town, lynch-gangs came in from Scottsboro, Huntsville and other sections.

Returning from Alabama, Samuel S. Leibowitz, chief trial counsel, said, "I want to say that had it not been for the International Labor Defense, those nine boys would be in their coffins now, buried back of the county jail."

Friends of the Scottsboro boys say, "Now this fight is only beginning." Certainly it needs renewed strength. The appeal from the lynch verdict (for which the record alone will cost above $5,000), the preparation of defense of the other boys, must go forward.

We call on every one of your readers to send whatever money they can and send it quickly to Scottsboro New Trial Emergency Fund of the International Labor Defense, Room 430, 80 East Eleventh Street, New York City.

Sincerely,
WILLIAM L. PATTERSON,
National Secretary International Labor Defense

BOOK NOTES

Daily Worker
[illegible]
New York N.Y.

THE SCOTTSBORO CASE AND THE NEGRO QUESTION

The verdict "guilty as charged," with the punishment fixed at the electric chair" which was handed down in the Decatur courtroom against Haywood Patterson, the first of the Scottsboro boys to be retried, has electrified the world. The storm of protest was immediate and spontaneous.

The issues raised so dramatically at the trial in Decatur, Ala., [illegible] dealt with the Negro question. These are with the Negro suestion. These are THE AMERICAN NEGRO and NEGRO LIBERATION, both written by James S. Allen, special Daily Worker correspondent at the Decatur trial, and selling at 10 cents a copy.

There are two additional pamphlets dealing with specific aspects of Negro oppression. LYNCHING, by Harry Haywood and Milton Howard, traces the causes of lynching and suggests how to fight it. It sells at 5 cents a copy. THE CHAIN GANG, by John L. Spivak, describes the conditions he found on personal investigation of the chain gangs and road stockades in Georgia.

These pamphlets are obtainable at workers' bookshops or may be ordered from Workers' Library Publishers, Box 148, Station D, New York.

Alabama

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Lynchings-1933

Legal Punishment for Rape.

Springtime and Death in Alabama--Scenes at the Scottsboro Trial

Daily Worker

4-1-33

New York

DECATUR, Ala., Mar. 29. (By Mail). —The nine Negro boys sit along the wall behind the defense lawyers' table. In their corner is a window which opens out on the lawn. Here spring is far advanced, the trees bear young leaves, the grass is rich green.

Haywood Paterson has been singled out for the first attack by the prosecutor when the trials begin on Thursday. He is a rather tall, lanky boy. He sits by the window gazing continually at the spring world outside from which he has been shut out now for two years.

Within arm's length of him stand two guardsmen, also young boys, barely out of their teens. They come from another world and represent the state power which is seeking to throw the electric-charred bodies of nine Negro boys into the face of the entire world.

The nine boys feel at home thruout the whole court proceeding. They chat easily with each other, laugh heartily when the defense makes a good point—and that is very often. They read the newspapers eagerly. In their whole bearing is that same confidence which brings hundreds of Negroes to the courtroom everyday, which brought Negro witnesses from Scottsboro and Jackson County to state openly in court that Negroes are systematically excluded from jury service.

* * *

THIS courtroom is the nerve center of the whole struggle symbolized by the Scottsboro case. And in these Negro boys we have at one and the same time the intended victims of bourbon supremacy and the defiant reply of the roused toiling masses.

Directly in front of the nine boys sit the attorneys of the International Labor Defense. In them the boys do not see simply extremely capable lawyers who have come to plead their case. They know that behind these lawyers there looms a mass support which circles around the world. They know that not only the 400 spectators in the courtroom, but millions of toilers have their eyes fixed intently on the courthouse in Decatur.

Their whole demeanor, their proud and dignified bearing, their ease, express the power of a movement which has made possible the concentrated and rapid victories being recorded in the courtroom.

MONDAY NIGHT. The first session of court is over. With soldiers in front and back the boys are marched off to the jail. There an old brick jail and flimsy prison bars isolate them from the defense table, from the public gaze.

Gen. G. W. Chamlee, defense attorney of the I. L. D., talking with one of the Scottsboro boys outside the Morgan county courthouse upon the arrival of the defendants from the Birmingham county jail, to which they had been brought from the death cells in Kilby prison.

The first night in the Decatur jail, the boys know that the jail is weak. They have read that the jail is no longer used for prisoners—only for "niggers"—because it is so easy to get out of. They know that the sheriff gave as his reason for calling troops—to prevent a "jail break."

If it is so easy to get out of this jail, it is still easier for others to get in .....

The boys pace nervously around their cell all night. No one gets a wink of sleep. Roy, the youngest of the boys, is the most restless. They try the bars. They stamp on the floor for hollow space below. They measure with their eyes the 10 feet from the cell window to the ground. They examine the wood to see how easily kindled it can be.

The examination makes them still more nervous. For they pace the floor the whole night, now and then sitting down to read, addressing a few nervous remarks to each other.

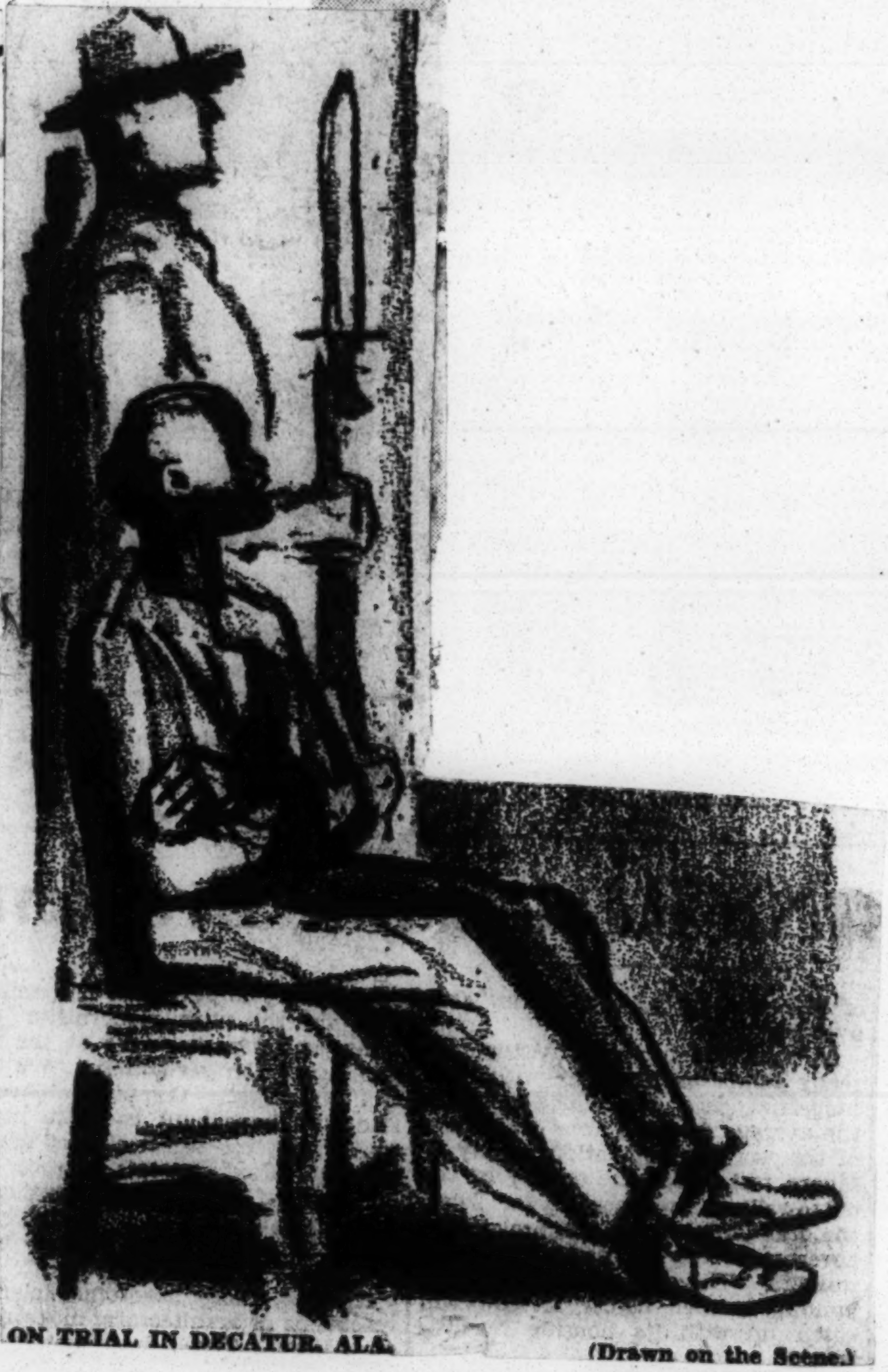
For here in the jail house, in the dark of night, the rest of the world which is theirs is dimmed, is not so apparent, seems far away. Much closer seems the bourbon south and lynch rage; much closer the rage of those who have accepted as unalterable principle the doctrine of white supremacy, which is being so openly challenged.

(The dapper captain of the guards who told me how the boys spent the night ascribed it to their investigation of the possibilities for escape. This trim little captain missed the point. One wonders whether he will miss the point when it may become a matter of life or death for the Scottsboro boys).

* * *

BUT the next morning the boys are again smiling and self-confident in the courtroom behind the defense table, even more joyful, for with every hour of the proceedings, victories are being won for them.

And the next few days will decide the balance will determine which side is stronger and shape the course of events.



ON TRIAL IN DECATUR, ALA. (Drawn on the Scene.)

Ruby Bates Now Sees Life With Worker's Eyes

Daily Worker

NEW YORK.—The forces that have made of the Scottsboro case a symbol of the national oppression of 12,000,000 Negro people has also opened the eyes of Ruby Bates to the conditions which involved her in the case and made her for a time the unwilling pawn of the Southern landlords in their attempt to murder nine innocent Negro boys.

An interview with her today revealed a far different Ruby Bates from the one who was pulled off a freight train two years ago bumming her way. Today as she spoke of her life she saw the things that happened to her with the eyes of a worker conscious of class forces around her.

New York, N.Y.

"Before the first trial," she said, "I used to think of having to go into the mills so young (she was fifteen when she began to work on the night shift) and about all the people having to work so hard and getting practically nothing for it."

She used to wonder, she said before the trial, "what could be done, I did not know there was anything."

"I had to work under the boss and his place was so much higher than I was," "I was considered poor white trash."

"But now," said Ruby her eyes shining, "now I understand that if all people would all work together instead of against each other it would help everybody." And to make sure that the reporter did not misunderstand whom she meant by "everybody" she said "I guess it wouldn't help the bosses but it would help all the workers." When Ruby said "all people working together" in her mind must have been the dawning lesson of the force of Negro and white unity that held back the lynchers hand when the Scottsboro boys faced death.

Ruby Bates has grown out of bitter soil. She had only a mother and a younger sister and a brother too young to work. When she was still in the fifth grade in school she was already slaving in a cotton mill for $2.75. Sometime, "we didn't know how much we was gettin' because the mill store took it all up." Her mother also worked and got $3 a week.

When she aspired to a better job and life she found the greedy hand of capitalism followed her and drove her to prostitution.

"Down where I live you learn shorthand at college. The bank runs it. You can go to school for two years and they guarantee you a job afterward, but they work you and take all your money except $3 a week," she continued.

She [illegible] with all her being she

Ruby Bates, who denied that either she or Victoria Price were attacked by the Scottsboro boys, when she appeared as a star witness in the trial of Haywood Patterson,

part she played in the Scottsboro case. "I feel like its something I've got to live down."

"I didn't know the colored boys would be hung."

And with the same courageous spirit with which she defied the Alabama lynch gangs to testify in Decatur that neither she nor Victoria Price has ever been attacked by the Scottsboro boys said, "I feel like I made up some by telling the truth in the second trial but I'm still willin' to make up some more."

Tomorrow evening marks her first active part in rallying support to the boys she so inadvertently harmed. She will speak at a mass send-off meeting to Scottsboro marchers at the St. Nicholas Arena, 66th Street and Columbus Ave. Ruby Bates has herself become a symbol

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SOUTH MAY CHANGE ITS JURY PROCEDURE

Times

4-30-33

Sentiment Noted in Favor of Occasional Calling of Negro Talesmen.

New York, N.Y.

PENAL REFORMS SOUGHT

Burns, Scottsboro and Crawford Cases Focus Attention on Both Systems.

By VIRGINIUS DABNEY,

Editorial Correspondence, THE NEW YORK TIMES

RICHMOND, April 27.—Action of United States District Judge James A. Lowell of Boston in thwarting the efforts of Virginia and Massachusetts to bring to trial a Negro suspected of a double murder in the Old Dominion, has served to focus public attention once more on the fact that Negroes are seldom called for jury service below the Potomac. It was on the ground that the Negro sought for trial in Virginia would be tried by a jury of whites, and that his trial would therefore be pronounced illegal by the Supreme Court, that Judge Lowell declined to permit his extradition.

Remembering the recent attack on the Southern jury system by defense counsel in the Scottsboro case, and the somewhat less recent action of Governor Moore of New Jersey in refusing to extradite Robert E. Burns to Georgia, because of the allegedly inhuman treatment he would receive on a chain gang there, the South is doing some soul-searching.

Loose Talk Deplored.

Those who view the action of Judge Lowell objectively deplore the abuse which he has received from certain Southern sources. They point out that whereas the Boston jurist apparently went outside his proper province when he attempted to forecast the action of the Virginia authorities and the attitude of the Supreme Court he stated specifically that he had no "doubt the defendant would get a fair trial in Virginia."

Although believing strongly that the district judge erred in refusing to send the Negro George Crawford back to Virginia, they deplore the public expression by a Richmond lawyer of the opinion that among Judge Lowell's ancestors "were plenty of Southern carpet-baggers"; nor do they feel that anything is to be gained through such unrestrained denunciations as that indulged in by Representative Dies of Texas, who stated that the judge displayed "a venom and prejudice unparalleled in the judicial history of this or any other country." These statements from Southerners were matched by Representative Luce of Massachusetts, who said on the House floor that "to send a Negro back to Virginia for trial would be like sending a Jew to Germany."

Negroes Rarely Called.

It is true that Negroes are not often called for jury service in Virginia, except in the Federal courts, but it cannot be assumed that when a Negro is tried in Virginia the jury is certain to be entirely white.

However, the Crawford episode has brought many Virginians and other Southerners to a realization that something probably will have to be done about the Southern jury system. The opinion seems to prevail that the Supreme Court would reverse the latest Scottsboro conviction on the ground that there were no Negroes on the jury, and now the action of Judge Lowell has tended to confirm that view.

The attitude of many thoughtful Southerners toward the situation which has been precipitated by the Scottsboro and Crawford cases is that it would be wise for Southern courts to begin calling Negro jurors from time to time. Some fifteen or twenty years ago this was done in the Richmond Hustings Court, for example, and with satisfactory results. The Richmond News Leader has the following to say of the existing situation:

"Failure to call Negroes for jury service in the South will produce more and more complications as time goes on. The second trial of the Scottsboro case probably has marked an epoch in this respect. Increasingly it will be contended that white juries are prejudiced against Negro prisoners in cases involving alleged crimes against white women. This, in turn, may increase the difficulties of extraditing Negroes who escape into Northern States. To avoid this, the fair and prudent course, in our opinion, is to remove the cause of complaint by using Negro jurors on occasion."

Times 4-30-33 New York, N.Y.

As for the final adjudication of Judge Lowell's action, there is apparent confidence in legal and judicial circles here that the United States Circuit Court of Appeals, to which the decision has been appealed, will bring in a reversal.

Possible Changes Seen.

The more level-headed observers are deploring the abuse that has been indulged in by both sides. There was similar recrimination in connection with the Burns case last December, when the Governor of New Jersey refused to honor extradition papers of the Georgia authorities. Here is another decision which may set a precedent, for any Northern Governor who is convinced that a Southern State is without an up-to-date penal system may feel at liberty hereafter to decline to send a fugitive South to prison.

In the case of Georgia, the iniquities of the prison system were exaggerated, but William B. Cox, secretary of the National Society of Penal Information, testified at the hearing that "there is no State in the Union where the penal system is as bad as it is in Georgia."

One surmises that Mr. Cox knows whereof he speaks when one considers that so loyal a Southerner as George Gordon Battle joined with Clarence Darrow in petitioning Governor Moore not to extradite Burns.

Thus the past five months have seen the Southern penal systems brought sharply into the spotlight, along with the Southern jury systems. It may be that we are about to witness substantial changes in both of them as a result of the recent episodes

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INDEPENDENT

Elizabeth City, N.C.

APR 28 [illegible]

Sad But True

APPEALS to the intelligence of the people are of little avail; the people are reachable thru their emotions, their prejudices and heart interest. Notable cases are the famous Scottsboro, Ala. case and the case of Winnie Ruth Judd of Arizona. Everybody knows that those Negro boys accused of criminal assault on two white female bums and prostitutes were not guilty, or, if guilty, had committed no crime for anybody to get excited about. But appeals to race prejudice make it utterly impossible to get for those Negro boys a fair trial or a fair verdict. On the other hand, one of the foulest murderesses this country has produced is spared the gallows on a plea of insanity. This time the appeal is to the sentiment that a woman should not be hanged.

Alabama

4271

Lynchings-1933

Legal Punishment for Rape

Telegraph

4-23-33

Macon Ga

KEY TO THE VERDICT

To the Editor of The Telegraph:

Newspapers that insist upon wearing the title "Liberal" ought to find plenty to excite and cause to become vocal their liberalism in the latest developments in the Scottsboro case.

After the conviction of one of the eight Negroes, the trial judge has postponed indefinitely the trials of the remaining seven. He declared that a remark by the defense counsel had so prejudiced the cases of the defendants that it would be difficult for them to get justice at the hands of Alabama juries. The remark, made in reference to the jury which convicted the first defendant, is said to have been as follows:

"If you ever saw those creatures, those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy you would not ask how they could do it."

It is not necessary to argue whether the defense counsel's remark is an exact characterization of the jury which declared Haywood Patterson guilty. Perhaps it did leave out some details. But whether exact or not, it should in reason and in justice have no relation to the question of guilt of the defendants. The lawyer is not on trial. The North is not on trial. Eight Negro youths are on trial for a crime they are charged with having committed. To admit, as the judge has admitted, that a remark by the defendants' lawyer has prejudiced their chance of justice in the courts of Alabama indicates that even the judge recognizes the truth of the assertion by the defense: That Alabama does not want justice for the defendants but wants, rather, their blood.

In fact, no one who has studied carefully the Scottsboro cases can believe that Alabama wants to do justice. Alabama's leading newspapers (including those reputed to be "Liberal"), many of Alabama's leading citizens, Alabama's supreme court, itself, all have affirmed that the first trial was a fair trial and the Negroes guilty. Yet the supreme court of the United States reversed this decision, on grounds which must be considered ample by any mind unblinded by prejudice and disposed to be fair.

At the first of the retrials, the one which led to the counsel's remark, the flimsy nature of the prosecution's case must have been obvious to all. One of the two females admitted that she had previously perjured herself and denied that either had been attacked. Competent physicians testified that physical examinations had revealed no evidence of attack. Thus the prosecution's case rested solely on the testimony of a white female vagrant, a woman with an extensive police record. The prosecution had other "evidence" to offer, other reasons for demanding the lives of eight Negro youths. I quote from an article written by an observer at the trial for The New Republic:

Leibowitz is a great criminal lawyer . . . He seems to know every foot traveled by the girls on the fateful journey, everything they have done in the days preceding the alleged crime. He knows who their boy friends were and what their relations were with the boy friends. He has Victoria Price's police records. He seems to know as much as God. It is more like the dissection of a life than a cross questioning. It is as though one could see the misspent days of Victoria Price shredded to bits. The girl is full of hate and venom! She persistently denies everything, while Leibowitz shreds apart her life with his patient scalpel.

The audience in the courtroom could not forgive him for what he revealed about Victoria Price. But feeling rose to a higher pitch on Friday, the next-to-last day of the trial, when Solicitor Wade Wright made his summation to the jury. He is an enormous man, florid, dark, and during his appeal to the jury he grew so purple and swollen with his emotion that one felt he might at any moment burst and scatter dark blood over the courtroom.

As he shouted and ranted, the feeling which had been hidden, kept down by the fair and humane judge, came out like a punctured boil. As he shouted that "no Alabama jury would listen to witnesses bought with Jew money from New York," you could hear murmurs of approval in the courtroom. Members of the jury leaned forward. Wright was speaking the language of prejudice and hate which everyone wanted, which everyone understood.

There, in a few words, is the key to the verdict in the first trial of the Scottsboro cases—the key to the second conviction of Haywood Patterson—the key to Judge Horton's sensible but futile postponement. In demanding the death of eight Negroes Alabama is "speaking the language of prejudice and hate." It is a language which ought to interest those who pride themselves upon being "Liberals." No genuine Southern Liberal can sit complacently by while a Southern state attempts to take the lives of eight human beings for a crime of which almost certainly they are innocent.

JOHN D. ALLEN.

4-29-33

Baltimore

CONGRESS TO GET NEW EQUAL RIGHTS BILL

Nat'l Scottsboro Action Committee Will Submit Measure.

TO PUT TEETH IN AMENDMENTS

Plans for March on Washington Complete

LOUISE THOMPSON

WILLIAM L. PATTERSON

NEW YORK.—A bill to put teeth in the Thirteenth, Fourteenth and Fifteenth Amendments has been drawn up by the National Scottsboro Action Committee and will be submitted to Congress by the Scottsboro protest marchers to Washington, May 8, it was announced this week by Louise Thompson, provisional secretary.

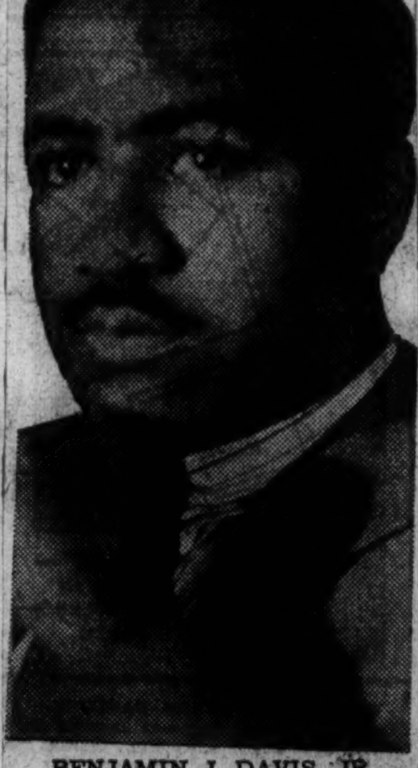
At the same time, the committee announced definite plans for the march, which will present to President Roosevelt a petition of 1,000,000 signatures demanding the "immediate, unconditional, and safe release of the Scottsboro boys."

Davis Heads Body

The plans were worked out by the National Scottsboro Action Committee, appointed Sunday at the conference called by the Scottsboro Unity Defense Committee, to which 65 organizations sent delegates. Benjamin J. Davis, Jr., attorney of Atlanta, Ga., in the Herndon case, is provisional chairman of the conference, with William L. Patterson of the International Labor Defense and Heywood Broun as vice-chairmen.

Bill Has Teeth

The bill proposed by the committee covers the democratic rights of Negroes and white workers relative to voting, jury service, schools and courts. It forbids every form of Jim Crowing or Jim Crow law in vehicles, restaurants, hotels, labor unions, public and private buildings. It makes illegal all color bars in civil service and in the army and navy. It bans all discrimination by private indivduals against Negroes in housing or elsewhere. To enforce this bill, severe penalties and the use of every form o governmental machinery is called for.


BENJAMIN J. DAVIS, JR.

The march plan of the committee calls for the mobilization of marchers in New York, Boston, Jersey City, Newark, Trenton, Philadelphia, Wilmington, Richmond, Norfolk, and Baltimore, thence to converge on Washington, April 28.

Plans for March

Offices set up at 119 West 135th Street, will be used as a recruiting station and post for donation of supplies. Other recruiting stations are: the Harlem office of the International Labor Defense, 77 West 131st Street, and the Harlem Liberator, 2149 Seventh Avenue. Similar offices are being set up in other cities.

Neighborhood committees are being established, each of which is to elect its delegates and provide for their food and transportation. A call has been issued for the loan of hundreds of trucks and passenger cars.

The National Scottsboro Action Committee is composed of such religious, political, and cultural organizatins as the Conference for Progressive Labor Action, the International Labor Defense, the Fellowship of Reconciliation, the Samaritan Rescue Episcopal Church Synod, the Harlem Interracial Forum, the Communist Party, the Order of Moses, the Shoe Workers Industrial Union, the National Association for the Advancement of Colored People, and the National Committee for the Defense of Political Prisoners.

SUN

APR 1 9 1933

BUTLER OPINION CITED IN REPLY TO LEIBOWITZ

U. S. Supreme Court Justice Found 'Ample Evidence' to Convict Negroes.

THREE SAID THEY SAW ATTACK

Dissenting View in the Nation's Highest Tribunal Is Called Defense of Alabama.

In reply to Samuel S. Leibowitz of defense counsel for the Scottsboro Negroes, who characterized the jurors in the case as "bewhiskered bigots," former residents of Alabama now living here pointed to the dissenting opinion of Justice Butler of the United States Supreme Court, when the case was appealed to that court. He insisted that a fair trial had been held and declared that three of the defendants had implicated their associates.

When the cases of the seven Negroes, now pending with one exception at Decatur, Ala., were before the Supreme Court on appeal after their conviction at Scottsboro, the justices were divided. In the minority opinion of Justices Butler and McReynolds, the following extract under the title of Powell versus Alabama, appears:

"And three defendants each, while asserting his own innocence, testified that he saw others accused commit the crime charged."

Intense Feeling.

The case, which has stirred up intense feeling in the South, in Europe and in New York, and has become something of a communist vehicle, started two years ago. A fight started on a freight train running into Alabama from Chattanooga. The fight was between white and Negro hoboes, the former being forced off the train.

Left aboard the train were the Negroes and two white girls in overalls, Victoria Price, twice married and living apart from her second husband, and Ruby Bates. After word of the fight had been flashed to Paint Rock, a posse was formed and the Negroes were taken from the train and lodged in jail at Scottsboro. The girls said they had been attacked.

Feeling ran high. The militia was called out to preserve order. Indictments were quickly handed up and the trials were held within a week, each one lasting only a day. Heywood Patterson, the oldest Negro, was tried separately. In one group were Ozie Powell, Willie Robertson, Andy Wright and Olen Montgomery; in another, Charley Weems and Clarence Norris, all in their teens. All but Wright, then 13 years old, were convicted and sentenced to death. The jury disagreed as to whether he should go to the electric chair or be imprisoned for life.

To Supreme Court.

About this time the International Labor Defense inserted itself into the case, and an appeal was taken to the Alabama Supreme Court which upheld the lower court, six to one, only the Presiding Justice dissenting. From there the case was carried to the United States Supreme Court, and it is on the minority decision that former residents of the State base their contention that conditions as presented by Mr. Leibowitz and his associates may be in some degree exaggerated.

The judgment of the lower courts was assailed on three grounds: (1) that the defendants did not receive a fair trial, (2) that they were denied the right of counsel with the accustomed incidents of consultation and opportunity for preparation for trial, and (3) that they were tried before juries from which members of their own race were systematically excluded.

In the majority report, only the second point received consideration and the judgment of the lower courts was reversed on this ground. Justice Sutherland, who wrote the report, held that reasonable time had not been given the defendants to obtain counsel, and that they had been stripped of their legal rights.

Butler's Opinion.

Justice Butler, in the dissenting opinion, stated that no such denial had been shown by the record and that, instead of trying the defendants "en masse" the State gave them four trials "and so lessened the danger of mistake and injustice that inevitably attends an attempt in a single trial to ascertain the guilt or innocence of many accused."

The opinion states that the defendants' counsel deserved "much credit for the zeal and diligence they showed on behalf of their clients." It points out that seven justices of the Alabama Supreme Court heard the cases, and that Milo Moody, who helped represent the defendants, was "an able member of the local bar of long and successful experience in the trial of criminal and civil cases."

Reference is made, too, to the "rigid cross-examination of the State's witnesses" and to the fact that "defense counsel was at all times in touch with the defendants and their people." Also that "there is not the slightest ground to suppose" that the defense counsel was by fear or in any other manner restrained from full performance of their duties.

"When the first case was called for trial the defense attorneys had already prepared and then submitted a motion for a change of venue with supporting papers," the opinion continues. "They were ready to and did at once introduce testimony of witnesses to sustain that demand.

'Evidence Was Ample.'

"They had procured and were ready to offer evidence to show that the defendants Roy Wright and Eugene Williams were under age. The record shows that the State's evidence was ample to secure a conviction. And three defendants, each while asserting his own innocence, testified that he saw others accused commit the crime charged.

"When regard is had to these and other disclosures which may have been and probably were made by petitioners to the defense counsel before trial, it would be difficult to think of anything that counsel erroneously did or omitted for their defense.

"If there had been any lack of opportunity for preparation, trial counsel would have applied to the court for postponement. No such application was made. There was no suggestion at the trial or in the motion for a new trial which they made that the defense counsel were denied that opportunity or that they were not, in fact, fully prepared."

The first of the defendants to be retried was Heywood Patterson, who was convicted in Decatur on Palm Sunday morning and sentenced to death on Monday of this week. Mr. Leibowitz, now active in the defense, charged on returning here, that racial prejudice and bigotry had entered into the verdict. Because of his statements Judge James E. Horton, who was to have presided over the trials of the remaining defendants, directed their postponement on Monday, explaining that Mr. Leibowitz had prejudiced the cases against his clients.

Leibowitz to Act.

While Justice Butler's view was thus being brought to public attention Mr. Leibowitz, indicated that he might endeavor to bring the issue before the United States Supreme Court on the ground of racial discrimination. He said he welcomed the postponement of the trial of the remaining Negroes ordered yesterday by Judge Horton.

The delay, he declared, would "undoubtedly be a blessing to both sides." He emphasized his opinion that Judge Horton was desirous of according all the defendants a fair trial, and in a letter asked the judge that the remaining cases be transferred to Mobile, Ala., where "the Ku Klux Klan is practically extinct."

Meanwhile the International Labor Defense, the communist group which has been active in the defense of the accused Negroes, yesterday issued a statement declaring that the trial had been postponed solely because of the "tremendous world protest against the lynch verdict" against the convicted Negro. Patterson.

COURIER

Bath N.Y.

APR 2 2

Racial Hatreds

"We are a white race and a Negro race here together—we are here to live together. The world at this time and in many lands is showing intolerance and showing hate. It seems sometimes that love has almost deserted the human bosom. It seems that hate has taken its place. It is only for a time, gentlemen, because in the great things in life no matter what they are, it is God's great principles, matters of eternal right, that alone live. Wrong dies and truth forever lasts, and we should have faith in that".

It was an Alabama judge who said that, a white man, a gentleman of the oldest American stock. Judge Horton, in charging the jury, was speaking only of the exhibitions of race prejudice in the course of the trial of the unfortunate Negroes who were convicted of assaulting two white women at Scottsboro, but he might have been speaking for and to all the world.

Not in many years, perhaps not in centuries, have there been such violent outbreaks of racial hatreds as have been manifesting themselves in these troubesome times. In Germany the Nazi government has proclaimed its hatred of the Jews to the point of barring them from almost every phase of the national life. Between the Germans and the Poles hatred is so intense that when the shadow of a German flag, on the Polish border, fell upon Polish soil, there was an indignant protest by the Polish government. The Italian people are developing a new national pride which has racial intolerance as its foundation. And we do not need to point to the racial hatreds which have barred the Orientals from Australia and the United States.

It should be possible for all the peoples of the world to get along amicably, since we are all in the world and can't get out of it. If it proves impossible, then we can see nothing ahead but a return to the Dark Ages, when every man's hand was turned against his brother.

Alabama

4272

Lynchings-1933
Legal Punishment for Rape

Judge Horton, Chief Lyncher

Daily Worker
4-13-33
New York, N.Y.

WHEN the rabid prosecutor, Wright, delivered his foul tirade against the boy, Haywood Patterson, and resorted to anti-semitism that would have done credit to a Hitler about "Jew money from New York," Judge Horton permitted him to continue. He refused to declare a mistrial Then in a hypocritical manner told the jury to disregard it, only after the dirty work was done. That made the legal record clear!

Judge Horton also restated the creed of the Southern slave holders in his statement to the jury:

> "We live together in peace and tranquility between the white and Negro races . . . but we want to protect the peace and tranquility of our section."

Every lynch fiend understands such language. It means: "We, the Southern masters alone know how to handle our Negroes and we will not tolerate anyone trying to compel us to recognize them as human beings They have no rights we are bound to respect." Every lyncher knows that means to maintain unaltered the policies of jim-crowism, segregation, terror and suppression.

On the most vital question at issue in the trial, the right of Negroes to sit on the jury, Judge Horton by his actions completely threw all the strength of his position on the side of the prosecution. He deliberately permitted the trial to go on with a lily-white jury recruited from the capitalist landlord elements and their hangers-on.

He persistently denied every motion of the defense for a mistrial in the face of the most flagrant violations of even capitalist legal procedure.

Comrade Foster's description of Judge Horton as the "chief lyncher" is accurate and absolutely true.

The statement of Attorney Leibowitz praising the fairness of Judge Horton is belied by the splendid and vigorous fight made by the International Labor Defense whom he represented in the court. The actions of the defense attorneys in the court were directed against the whole legal lynch machinery of the state, Judge Horton as well as the prosecuting attorneys, Knight and Wright.

Attorney Liebowitz can really fight for the lives of the nine Scottsboro boys only by pursuing the line laid down by the International Labor Defense. No other policy can be successful. Every other policy is opposed to the interests of the boys.

Now more than ever it is necessary to carry on the fight along the lines laid down by the International Labor Defense, the line of resourceful legal defense backed and supported by powerful mass actions.

The lives of the Scottsboro boys can be saved. But there is only one thing that can save them. And that is the might of mass actions, the irresistable power of world anger at the murderous frame-up.

Now more than ever to have illusions about the impartiality of capitalist courts is fatal. The Scottsboro boys are alive today only because the protest aroused by the International Labor Defense and the Communist Party was directed against legalistic illusions.

As the struggle for the lives of the boys gets fiercer, the capitalist class pursues the strategy of fostering legalistic illusions of fairness, because it is only in this way that they can dull the vigilance of the people.

The attempt to weaken the onrush of world protest and mass actions in defense of the Scottsboro boys, by fostering the illusion that capitalist courts, particularly southern courts, are impartial tribunals of justice, is in actuality playing directly into the hands of the lynchers.

The International Labor Defense is leading the world protest against the legal lynching of the Scottsboro boys. This protest alone stands between the boys and execution. The toiling people must build the International Labor Defense. Through its leadership alone can the boys be snatched from the fate which the lynch masters have in store for them.

POMEROY, O.
TRIBUNE
APR 9 1933

THE ALABAMA CASE

REGARDLESS of whether the girl who has repudiated her former testimony in the assault case of seven Alabama negroes, is telling the truth now or whether she told it before, she has stamped herself as unreliable and as such not to be believed under any circumstances. Consequently, it makes the case of those who fought so hard to save the lives of the seven negroes appear in a better light than at any time since the fight was begun.

In any event, except that prejudice in unusual amounts, appears, it is certain that no jury would doom to death any person on the testimony of any one who could be induced to change their testimony on a subject so vital to every woman, her honor. It is well that the original prejudices were not permitted to stand and the execution of seven men to follow as a result.

BROCKTON, MASS.
ENTERPRISE
APR 11 1933

Alabama Justice Arouses Liberals.

JUDGE HORTON was fair in his charge to the jury. Neither color, nor race, nor sectionalism, he said, should influence the jurors who heard the evidence and held the life of Haywood Patterson, 19-year-old negro in their hands. They had a right to doubt the veracity of a white girl, admittedly of the underworld, who at the first trial of the youth swore he attacked her, and at the second trial branded herself a perjurer by retracting the accusation.

The "Scottsboro case" has put Alabama justice on the front page. It has been fought for more than two years, not only upon the facts but on the grounds that racial prejudice militated against justice. The intense feeling may be understood by the statement issued after the trial by defence counsel: "This verdict is an act of bigots."

In a murder case fought to a grim finish in Plymouth and Norfolk counties for about seven years, during which the trial aroused international if not world-wide passions, liberal opinion accused Massachusetts of prejudice, but liberals' propaganda did not convince Massachusetts that its judiciary was bigoted, its jurors incapable of returning a verdict consistent with the evidence, its governor narrow and its public prosecutors unscrupulous. Remembering the unbridled attacks then, Plymouth county is reluctant to impugn Alabama justice.

The defence has a right to carry the case higher. There, surely, the case will be deliberated without prejudice.

AKRON, O.
TIMES PRESS
APR 10 1933

THE SCOTTSBORO VERDICT

THE conviction of Haywood Patterson, first of the Negro defendants in the second trials of ~~the Scottsboro~~ cases, will be appealed. It should be.

Among other things prejudicial to a fair trial, the defense attorney was able to show that the jury law apparently was administered to exclude Negroes from the panel for this case. On more than one occasion during the trial the state attorneys conducted themselves in such a way as to prevent orderly and judicious consideration of evidence by the jury.

In repudiating her testimony at the earlier trial, Ruby Bates last Thursday swore that the other girl in the case, Victoria Price, had framed the Negro youths. Lester Carter, a white friend of the two girls, confirmed the testimony of Ruby Bates.

To execute boys on the discredited evidence of a woman of Victoria Price's character, and following a trial in which racial discrimination seemed to operate in the jury panel, would be unthinkable. Just as the chief justice of Alabama dissented from the first Scottsboro conviction, and just as the United States Supreme court threw out that conviction as a violation of the 14th Amendment of the Constitution preventing states from depriving "any person of life, liberty or property without due process of law," so the Decatur verdict yesterday appears certain to be set aside by a higher court.

NEWS

APR 8 1933

A CHALLENGE TO JUSTICE

The famous Scottsboro case, in which a group of negro boys are on trial charged with attacking two white girls, has suddenly grown more dramatic with the decision of Ruby Bates, one of the girls, to testify before Judge Horton in Decatur, Ala., that the charges are false.

Her story is so striking that it is worth retelling. Early in 1931, she told the court, she and Victoria Price visited two young men then confined in a chain gang and the four agreed to go hoboing as soon as the young men had finished their terms.

The plan was carried out, and the four were taking a ride on a freight train, with several other white hoboes, when the big trouble occurred on March 25, 1931. The white men had a tussle with a group of negro youths who were also stealing rides, and a posse took the colored boys off the train and into custody at Point Rock, Ala.

Victoria Price, supported by Ruby Bates, told the police they had been attacked by the negroes on the train, and the latter were tried, convicted, and sentenced to death. The case was carried to the Supreme Court of the United States, which declared the accused had been denied a fair trial, and ordered another.

The new trial is now proceeding at Decatur. Victoria Price renewed her accusation against the negroes when she testified a few days ago. Now Ruby Bates has sworn that the other young woman put her up to join her in "framing" the negroes, to shield them from the possible consequences of riding in a train with white men across a State line in violation of the Mann act. Neither young woman was attacked by the negroes, she has now declared.

Not the least interesting feature of the story is Ruby Bates' explanation of her course in renouncing her testimony in the first trial. A short while ago she went to New York in search of work, and while there she decided to ease her conscience by going to the Rev. Harry Emerson Fosdick, telling her story, and asking advice. Dr. Fosdick recommended that she go to Decatur at once and tell the truth in court.

Another interesting angle is the attitude of rural Alabama toward the case and the efforts to secure justice. The threat of mob violence hung constantly over the first trial, which ended in death sentences for all the defendants, and during the course of the second trial Judge Horton has deemed it necessary to guard the jail and the defendants' attorneys with a company of national guardsmen, ordered to shoot to kill in case of mob attack.

Instead of being relieved at the revelation of Ruby Bates that the two young women had not been attached by the negroes, Alabama chivalry was more stirred than ever; so much so that the authorities regarded it necessary to spirit Ruby Bates into hiding under heavy guard, as well as to keep the jail and the defense attorneys under the protection of riot guns.

To cheat these Alabamans out of a first-class lynching, growing out of a trumped-up story, would be an important feat, and we hope Judge Horton can manage it. Alabama cannot very well afford the threatened disgrace.

HOUSTON, TEX.
POST DISPATCH

APR 9 1933

The Scottsboro Trial

THE new trial of the nine negro boys accused of assaulting two white girls on a freight train, of which they were convicted and given the death penalty on their first trial, is being strenuously fought out in Alabama.

In Samuel S. Leibowitz, whom the International Labor Defense has retained to defend the boys, they have a tower of strength. This young Rumanian-born lawyer has a record of seventy-seven acquittals and one disagreement for the seventy-eight clients he has defended against first degree murder charges.

The chief interest of Alabama and the South should be in demonstrating the reality of Southern justice to the Nation. The State has gone a good way in that direction by granting the new trial and a change of venue. If the boys are really innocent, no one will want to see them convicted.

The recanting of her former testimony by Ruby Bates, one of their two girl accusers, would seem to cast serious doubt upon their guilt, though Victoria Price, the other girl, reiterated her accusations at the opening of the trial last week.

WASHINGTON, D. C.
NEWS

APR 10 1933

THE SCOTTSBORO VERDICT

THE conviction of Haywood Patterson, first of the Negro defendants in the second trials of the Scottsboro cases, will be appealed. It should be.

Among other things prejudicial to a fair trial, the defense was able to show that the jury law apparently was administered to exclude Negroes from the panel for this case. On more than one occasion during the trial the state attorneys conducted themselves in such a way as to prevent orderly and judicious consideration of evidence by the jury.

In repudiating her testimony at the earlier trial, Ruby Bates last Thursday swore that the other girl in the case, Victoria Price, had framed the Negro youths. Lester Carter, a white friend of the two girls, confirmed the testimony of Ruby Bates.

To execute boys on the discredited evidence of a woman of Victoria Price's character, and following a trial in which racial discrimination seemed to operate in the jury panel, would be unthinkable. Just as the Chief Justice of Alabama dissented from the first Scottsboro conviction, and just as the U. S. Supreme Court threw out that conviction as a violation of the 14th Amendment of the Constitution preventing states from depriving "any person of life, liberty or property without due process of law," so the Decatur verdict yesterday appears certain to be set aside by a higher court.

KANSAS CITY, MO.
JOURNAL POST

APR 11 1933

HELP ASKED FOR SCOTTSBORO DEFENSE.

The Scottsboro defense is being hampered by lack of funds. Unless there is an adequate defense the boys will surely be convicted again, and this time they will surely be railroaded to the electric chair.

The trial has been shifted to Decatur, but that down is but a replica of Scottsboro, and the temper of the white people is little different from that of their brethren in the neighboring community. Already there are troops in Decatur to guard against what are called euphemistically "eventualities."

The unreconstructed white people of Alabama feel that it is not the nine Scottsboro boys, but the State of Alabama and southern "peculiar institutions" which are on trial. They wish to continue those "pecular institutions." They are incensed at world criticism. They are on the defensive. If they suffer a defeat, the morale of all color-prejudiced, exploiting southern whites will be shaken and the hands of justice and right will be strengthened.

Help in the form of money is needed to strengthen those hands and protect the Negro from legalized mob murder. The white lawyers defending the Scottsboro boys are contributing their services. Negroes should at least help the International Labor Defense to defray the necessary expense incident to the trial.—Pittsburgh Courier.

Alabama

4273

Lynchings-1933

Legal Punishment for Rape.

Demopolis, Ala., Times
April 12, 1933

JUST TWO BAD WOMEN

We are not going to criticise the verdict of he jury in the Scottsboro case, that found the egro Patterson guilty and fixed the death penalty. The jury had the testimony before them and were better able to judge the guilt or innocence of the accused than anybody outside the court. And, as for those outside the State of Alabama who wish to meddle into our affairs, it is none of their business. Alabama courts are able to render justice without their assistance. But, for the two women—they are a couple of bad ones, and while there is no sympathy for them, there is sorrow that such degradation can be found in the South. However, that does not in any way minimize the crime of the men who attacked them, if the story of Victoria Price is true. They were just as guilty as if they had attacked two of the purest women on earth. All they knew was that they had two unprotected women in their power, and proceeded to work their hellish will on them. It might have been anybody's wife or daughter, but it would not have made any difference with them. So, though it was only two bad women, that have attracted the attention of the country and the world, their character is no mitigation for the offense. It was a crime against Southern womanhood, and as such it should be punished, if the negroes so accused are found to be guilty of it. The actual guilt of the parties should be the only question at issue, not the two bad women.

Dothan, Ala. Eagle
April 18, 1933

LEIBOWITZ

Upon returning to Harlem after the conviction of Heywood Patterson, the Negro brute, Samuel Leibowitz was asked why the Morgan County jury could find the verdict that it did, and he was reported by The New York Herald Tribune as replying:

> If you ever saw those creatures; those bigots, whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask why they could do it.

Upon reading this obscene and indecent utterance yesterday, Judge Horton at Decatur postponed indefinitely the trial of the second Scottsboro 'boy' (aged 22 at the time of the crime), with the remark that a fair and impartial trial was impossible at this time.

This action, we submit, was more than fair. It placed the blame, not upon the South, which has been maligned and villified throughout the North and East, but upon this Prince of Racketeers in the ignoble art of inspiring and perpetuating prejudice and bigotry—for that is what Leibowitz has proevd himself to be—a racketeer of sorts. He seeks to capitalize a career from spreading hatred for Southerners, not only in Alabama, but in other States. He is less interested in defending the Negro brutes than he is in acquiring national notoriety for himself.

Well, we concede he has become nationally notorious. And now for the trial of his Scottsboro 'boys.' Alabama is ready.

RUTLAND, VT.
HERALD

APR 11 1933

The Scottsboro Verdict.

The expected happened in the case of the first defendant in the Scottsboro case, Alabama, found guilty of attacking a white woman, an offense punishable by death in that state.

The evidence against this ignorant negro boy was of the flimsiest character, contradictory and unsupported, and should have been so considered by a jury, composed of men who apparently considered themselves charged with making a gesture of "southern chivalry" rather than finding a verdict according to the facts.

It was perhaps unfortunate that a New York criminal lawyer should have been employed in the case, but apparently local counsel would not defend a man with a black skin, accused of such a heinous crime.

Most newspaper readers will concur with the statement of the defense that the state of Alabama had merely conducted a "judicial lynching," but it is at least a step in advance when the thing is done in court without the disorders and hor-

hors of mob law. And the Supreme Court may overturn a verdict, obviously colored by passion and racial prejudice.

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mingham, Ala. Age-
April 18, 1933

Judge Horton's Leadership

Indefinite postponement of the remaining Decatur cases enables us to comment on the whole tragic business. That comment has been withheld because of circumstances which seemed compelling. The sweeping verdict in the Patterson trial was something of a disappointment to The Age-Herald. Without being so cocksure about the matter, as observers at a greater distance have been, it appeared to this paper that a more moderate finding would have been the just and rational conclusion in viewing of the contradictions in the testimony. But to have said this, with the other cases impending, to have said this with the candor which the occasion required, might have served to make a bad situation worse by inflaming passion at a time when mental clarity and emotional poise had become the high necessities of our life.

That impediment to frankness no longer exists. By his action Monday, Judge Horton has removed the other cases from immediate consideration. It is now possible to weigh this affair as it bears upon our system of justice, our civilization, and our standing in the world. The Patterson case will go on appeal to the state Supreme Court. If it is upheld there, the issue will be submitted to the United States Supreme Court. Public opinion does not figure in the decisions of these tribunals. Alabamians are therefore permitted to discuss the matters freely and high-mindedly. As lovers of justice, as a people to whom the right solution of the Negro problem is a most urgent obligation, we can review what has taken place at Decatur and so get our bearings for the sake of our peace of mind.

The one person who came out of the Patterson case with distinguished honor was Judge Horton. His walk and conduct have won the admiration of the country. So far as he could control the course of things, justice according to the law of our state was done at Decatur. One wishes that counsel on both sides were entitled to similar praise. The lawyers for the defense were apparently only incidentally concerned about saving their client. The lawyers for the state were apparently more intent upon justifying local pride than upon seeing right established. That plea to protect Alabama from the contamination of "Jew money" was one of the most shocking performances in the legal annals of this state.

In an atmosphere of prejudice, Judge Horton struggled valiantly to keep the balances true and even. His task was made all the more difficult by the attitude of counsel engaged in the trial. The defendant had become little more than a symbol in a collision between forces fighting for aims held by them to be more significant than the fate of the individual at the bar. One the one hand, there was the prosecution hugging to itself the illusion that it was protecting our white civilization. On the other hand, there was the defense doing its level best to provide material for radical propaganda, stretching its ingenuity to incite to greater bitterness the hostility from which its client was to be saved.

Not surprising, therefore, was it that a man like Judge Horton should have postponed the other trials in the light of a later exhibition on the part of Mr. Leibowitz and the attorney general. The former had been quoted as having indulged himself in an inexcusable tirade against the jury in the Patterson case. And Mr. Knight, instead of curbing his temper to a dignified dismissal of the insult, had replied in kind. A situation bad enough in all conscience had been darkened by such tactics. "No court regardful of its duty to see that trials must be fair and impartial could under such baneful influences permit the trial of this case to proceed at the present time," said Judge Horton.

Extraordinary moral courage alone made that statement, and what followed, possible. This manifestation of a noble spirit should have a hopeful effect in many directions. It should make critics outside Alabama realize that our courts are not ravenous agencies of injustice to the Negro. It should clear the air here at home so that a refreshed sense of values can make us ready for the demands of the future. That the International Labor Defense and allied forces may come to see the crucial need for a different approach on their part is too much to expect. But that Alabama will meet the evolving challenge of this painful episode with strength, with integrity and with a hunger for right unshaken by any calumny or passion is now inevitable.

Murphreesboro, Tenn. News-Jnl.
April 17, 1933

A Gigantic Fraud Is Exposed at Scottsboro

The Chicago Tribune deserves the thanks of the entire South for its vigorous and timely exposure of the gigantic fraud that has been masquerading over the country during the last two years under the guise of "justice" to some Alabama negroes accused of criminal assault at Scottsboro. Regardless of the guilt or innocence of the accused, the Tribune points out that the case has been made a world-wide sensation by the same organized propagandists who were responsible for the furor over the Saccho-Vanzetti and the Tom Mooney cases.

Although citizens of conscientious motives were drawn into these activities to give them repute, the most persistent and vociferous participants in all cases were communists and radicals of other varieties. Only a very ingenuous observer of these proceedings could miss their intent. Pretending to be a defense of innocent individuals from injustice and oppression and an assertion of civil guaranties, the objective aimed at was the disparagement of American courts and the American social conscience.

This has been strinkingly exposed in the trial just ended at Scottsboro. The attorney brought from New York by the International Labor Defense could not be as tactless as he has been save intentionally. The very fact that he was chosen in place of counsel known and respected in the region in which the trial was to be held was evidence of lack of good faith, of a sincere concern for the fate of the defendant. In and out of court his words and actions have appeared to an impartial observer studiously provocative of local feeling, and the inference must be that he intended not to win his case but deliberately to lose it, to make sure of a martyr for his cause and an excuse for more propaganda. Immediately after the verdict he gave vent to a tirade against the community amid which the trials are being held, and, returning to New York, he publicly described the jury as "those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs', whose chins drip tobacco juice, bewhiskered and filthy." Yet he is going south in a few days for the second series of trials. The employment of such an attorney for the defense promises if it does not in fact insure a miscarriage of justice. It shows no regard for the defendants but rather a deliberate determination to bring about their conviction.

At the beginning of the affair the radical agitators descended upon the community in which the trial was to be held, insulting, blatant, insolently prejudicing the case and the character of the agencies of the law. They have shown no consideration for the defendants. Pretending to defend them from mob sentiment and race prejudice, they have done everything possible to inflame both. No Klux fanatic could do more to create conditions in which even-handed justice is impossible than these pretended friends of the oppressed.

Meanwhile the well meaning public of the north has been exhorted to donate money for the support of this murderous proceeding misnamed defense. The Civil Liberties Union published advertisements calling for funds to "help give these boys the best possible break at this second trial." Such appeals are frauds. The Civil Liberties Union is a fraud. Its managers have no regard for civil liberties except when they can be pleaded for the protection of radical mischief makers and criminals. They are communists and sympathizers of bolshevism, which has destroyed civil liberties wherever it has gained power. The active head of the Civil Liberties Union at a meeting of communists in New York has just declared that political democracy is moribund, and he wants a "united front," precious bolshevik phrase, of communists and liberals to fight Fascism. A union of communists and genuine liberals would be a union of the snake and the bird. The Civil Liberties Union is such a union. Liberals who support it are either gullibles or they are not liberals. There are no civil liberties remaining except where political democracy exists, and so long as the Civil Liberties Union is run as it has been and is, by enemies of democracy, its title is a flagrant hypocrisy which can no longer deceive any but liberal sentimentalists befogged by mere phrases. Even these ought to be shocked at its methods in the Scottsboro affair.—Memphis Commercial Appeal.

ACT OF JUDGE DUE TO WORDS OF LEIBOWITZ

Telegraph
4-18-33
Macon, Ga.

Defense Attorney's Statements Have Prejudiced Case of Own Clients, Says Horton

BRODSKY APPROVES RULING

Fair Trial Impossible Because of Inflammatory Charges Made in New York City

DECATUR, Ala., April 17. (AP)—The Scottsboro cases were postponed indefinitely Monday because the court held a purported criticism of Alabama juries by Samuel Liebowitz of defense counsel had prejudiced the cases against his own clients.

Judge James E. Horton directed postponement of the remaining cases against seven Negroes charged with assaulting two white girl hoboes and rebuked Leibowitz.

A statement that appeared in The New York Herald-Tribune and credited to the New York attorney, who volunteered to defend the Negroes and lost his first case down here, was responsible for the unexpected action.

Concerning the jury that convicted Haywood Patterson—first of the Negroes to face retrial here—the New York paper quoted Leibowitz like this:

"If you ever saw those creatures, those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it."

"Millstone About His Neck"

Judge Horton, who was praised by Leibowitz for his conduct of the Patterson trial, said he did not know "whether the leading counsel for the defense made the statement imputed to him. It could make little difference whether he actually said it or not. The effect would be the same. The published statement was uncalled for."

The judge who had charged the jury in the Patterson case to forget color and creed and state lines said Monday that the accused Negro "must be a victim of this statement."

"His leading attorney (Leibowitz) would be a millstone about his neck," said Judge Horton.

The court then ordered a continuance of the case against Charlie Weems—second of the Scottsboro boys to face a retrial—"until such time when in its judgment a fair and impartial trial may be had."

Attorney General Knight, who defeated Leibowitz in the Patterson trial, jumped to his feet after the judge read the statement and shouted:

"I cannot stand by and hear that jury maligned. No, we aren't bigots in the south. We tried these cases fair . . ."

The judge nodded to the fiery young state's attorney and said:

"We understand [illegible]."

The [illegible] climax to the long-drawn-out Scottsboro cases came after Judge Horton had sentenced Patterson to die in the electric chair June 16 for criminal assault on a Huntsville cotton worker.

The case of Charlie Weems—second of the gang of Negroes scheduled to go on trial here—was to have been called Monday, but the judge read Leibowitz's purported statement and then an answer that Knight gave several days ago in an interview.

Telegraph
4-18-33
Macon, Ga.

"Wail of a Loser"

"It (Leibowitz's statement) can only be taken as a wail of a loser," said Knight in his published retort to the New Yorker, "particularly in view of the fact that in his address to the jury, he lauded the people of Morgan county and the members of the jury to the skies."

Leibowitz was not present when the discussion was made. He has not returned from New York.

The statements attributed to Leibowitz "must make impossible any just and impartial verdict," the judge said Monday after reading both attorneys' published statements.

The judge held that the "defendants' chief counsel was at fault" in the newspaper battle between him and Knight on the merits or demerits of Alabama juries.

"It is the duty of this court to see that the defendant has a fair trial," said Judge Horton.

Brodsky Approves Action

Joseph R. Brodsky, another defense attorney and also a New Yorker, said Leibowitz was expected here Tuesday. He agreed with the court's action, but said he did not believe "Leibowitz made that statement."

"Leibowitz's view is that in Decatur and the South the white workers are imbued with the idea of white supremacy and that only in union of the white and Negro workers warring against the ruling class can they gain their ends."

Judge Horton's decision left the Scottsboro case up in the air. All except Patterson, who was sentenced to death Monday, must have a new trial.

The bizarre cases started two years ago when a gang of Negro hoboes allegedly assaulted the woman and her freight train woman companion, on a train near the Tennessee line. All the Negroes except one were sentenced to death at their first trials at Scottsboro. A juvenile was spared the extreme penalty. Both white girls then testified against the defendants. The International Labor Defense and several other organizations took a hand in the case and its echo was heard around the world.

The Alabama Supreme court upheld the lower court's decisions. Sympathizers with the Negroes called it "legal lynching" and the case was taken to the supreme court of the United States. That tribunal ordered new trials for all and the cases were brought here on a change of venue."

"I Stand Pat," Says Leibowitz

NEW YORK, April 17 (AP)—Attorney Samuel S. Leibowitz issued a statement Monday in which he said: "The millstone around the necks of the Scottsboro boys is that Alabama attitude which made the 12 Decatur jurors guffaw as they pushed Heywood Patterson toward the electric chair last Palm Sunday morn."

His statement followed receipt of the news that Judge James T. Horton had postponed the remaining trials of the accused Scottsboro Negroes, saying that because of an utterance by Leibowitz about the jury that convicted Heywood Patterson he would be "a millstone" about the neck of the next man to be tried.

"I respect Judge Horton and the fair-minded people of the state who are willing to extend to their colored fellow citizens the protection of the law which we take as a thing for granted in New York," he said. "As for the rest, the baying pack, the wolves of bigorty, who raised the Hitler cry of 'Jew money from New York' because we dared to demand a square deal for a poor unfortunate whose skin was black, I stand pat."

"Nothing can stop us from carrying on," he concluded.

Lynchings-1933

Legal Punishment for Rape.

Alabama

4274

Rocky Mount, N. C., Telegram

April 18, 1933

The Scottsboro Case

The influence of the indelible mark left on the South by the trial of seven Negroes for an alleged assault on two white girls will be a matter for historians a couple of generations hence to weigh. Statesments attributed to the chief of the defense counsel, published in a New York paper, were of such a nature that the presiding judge yesterday ordered that the trials of the Negroes be indefinitely postponed. Those statements were of such a nature, in the judgment of the presiding officer, that they would have so crystallized the sentiment of the people of Alabama, some of whom must serve on the juries trying the Negroes, that an impartial verdict could not be obtained.

So the trial of the Negroes, one of whom fo a second time has been convicted and sentence to die, have been postponed indefinitely. Month will have to pass before the defendants can b brought to the bar to answer to charges agains them, charges based on flimsy evidence charges, from the newspaper reports, that hav more than a suggestion of doubt.

Yet, the conviction or the acquittal of th seven youths is not the fundamenatl questio at stake. Ordinarily, cases of this nature ar disposed of hurriedly in the courts of the South They were handled with dispatch in Alabam and had there been but one or possibly tw men, the case doubtless would have been forgotten. But the numbers involved, the hast with which they were tried, their lack of ampl preparation in their own defense gave nationwide significance to the conviction. The Alabama Supreme Court refused to interfere bu the Supreme Court of the United States ordere a new trail, based on the fact that Negroes were excluded from the juries. Yesterday in Durham an echo of the Scottsboro trial was heard when Negro attorneys petitioned Judge M. V. Barnhill to determine whether names of Negroes had been excluded from the box from which the grand jury that indicted a Negro on a murder charge was drawn.

The significance of the Scottsboro trial lies not so much in the conviction of the Negroes of a crime that we seriously doubt they committed but in the revolutionary effects of this trial upon the judicial system of the South.

Presiding Judge James E. Horton in Alabama has distinguished himself as an able officer, determined to obtain justice in this case. His statement in postponing the trial may be taken in a number of ways, and there is no question but there was a strong suggestion that he rebuked the jury for finding the first man to be tried guilty on the basis of the evidence presented.

The Scottsboro case is destined to be remembered for many years to come in the South and to exercise a marked influence upon the relationship between the Negroes of the section and the courts.

Augusta, Ga. Chronicle

April 15, 1933

News, Views and Reviews

THE ALABAMA VERDICT

We regret the death sentence against the negro, Haywood Patterson, in his retrial in Alabama on charges of criminal assault upon two wayward white girls. We regret it because the penalty seems excessive, even if the testimony, some of it clearly perjured, had proved unmistkably the guilt of the nine colored boys of whom Patterson is the first to go to trial. But our main regret is that the possibility of truth and justice is now uttery lost in a welter of race, sectional and political passions that can never be untied. The South has its fundamental racial enmity between white and black. That enmity undoubtedly entered into this case. Yet it was not wise to provoke and complicate it by bringing in as the defender of the Negroes a Northerner, a radical and a Jew. When that was done, three other bigotries were added to the "color-line" already existing. Hope of real justice vanished. The negroes at once became as much victims of their would-be saviors as they were of the Southern whites.—New York Evening Post.

Montgomery Ala. Advertiser

April 16, 1933

THE DECATUR TRIAL

(Copy of a letter by Sidney G. Weil, written to a New York friend)

The Scottsboro case affords no grounds for criticism of Alabama justice. The people behind the whole agitation—the I. L. D. and the Communists—are not concerned with justice. They do not care a rap for the accused Negroes. What they are attempting to do is to stir up strife between all races and creeds in the United States.

They had engaged the services of the greatest criminal defense lawyer in the country, Clarence Darrow, who, after learning what they wanted to do, withdrew from the case. Why? Because he was willing to try it only on its merits. That did not suit them.

The most irritating, unbearable, arrogant overbearing human being in the world is a smart, shrewd, New York attorney, thoroughly exemplified in Mr. Leibowitz. His conduct during the trial was about the same as after he had lost his case. Reread his caustic comments, "The jury spat on the tomb of Abraham Lincoln," "Bigots, Morons," and more of like savour. You will note that he could not but praise the fairness of the judge, yet I am told on good authority that the jury was made up of the same kind of people. As a matter of fact it was one of the most intelligent juries ever to try a case in Alabama.

If this crowd had really been interested in defending the negroes, they would not have sent a lawyer from New York, who, in the judgment of most people familiar with the case, mishandled matters by attempting to put on trial the State of Alabama and the people of the State, who was continually playing to the gallery—in New York—but would have engaged the services of competent Alabama lawyers who could play rings around Mr. Leibowitz. Mr. Leibowitz tried his case in New York newspapers to make a name for himself. If he lost, he was a hero. If he won, fame, renown, and principally, riches.

The chief idea of the I. L. D. and the Communists is agitation, strife, trouble—here, there, everywhere. Take the Mooney case in California, the Sacco-Vanzetti case in Massachusetts, this Alabama case. They do not know whether there was guilt or not, and do not care. Smiply a chance for them to ply their trade. Note how they had the whole world flood the Governors, and the courts, with telegrams and letters demanding the instant release of "these innocent people," before the trial, and without even hearing the evidence.

As to the merits of the Scottsboro case itself, I will confess that I do not know. Do you know? Does anyone in New York, or Maine, or Kansas, or Oregon? Most people in Alabama state frankly that they do not know—that is why we have law—courts and juries—to find out, and to do the uttermost to reach the truth, after hearing the evidence.

The opinion here among fair-minded, honest, God-fearing people (and there are the same proportion of them here as elsewhere) is that this is a matter for Alabama to handle. I believe that most people think that the Negroes are guilty, but do not want them executed. They are unanimous in wanting them punished if guilty, and quickly released and acquitted if innocent. They feel that the women are a rotten pair, but under the law, no man has the right to rape them.

Do these New York feature writers realize that in this city last year a white man was convicted for raping a Negro woman? Did you read then that Lincoln's tomb was spat upon, or that we were then bigots or morons?

There is another angle to this case which would bear inspection. How clean are the skirts of New York, or New Jersey, Colorado, Michigan, Kentucky, Pennsylvania, or any of the rest of the States? When a New York gangster shoots down a baby on the sidewalks of New York and a jury acquits him; when the Mayor steals everything in the city but the Empire State Building and as punishment is sent on a trip to Europe, with his mistress, all expenses prepaid; when gangsters are more important and more influential and make more money than the outstanding professional men; when the presidents of some of the largest banks of the United States are a crowd of crooks, by their own confession; when in an adjacent State babies are stolen out of their cribs and knocked in the head; when, in Illinois, a dozen men are lined up against a stone wall and mowed down with machine guns and gangsters own the courts and the police departments; when cold-blooded money-making murder goes unpunished, and bribery and graft flourish—in these States, and in many more in the same sections, it would seem that the press of other sections has plenty to worry about, without concerning themselves so much about Alabama's justice.

Montgomery, Ala., April 15, 1933.

Macon, Ga. Telegraph

April 19, 1933

Mischievous Alien Counsel

This newspaper has stood in the vanguard of those who demand justice for the Negro at all times and in all places. Specifically, it is stood for a fair trial for the seven Negroes tried and convicted at Scottsboro, Alabama, for an alleged assault on two white women in a freight train near the Tennessee lines, in 1931.

But the action of Judge Horton, who is presiding over the new trials at Decatur, ordered by the Supreme court, following a change of venue, in postponing the cases indefinitely because of intemperate language attributed to the chief counsel for the Negroes, raises the question in acute form as to the wisdom of "defense" organizations, with headquarters in New York, injecting themselves into the trial of these and similar cases.

The chief counsel in the case of Heywood Patterson, who was convicted last week in a new trial at Decatur, was Samuel S. Leibowitz, of the International Labor Defense. In the course of his argument, Leibowitz paid high tribute to the fairness of the judge, and "praised the jury to the skies."

But Patterson was found guilty and has since been sentenced to pay the death penalty.

Returning to New York, Leibowitz gave out an interview in which he said:

> If you ever saw those creatures, those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bechiskered and filthy, you would not ask how they could do it.

When the time came to take up the case of Charlie Weems, the second of the defendants, the judged ruled that the interview given out by Leibowitz was such as to make him "a millstone around the neck" of his client, and all the cases were indefinitely postponed.

The fact of the matter is that the International Labor Defense, according to the best information obtainable, has "horned in" on this case, as it has on several other cases here in the South.

The American Civil Liberties Union, which has employed counsel to defend several Negroes in the South, always had the good sense to employ a southern man as counsel. They actually did employ a Chattanooga attorney to defend the Negroes in the Scottsboro case, but the International Labor Defense strong-armed its way into the case and the American Civil Liberties Union retired.

This International Labor Defense has been denounced in the strongest terms by The Nation, whose liberal views and whose sympathies with the Negro cannot be questioned. That periodical charged that the International Labor Defense had no real interest in the Negro, but was looking for self-glorification and free advertising.

At all events, it is well established that in any case like that of the Scottsboro Negroes, able counsel can always be found right here in the South, even in the state in which the crime is alleged to have been committed. The outside lawyer has done more harm than good in the Scottsboro case.

What we all want is even-handed justice for the Negro as well as for everyone else, and not an accentuation of race prejudice and intemperate denunciation of the people of the South.

Memphis, Tenn. Commercial Appeal
April 16, 1933

A Gigantic Fraud Is Exposed at Scottsboro

The Chicago Tribune deserves the thanks of the entire South for its vigorous and timely exposure of the gigantic fraud that has been masquerading over the country during the last two years under the guise of "justice" to some Alabama negroes accused of criminal assault at Scottsboro. Regardles of the guilt or innocence of the accused, the Tribune points out that the case has been made a world-wide sensation by the same organized propagandists who were responsible for the furor over the Saccho-Vanzetti and the Tom Mooney cases.

Although citizens of conscientious motives were drawn into these activities to give them repute, the most persistent and vociferous participants in all cases were communists and radicals of other varieties. Only a very ingenuous observer of these proceedings could miss their intent. Pretending to be a defense of innocent individuals from injustice and oppression and an assertion of civil guaranties, the objective aimed at was the disparagement of American courts and the American social conscience.

This has been strikingly exposed in the trial just ended at Scottsboro. The attorney brought from New York by the International Labor Defense could not be as tactless as he has been save intentionally. The very fact that he was chosen in place of counsel known and respected in the region in which the trial was to be held was evidence of lack of good faith, of a sincere concern for the fate of the defendant. In and out of court his words and actions have appeared to an impartial observer studiously provocative of local feeling, and the inference must be that he intended not to win his case but deliberately to lose it, to make sure of a martyr for his cause and an excuse for more propaganda. Immediately after the verdict he gave vent to a tirade against the community amid which the trials are being held, and, returning to New York, he publicly described the jury as "those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs', whose chins drip tobacco juice, bewhiskered and filthy." Yet he is going south in a few days for the second series of trials. The employment of such an attorney for the defense promises if it does not in fact insure a miscarriage of justice. It shows no regard for the defendants but rather a deliberate determination to bring about their conviction.

At the beginning of the affair the radical agitators descended upon the community in which the trial was to be held, insulting, blatant, insolently prejudicing the case and the character of the agencies of the law. They have shown no consideration for the defendants. Pretending to defend them from mob sentiment and race prejudice, they have done everything possible to inflame both. No Klux fanatic could do more to create conditions in which even-handed justice is impossible than these pretended friends of the oppressed.

Meanwhile the well meaning public of the north has been exhorted to donate money for the support of this murderous proceeding misnamed defense. The Civil Liberties Union published advertisements calling for funds to "help give these boys the best possible break at this second trial." Such appeals are frauds. The Civil Liberties Union is a fraud. Its managers have no regard for civil liberties except when they can be pleaded for the protection of radical mischief makers and criminals. They are communists and sympathizers with bolshevism which has destroyed civil liberties wherever it has gained power. The active head of the Civil Liberties Union at a meeting of communists in New York has just declared that political democracy is moribund, and he wants a "united front," precious bolshevik phrase, of communists and liberals to fight Fascism. A union of communists and genuine liberals would be a union of the snake and the bird. The Civil Liberties Union is such a union. Liberals who support it are either gullibles or they are not liberals. There are no civil liberties remaining except where political democracy exists, and so long as the Civil Liberties Union is run as it has been and is, by enemies of democracy, its title is a flagrant hypocrisy which can no longer deceive any but liberal sentimentalists befogged by mere phrases. Even these ought to be shocked at its methods in the Scottsboro affair.

ENTERPRISE
Chatham Va.
APR 21 1933

THE SCOTTSBORO CASE

This case of nine young Negroes who are charged with criminally attacking two white girls on a freight train moving through Tennessee and Alabama, has aroused interest in all part of this country. These men were tried in Alabama about two years ago and convicted and the penalty in Alabama for this offense is death.

–The case was carried to the United States Supreme Court and the verdict was set aside because this court held that the Negroes had not been adequately represented. Haywood Petterson, one of the nine has recently been tried again in the Alabama court at Decatur and again convicted; this time defended by Mr. Samuel S. Leibowitz, of New York, counsel furnished by the International Labor Defense. We have no sympathy whatever with the criticism that these men were convicted because they black. The evidence as we have read it, indicate that atleast some of them were guilty. Ke know the State of Virginia would not want to convict and sentence to death an innocent Negro and we do not believe the courts of Alabama would. The State of Alabama had its Attorney-General, Assistant Attorney-General and two of its county prosecuting attorneys present in this case, to see that the laws of the state were enforced and that the honor of the state upheld, and unusual array of State and County prosecuting attorneys for any case.

We think it exceedingly unfortunate for the State of Alabama and for these nine young men that the International Labor Defense interfered in the case at all, further than to get the new trial. There is little question; but that the defense attorney, furnished by them, was a mill stone around the necks of the defendant, as evidenced by the following staement by Mr. Leibowitz issued after the verdict: "This is a black page in the history of American civilization. An occasion where once more twelve citizens of Alabama, swayed by bigotry and prejudice and hearkening to the yelps of a bombastic Ku Klux, who hurled mud at the Jew and the people of the great State of New York to sympathetic ears in the court room crowded with lantern-jawed morons and lynchers, brought in a verdict that is a mockery of justice."

After returning to New York, he made such a scatting criticism of the jury and people of Alabama and some of the prosecuting attorneys, that Judge Horton postponed the trial of one of the other Negroes for the reason that he could not get a fair trial in the face of such statements from Mr. Liebowitz. There is a movement on foot to furnish these men counsel from among the attorneys in the South.

The Southern people will not stand for this criticism and interference from any section and we think they are right. Another case of a man's friend being his worst enemy, on account of ignorance and indiscretion

Lynchings-1933
&
Legal Punishment for Rape

Alabama

4275

RABBI GOLDSTEIN'S DEPARTURE

5-18-33
Montgomery, Ala.

The resignation of Rabbi Benjamin Goldstein from the leadership of Temple Beth-Or and his removal to New York is a loss to the cultural life of Montgomery.

Dr. Goldstein is an exceptionally gifted young man who has made the most of his gifts by cultivating them intensively. He is immensely informed in the literature of the world. He loves learning for its own sake and has a faculty for inspiring a love of learning in others. He is, withal, a forceful, brave and engaging personality whose weight will be felt in any community.

From the beginning of his life in Montgomery four years ago Dr. Goldstein lent himself with gusto to all causes of a cultural and social nature. His lectures at the Temple were notable for their scope and brilliancy. He was the moving spirit in the lecture courses which have been so profitable and enjoyable to Montgomerians since his arrival. He was energetic in human welfare work, and enjoyed an unusual personal popularity even among those least in agreement with him with respect to his basic views.

Dr. Goldstein carries with him the hearty good wishes of the Montgomerians who knew him, all of whom will agree that apart from any opinions he may have held he was an ornament to this community.

Goes To New York

Rabbi Benjamin B. Goldstein, who recently resigned from his position as spiritual leader of Temple Beth-Or in Montgomery, left yesterday for New York. Mrs. Goldstein had preceded him to join relatives in that city. Dr. Goldstein, who has been in Montgomery for four years, has made no announcement of his plans for the future.

George W. Chamlee, of Chattanooga, one of the attorneys employed in the case by the International Labor Defense set forth in his petition for the writs that both negroes were only 13 years of age at the time of the alleged attack and therefore are within the jurisdiction of the juvenile courts.

The petition further set forth that Roy Wright was indicted on a charge of attacking Ruby Bates, one of the alleged victims, and that the attorney held an affidavit from the girl denying that she was attacked.

The Bates girl made a sensational appearance in the trial of Heywood Patterson last month at Decatur and repudiated her testimony in the former trials in which all except Wright were sentenced to death.

She appeared after having been missing for seven weeks.

Roy Wright was granted a mistrial in April, 1931, in Jackson Circuit Court after a jury failed to agree on punishment for him.

Williams was convicted and sentenced to death, but the Alabama Supreme Court set the verdict aside on the grounds that Williams was a juvenile, the State having failed to establish that he was not.

Death sentences of the other seven were set aside by the United States Supreme Court on the grounds they did not have full benefit of counsel in the first trials.

In a new trial at Decatur last month Heywood Patterson was again convicted and sentenced to death, and a hearing on a motion for a new trial has been set for June 22 in Decatur.

Trials of the others were indefinitely postponed by Judge Horton after portions of an interview with Samuel S. Leibowitz, of New York, chief counsel describing the jurors as "bigots" had been published in a Decatur paper with a reply by Atty. Gen. Knight, chief of State counsel.

In his petition for the writs, George W. Chamlee, Sr., of Chattanooga, one of the attorneys employed by the International Labor Defense, further contended that he held an affidavit from one of the two alleged victims, declaring she was not attacked.

SOLDIERS TOLD SCOTTSBORO MARCH AIM WAS TO "START A RACE RIOT"

How Officers Inflamed Men at Ft. Meyers Is Told in Letter from Soldier

(By a Soldier Correspondent.)

5-16-33

WASHINGTON, May 15.—Before the Scottsboro Marchers came, we soldiers at Ft. Meyers were told that the "Negroes are coming to Washington to start a race riot." They told us they would go so far as to poison the cavalry horses at the post to prevent our coming down to quell any trouble, etc.

The officers posted special guards at the stables to give their stories a semblance of sincerity. We soldiers must learn that they are trying to inflame our minds against the Negro workers as well as against our brothers of the entire working class, to "forget" our own conditions.

Seperate Soldiers from Vets.

We remember that last year, they held us in camp and then sent us against the veterans who were demanding their bonus. The veterans are still talking about the heroic forty marines who refused to attack them.

This year, too, they are restricting our leaves to prevent us from coming into contact with the veterans. It seems they will want to use us again if the veterans do not want to leave when Roosevelt says to.

M'Namara Says Money for Him Go Instead to Scottsboro Boys' Folks

NEW YORK.—In prison 20 years for his working class activities, J. B. McNamara has written to the International Labor Defense asking that prisoners relief money which he has been receiving be sent instead to the families of the Scottsboro boys.

"Your April 21st letter contained a money order for one dollar," McNamara writes. "Through the "Defender" express my deep appreciation to all the members for their comradely thoughts of all those behind walls and bars. In the future send money orders to the families of the Scottsboro comrades. I will inform those who ask questions that I requested it be sent to them.

"May 2 contained a copy of a letter from the workers of the Tools Department in the Stankostroi Works, U. S. S. R. It was an inspiring and forceful message and I consider it a great honor in having received it.

"Greetings to all farmers, students, and workers,

"Comradely yours,
J. B. McNamara, 25314."

AMSTERDAM, N. Y.
Eve. Recorder & Daily Democrat

MAY 11 1933

Not a "Gesture of Contempt."

William L. Patterson, leading a demonstration of 3,000 whites and Negroes at Washington, D. C., characterized a refusal of President Roosevelt to see them as "a gesture of contempt." There is as much or as little excuse for Patterson's statement as there was for many of those that found their way into print when bonus expeditionary forces were making trouble for former President Hoover.

Mr. Roosevelt just now is a busy man. He is concerning himself with the fate of the one hundred and twenty millions inhabitants of this country. That he should be expected to leave this work to give his attention to a matter which is for the courts to decide strikes us a rather fantastic conception of the duties of the President.

The leaders were met by Louis McHenry Howe, secretary to the President. At the moment of their arrival Mr. Roosevelt was conferring with Dr. Hjalmar Schacht, special German envoy with whom he was discussing the forthcoming economic conference. Failing to get the President's ear, the crowd moved on to the capitol where Speaker Henry T. Rainey informed the petitioners that their request for congressional intervention in the Scottsboro case would be referred to the judiciary committee. Vice President Garner, with equal political acumen, vouchsafed the information that the matter would have similar attention in the senate.

What happened after this we do not know. Perhaps the demonstration dissolved in thin air. Meantime it happens that, even in Alabama

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Negro's Date Set

5-16-33

Circ James E. Horton, of Decatur, ay notified the office of Atty. Knight of the setting for hearing of the petition for new trial of Haywood Patterson, one of the seven negro "Scottsboro case" defendants, who on retrial was for the second time convicted and sentenced to death in the Morgan Circuit Court.

Montgomery, Ala.

El G
May 1

Ruby Bates, one of volved in the Scottsboro at the second trial recanted her testimony in the first, lectured a few nights ago at a negro church in Washington, and immediately it was proposed to form an army and march on the capitol to demand the release of the seven defendants. By no conceivable stretch of the imagination can we believe the good of the negro race is being promoted by such action.

JUDGE TO RULE ON SCOTTSBORO CASES

Advertiser

2 Negroes Said To Be Juveniles Ordered To Appear June 1 In Court At Decatur

5-19-33

ATHENS, ALA., May 18—(AP)—Writs of habeas corpus directing that two of nine negroes indicted in the "Scottsboro case" be brought into Morgan Circuit Court at Decatur on June 1, for determination of their cases today were issued by Judge James E. Horton, who presides in that court.

Montgomery, Ala.

The writs direct that Roy Wright and Eugene Williams, both alleged juveniles be brought into court for determination of their cases.

The negroes are two of nine indicted for an alleged attack on Mrs. Victoria Price and Ruby Bates on March 25, 1931, aboard a freight train in Jackson County.

Writs Are Asked in Assault Case

Two of 'Scottsboro Boys' Are Juveniles, Is Claim

5-19-33

ATHENS, Ala., May 18 (AP)—A new move to free two of the nine Negroes in the Scottsboro case was made today as Judge James E. Horton issued writes of habeas corpus to bring them into Morgan Circuit court at Decatur on June 1. The Negroes are under indictment for an alleged attack on two white women.

The writs were in behalf of Roy Wright and Eugene Williams, both of whom the defense claims were only 13 years of age at the time of the crime on March 25, 1931, and therefore subject to the jurisdiction of the juvenile court.

opinion is far from unanimous as to the righteousness of the Decatur jury verdict. The Plainsman, of Auburn, Alabama, for example, says: "It is all too evident that the Decatur verdict should be modified, or a new trial held. That the Negroes will be given a fair trial is now more doubtful than ever, unless they are brought before the supreme court of the United States." It is fair to say that there is little possibility of justice being secured in Alabama, even if there is intervention of some sort by a higher court, and a change of venue ought to be in order.

Rocky Mount
May 1, 1933

T28

The Changing South

Two events of major significance have occurred within a comparatively brief period that presage a number of changes in established court practices in the South. The first, and far more significant, is the trial of several Negroes in Scottsboro for an attack alleged to have been made in a freight car on two white girls; the second was the refusal of a Massachusetts judge to deny a writ of Habeas Corpus to a Negro suspected of the murder of two women in Virginia on the ground that Negroes are not permitted to serve on juries and that the Supreme Court of the United States, were the csae appealed, would not uphold a decision requiring that the Negro be sent back to Virginia for trial under the circumstances that exist in Virginia now.

The first event has attained National importance; the second made way for heated exchange of views in the National House of Representatives where a movement was started to impeach the judge. In North Carolina the Legislature is about to provide tuition money for qualified Negro students who seek technical training not offered in the curricula of regularly operated State schools for Negro youths. Other incidents, having a bearing on the relationship that exists between the races may be expected.

What the outcome may be is a matter of conjecture. It is true, however, that decisions finally, will work to the advantage of all concerned if the incidents are approached purely as social problems to be worked out on a sane head. If the Scottsboro case has come to the point that many good Southerners, once heated to the fever point because of the first reports of this case, are praying that Alabama had gone about the first investigation without the aid of mobs and hotbeads and a bit more thoroughly, others are quite convinced that the first conviction of the Negroes seemed rather unfair. No man should be deprived of his life without every opportunity to fight for it. Certainly the Scottsboro crowd went into court without any of the advantages they could have had under more nearly normal circumstances.

Persons familiar with legal procedure declare that it was not the duty of the Boston judge to decide in advance for the Supreme Court but to base his decision on the possibility of the suspected person's guilt and whether or not Virginia should be allowed to bring him to trial.

Total exclusion of the Negro from jury service seems no longer possible in the South. Their participation, of course, will demand a considerable shifting of opinon and the whole problem should be studied with open minded intelligence. Besides the ruling of the highest court leaves no doubt that some definite changes are in the offing.

Huntsville, Ala., Times
May 9, 1933

Ruby Steps Up

That sterling moral crusader and witness extraordinary, Ruby Bates, erstwhile of Huntsville, but who more recently has taken to the platform in the East, in a program of uplift and light and sweetness, as she tells of her fears of the "ruling class" of Scottsboro, was noted yesterday among the van of 3,000 white and negro marchers on the streets of Washington.

They sought to invade the White House, "gang" President Roosevelt and obtain from him some expression that could be twisted or distorted into an expression of sympathy for the "Scottsboro boys."

They got nowhere, for their committee was politely informed that the President was so busy with national and international business these days that he had no time personally to see delegations of citizens, and that they would have to leave their petition with one of his secretaries.

Their leader left with the statement that he regarded Mr. Roosevelt's refusal to see them as a "gesture of contempt."

With what other than contempt should the President regard such a set of contemptibles?

Ruby, flanked by a negro communist, the negro secretary of the International Labor Defense, and the mother of one of the Scottsboro defendants, thereupon descended upon the Capitol to spread their propaganda before Speaker Rainey of the House and Speaker Garner of the Senate. They were rebuffed in each case.

Now that she has become Harlem's darling, set foot in the White House and addressed the speakers of Congress, there is but one wall Ruby has to scale to make her list of "triumphs" complete. That is to invade Fifth avenue's social realms to tell her story of oppression by the "ruling classes" of the South.

That is not at all impossible, for some "parlor pink" will perhaps bob up to give her a tea.

Then on to a vaudeville engagement, where the emoluments should be more lucrative than working in a cotton mill, riding a box car as a hobo, or pursuing her avocation as a "lady of leisure!"

Scottsboro, Ala., Age
May 11, 1933

Ruby Bates is having one grand old time this week in Washington. She is the center of attraction as she leads in a parade of negroes, reds and communists and perhaps a lot of anarchists who are protesting the execution of the 8 Alabama negroes. She gives her sanction to the vile and odious statements made against her home-

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and. It is remarkable what a little money will do. This poor girl will find when it is too late that these people will use her as long as she serves their cause and then will throw her down. Such people as this cnanot be depended upon.

TWO SCOTTSBORO CASES SWITCHED

Telegraph

Roy Wright and Eugene Williams Ordered Before Juvenile Court of Morgan County

6-2-33

DECATUR, Ala., June 1 (AP)—Cases of two of the nine Negro defendants of the Scottsboro case today were ordered reviewed by the juvenile courts of Morgan county.

The transfer was not opposed by the state.

The action came on application to circuit court for writ of habeas corpus for Roy Wright and Eugene Williams, whose attorneys contended they were only 13 years old when they were arrested with seven other Negroes on charges of criminal assault.

Williams' death sentence had been set aside previously by the Alabama Supreme court which held he was a juvenile. The state court, however, upheld death sentences given seven other Negroes, but when those convictions were reversed by the supreme court of the United States, all the cases — including Williams' — were sent back to trial courts. Wright, the ninth defendant, was never convicted as his original trial ended with the jury disagreed.

Only Two Witnesses Heard

"The state does not oppose these cases being reviewed by the juvenile courts," said State's Attorney Thomas E. Knight, Jr., at today's hearing, "but we will contend they should be referred back to the circuit court because of the gravity of the offense."

Beatrice Maddox, sister of the Wright Negro, and Mamie Williams, mother of the other defendant, were the only witnesses called.

Beatrice testified her brother was born Oc. 22, 1917, making him 13 the year he was arrested as a principal in the assault cases. That was in 1931.

Williams' mother said he was born Dec. 9, 1917, and was 13 when he was indicted in April, 1921, at Scottsboro.

The cases [illegible] this county on a change of venue.

Other Cases Postponed

6-2-33

The two Negroes were borught here from Birmingham where they and other defendants have been in jail since circuit court trials of most of the Negroes were postponed indefinitely.

Only the normal number of guards were on duty today and there were few spectators. This was in contrast to the last Scottsboro case tried here when Heywood Patterson was convicted a second time. After his convction ,the court postponed the other cases on contention the defense attorney, Samuel Liebowitz of New York, had prejudiced his own case by newspaper statements.

Judge J. P. Malone presides over the Morgan county juvenile court and out of town today. No date for a hearing for Williams and Wright were set.

Birmingham, Ala., News
June 2, 1933

NEGROES RETURNED HERE

Two In Scottsboro Case Turned Over To Juvenile Officials

Eugene Williams and Roy Wright, the youngest of the nine Negroes indicted in the Scottsboro case, were back in Jefferson County Jail Friday to await orders of the Juvenile Court authorities of Morgan County. They were remanded to juvenile authorities by Judge James E. Horton on hearing of a habeas corpus writ at Decatur Thursday.

The defense introduced testimony to show the Negroes were only 13 years old at the time of the alleged crime, and the state rested after introducing birth certificates.

Atty. Gen. Knight said the state had no objection to juvenile authorities reviewing the case, but said that because of the seriousness of the alleged crime the Negroes should be tried in Circuit Court. They were indicted in connection with an attack on two white women on a freight train in Jackson County.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4276

NEW MILFORD CONN. TIMES
MARCH 23, 1933

THAT SCOTTSBORO CASE

Eight Negro boys are again to be put on trial in Alabama for the capital offense of rape. Two years ago they were sentenced to death, but, through the activity of a so-called radical organization, the case was upset in the United States Supreme Court. The defense has gained another victory in that the trial will not take place in Scottsboro again, but in the town of Decatur, some fifty miles away.

It is a rather peculiar case all around. According to those who sympathize with the boys, they were beating their way on a freight train through Alabama in their search for work. There had been a fight on the train between a group of white hoboes and another group of Negroes, with the result that the whites had been compelled to get off. The train was stopped by a sheriff and posse with the object of ejecting the Negroes from the train, word having been telegraphed ahead of the fight. As the boys were driven out of the box car, it was discovered that in another car were two girls dressed in men's clothing. All were taken in charge as vagrants. The girls made no complaint against the boys at the time of the arrest, and did not appear to be hysterical or excited otherwise, but in the morning one of the girls complained that she had been assaulted by the boys. Again, say the friends of the prisoner, this girl has retracted her testimony, but has mysteriously disappeared from the scene.

The New York Herald-Tribune says that the original trial was less than creditable to Alabama's standards of justice, a fact which seems to be recognized by opinion in Alabama itself. When the case was called recently in the same Scottsboro courtroom where two years ago the trials were rushed through with every apparance of haste, careless ignorance and prejudice, the Attorney General of the State, acting as prosecutor, accepted a motion for a change of venue.

From here it looked as if it was intended to railroad these boys to their execution, but their case attracted so much attention that throughout the country the hope is expressed that the boys will have a trial that is fair beyond a shadow of doubt. Some of the prisoners' friends believe that the case would be fairer if it were tried in Birmingham, instead of Decatur. It is believed that in such a small town, buried deeply in the hill country, prejudices will have their effect on the jury.

NEW YORK CITY TIMES
MARCH 30, 1933

DEFENSE TO ASSAIL SCOTTSBORO VENIRE

Plea That Failed to Quash Indictments Will Be Used in Attack on Trial Jury.

LEIBOWITZ GETS THREATS

He Smiles at 'Crank's' Warnings—Bates Girl's Father Seeks to Aid Hunt for Her.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., March 29.—A petition asking Circuit Judge James E. Horton to quash the venire from which a jury is to be drawn to try Haywood Patterson, one of nine Negroes accused of an attack on two white girls, was drawn up today by Samuel Leibowitz, chief of defense counsel.

Mr. Leibowitz, who has lost one fight to quash the indictments on the ground that Negroes were systematically excluded from the grand jury which returned the true bills against them, leveled the same objection to the venire drawn from the trial jury.

With the court in recess today, Mr. Leibowitz spent his time preparing to carry his fight on Alabama's so-called "selective jury system" into Morgan County, where the present trial will be held. He was ready, he said, to subpoena nearly 200 Negro citizens of the county to testify that, while qualified in every way to serve as jurors, they have been excluded from the rolls.

In connection with his motion to quash the indictments the defense attorney presented evidence from thirteen witnesses in an effort to prove that racial discrimination in Jackson County, where the alleged attack on Ruby Bates and Victoria Price took place two years ago, kept Negroes off the juries in that county.

New Circumstances Different.

While the new petition raises a question similar to that already disposed of by the court, the circumstances are different. In arguing the motion to quash the indictments Mr. Leibowitz was handicapped by his inability to prove that no Negro names were on the jury rolls of Jackson County.

Judge Horton's ruling came after he consented to issue a subpoena duces tecum for the jury rolls of Jackson County, but before they had been produced or any ruling made regarding their admissibility as evidence.

The defense lawyer had rested his case with the reservation that he would submit further proof when the jury rolls were produced.

In arguing the new petition Mr. Leibowitz will have before him the names of all prospective jurors and it will be possible for him to establish definitely the color of each man on it.

Leibowitz Gets "Crank" Warnings.

During the day while his associates, Joseph Brodsky, chief counsel for the International Labor Defense, and G. W. Chamlee, former Attorney General of Chattanooga, were preparing motion papers and conferring with their witnesses, Mr. Leibowitz visited the jail where the defendants are imprisoned under guard of militiamen and deputy sheriffs.

He conferred briefly with the prisoners and upon leaving the jail declared it was "unfit for human habitation," saying that he would ask the court to set aside a room in the court house where he might consult his clients without the necessity of visiting the jail again.

Mr. Leibowitz said that since his arrival here he has received half a dozen threatening letters from "cranks," who warned him against continuing his attack on the laws and customs of Alabama and advised him to "stay home where you belong."

The defense attorney dismissed the letters with a shrug and a smile. "It should be understood though," he said, "that I have no interest in attacking either the customs or laws of this or any other State.

"I am doing only what any lawyer would do in this case—demanding the full protection of the law for my clients."

Renew Hunt for Girl Witness.

Thomas E. Knight Jr., the young Attorney General who is prosecuting the Negroes, spent the day in conference with his associates, Wade Wright, J. G. Bailey and Thomas E. Lawson. They interviewed several witnesses and prepared their arguments against the expected defense assault upon the venire.

Among the witnesses interviewed was the father of Ruby Bates, who gave Mr. Knight several addresses at which he said he thought his daughter, mysteriously missing since Feb. 28, might be found.

Sheriff Bud Davis of Morgan County and Sheriff Ben Giles of Madison started out immediately in automobiles to try to find the missing witness.

Miniature Train to Be Shown.

In order to illustrate graphically the testimony of the witnesses regarding what happened aboard the freight train on which the crime is said to have been committed, Mr. Leibowitz brought with him a miniature of the train.

It is complete in every detail, consisting of a locomotive with brass fittings and thirty cars, replicas of the box cars, flat cars, tank cars and gondolas which figure in the testimony of witnesses at the earlier trial.

Assembled, the model freight train is about thirty-two feet long, about half the width of the courtroom inside the rail.

ST. LOUIS, MO.
STAR
MAR 29 193

THE SCOTTSBORO CASE.

The trial of seven young Negroes in Alabama, known as the Scottsboro case, is being resumed under circumstances which point to another verdict of guilty in an atmosphere of passion and prejudice. A change of venue has been granted to the neighboring city of Decatur, where conditions are much as they were in Scottsboro. There is an apparent determination to hang the defendants, irrespective of evidence.

Nobody who looks at the matter without passion believes these boys are guilty. They are accused of attacking two white girls in a box car, after throwing out some white boys who were traveling with the girls. The white boys complained to police, who telephoned ahead to have the train searched as it came into city yards. Seven Negroes, who stayed on the train after a much larger number had dropped off, were arrested. They were not with the white girls, and said they had not heard of any trouble on the train. Undoubtedly they told the truth. If they had known of it, or participated in it, they would have fled with the others.

Since the last trial, at which the girls identified these particular seven youths as their attackers, the defense has compelled the state to give up a letter signed by one of the girls admitting that her statement to the police was false. Also, a 14-year-old Negro boy, who offered the only supporting evidence for the state, has stated that he was taken out of the witness box and into a room adjoining the courtroom and there beaten up, to compel him to identify the defendants. The girl who wrote the letter has disappeared. But all this makes no difference when trials are conducted in the spirit of a lynching.

The Scottsboro case has acquired international significance because the defense was entrusted to radical labor organizations. There is now both the accusation and the virtual admission that the seven boys are on trial as Negro Communists, although it is agreed they never heard of communism until the issue was dragged in.

With things like this going on in the United States, it is no wonder that all the rest of the world thinks of Americans as prize hypocrites when they worry about injustice and intolerance overseas. The Decatur jail is said to be weak. It will be a wonder if Alabama doesn't improve our position in the eyes of the world by burning the seven boys to death.

It is hard for the average American to realize that affairs like this are deadly poison to the nation. They poison our courts, they poison the minds of the people, they poison our international relations.

Nobody can tell to what an extent the protests which have gone from the United

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ome. Nobody can tell how greatly we may be weakened, in loss of foreign support and friendship, at some moment in history when our very existence may depend upon the goodwill of distant peoples who judge us, not by the Constitution and Declaration of Independence, but by such callously dismissed incidents as the Sacco-Vanzetti executions, the Mooney imprisonment and this Scottsboro case.

EVIDENCE ASSAILED IN ALABAMA TRIAL

Credibility of State's Main Witness Against Negroes Attacked by Defense.

4-5-33

MISTRIAL MOTION REFUSED

Leibowitz Offers It When Attorney General Applauds Statement of One of His Witnesses.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., April 4.—The State of Alabama closed today its second attempt to send Haywood Patterson to the electric chair for a criminal attack on Mrs. Victoria Price two years ago and the defense immediately began its effort to prove her "a perjurer."

A routine motion to dismiss the indictment against Patterson, one of the nine Scottsboro Negroes, on the ground that Attorney General Thomas E. Knight Jr. had failed to establish a prima facie case, was denied by Judge James E. Horton.

The State rested suddenly after calling five witnesses to support the story of Mrs. Price after Mr. Leibowitz accused Attorney General Knight of applauding the testimony of one of his witnesses and asked Judge Horton to declare a mistrial.

This incident occurred while J. A. Woodall, a former deputy sheriff of Jackson County, was on the witness stand. Examining a small penknife which he said he had taken from one of the Negroes at the jail in Scottsboro, Mr. Woodall said the prisoner told him he had taken it "from one of the white girls."

It was the same knife which Mrs. Price identified yesterday as hers, charging that one of the Negroes took it from her and held it against her throat while she was attacked on a freight train between Stevenson and Paint Rock on March 25, 1931.

Knight Applauds Evidence.

As the words fell from the lips of the witness, Mr. Knight, who had turned the direct examination over to H. G. Bailey, Circuit Solicitor, brought his hands down flat on the top of the counsel table, showed his elation and dashed into an anteroom, clapping his hands together once.

The Attorney General was out of the court room when Mr. Leibowitz made his protest, but his assistants sprinted after him and brought him back to apologize to the court and jury. He seemed nervous and chastened as he listened to the closing words of the defense lawyer's motion for a mistrial.

'"Now, your honor," said Mr. Leibowitz, "I would like the record to show that when the witness gave his last answer, the Attorney General, the chief prosecuting official of this State, clapped his hands and rushed from the room in high glee. I am amazed at the actions of the chief prosecutor who, after saying he wanted these Negroes to have a fair trial, thus shamefully comforts himself before the jury. It is disheartening and I now move for a mistrial."

Turning toward his own counsel table, Mr. Leibowitz shook his head and murmured:

"I never saw anything like that before in my life."

Mr. Knight apologized and Judge Horton expressed regret that the incident had taken place. He had been looking away from the State's counsel table when it occurred, Judge Horton said, but he ordered the stenographer to note on the record that he had heard a sound of the sort that Mr. Leibowitz described. Then he denied the motion for a mistrial.

Negro Identifies Mrs. Price.

It was the most dramatic moment of the day but it was almost equaled soon after the defense opened when Victoria Price stood in the railed-off space before the bench and was identified by Dallas Ramsay, a Chattanooga Negro, as one of the girls he saw with a white youth in the "hobo jungle" alongside the railroad yard in Chattanooga, on the morning of the day when the crime is alleged to have taken place.

Mrs. Price had testified that she and Ruby Bates, her missing fellow victim of the alleged attack, spent the night at the home of "Callie Brochie" in Chattanooga, denied that she had visited the "jungle" and insisted that she and her girl companion were alone when they boarded the freight train.

Ramsay testified, however, that she was with a white man when she started back to Huntsville, her home.

Mr. Knight objected vigorously to the identification without first requiring Ramsay to describe the woman he had seen.

Judge Horton ruled that the identification could be made and Mrs. Price was brought into court from the witness room.

"Yes, that's the girl. She's a little heavier now, but I recognize her all right," Ramsay testified.

Counsel Clash Over Evidence.

Mr. Knight, who had been entering objections to almost every question Mr. Leibowitz propounded to Ramsay, asked what relevancy his testimony had and Mr. Leibowitz retorted:

"I'm going to show that the State's main witness is a perjurer. That's what I'm going to show before I'm through. This is only the beginning."

When Ramsay had left the stand, Mr. Leibowitz called his first white witness, Norris Payne, clerk of the Huntsville City Court, in a new but unsuccessful effort to place in evidence records showing the conviction of a Victoria Price for vagrancy, adultery and violation of the prohibition laws. The records were barred from evidence but their import was made plain to the jury.

Judge Horton based his ruling excluding this evidence on the grounds he cited yesterday when it was first offered, that violation of the prohibition law did not reflect upon the credibility of the witness and that infractions of city ordinances were not admissible in impeaching her testimony.

Mr. Leibowitz protested that a conviction involving moral turpitude was pertinent for a jury to consider as to the credibility of the State witness.

Mrs. Beatrice Madox, married sister of two of the Negroes awaiting trial, testified that she had searched the city directory of Chattanooga and conducted a personal investigation and that she had failed to find any one named "Callie Brochie."

When Mr. Knight objected to her testimony Mr. Leibowitz said he was only trying to save time, declaring that he was prepared to call postal officials and others if necessary to prove that there was no one in Chattanooga named "Callie Brochie."

Defense Attorney Takes Stand.

G. W. Chamlee, the Chattanooga attorney who is assisting Mr. Leibowitz, testified that for twenty-five years he had occupied an office or residence on Seventh Street, Chattanooga, where Mrs. Price said "Callie Brochie's" house was located and had never heard of her. The street, he said, was "one of the wealthiest" in Chattanooga and contained public or semi-public buildings.

The witnesses called by the State in closing its case were W. H. Hill, station agent at Paint Rock, where an armed posse stopped the train with the Negroes and white girls on it; Tom Taylor Rousseau, Paint Rock storekeeper, who aided in the round-up, and Lee Adams and Orey Dobbins, overalled farmers from Stevenson, where the white companions of the girls were thrown off the train after a fight with the Negroes.

Mr. Hill, who did not testify in the first trial, declared that the nine Negroes were taken from one gondola car, but he "could not swear" that the girls were taken out of the same car.

Rousseau declared that as the train slowed down the Negroes piled out of gondola cars and ran along the tops of the box cars toward the engine in an effort to get away.

Adams, who was working in a field a quarter of a mile from the tracks as the train passed, said he saw a group of Negroes and white men scuffling in one of the gondola cars. It was too far for him to see whether there were any women in the car, he said.

Conflicting statements by Dobbins at the first and second trials as to seeing the girls on the moving train were challenged by Mr. Leibowitz.

The court adjourned an hour earlier than usual to permit Mr. Leibowitz to confer with the nine Negroes in preparation for calling each of them to the witness stand. The conference took place in the court room when the defense counsel complained that the jail was "unfit for a pig to enter."

During the conference militiamen occupied a building facing the court house with machine guns trained on the second floor windows.

New Bedford, Mass.
TIMES
[illegible]

Negroes and Juries

The defense in the case of the Scottsboro Negroes in Alabama faces difficulties arising out of lack of funds and the choice of Decatur as the scene of the new trial. Most of their witnesses live in or near Scottsboro. To transport them fifty miles to Decatur, owing to the limited and inconveniently timed train service, promises to be an expensive job, and the funds supplied by the International Labor Defense are limited.

It is a pity the defendants have had to rely on this radical organization, and that lack of assistance from any other quarter led to their embracing Communism after their arrest. The offense charged against them is in no sense political, nor is it one growing out of labor relations. The reason the accused did not get a fair trial, as the Supreme Court found, was that they were Negroes, and it is strange that the members of their race did not take action in their behalf that was free from the taint of radicalism inherent in the National Labor Defense.

If the defense attorneys can manage it, an issue of far-reaching importance is to be raised in the second trial. The point will be made that Negroes were excluded from the grand jury that returned the indictment, and that Negroes have been invariably kept off jury rolls in Alabama. The government will contend that the jury commissioners have been unable to find any Negroes possessing the sound judgment and other qualifications required for jury service, but the defense hopes to prove discrimination on account of color. The Supreme Court within the past few years has decided a number of cases involving political rights of Negroes in Southern states in favor of the Negroes, and it is not improbable that the Scottsboro case will reach that tribunal again.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4277

"The President Says He Cannot See You"

By M. KAMMAN

WASHINGTON.—For more than a week representatives of the International Labor Defense, the National Scottsboro Action Committee and sympathetic organizations fought to arrange an interview between President Roosevelt and a delegation of the Scottsboro marchers on the Scottsboro case. Colonel Howe, the President's secretary, promised to take up the matter with Roosevelt and let the delegation know the president's decision.

Several days before the marchers arrived, a group of 25 Negroes came unheralded to Washington. At their head was William Davis, editor of the New York Amsterdam News, a Harlem Negro paper. Carrying a bundle of petitions they hastened to see Colonel Howe. An interview with him had been arranged secretly with the help of a congressman.

A Social Call.

For more than half an hour this delegation, composed of Negro business men and politicians exchanged banal chatter with Howe. These bourgeois Negroes thanked Howe for his patience, affability and told him he would make a good president. They did not insist on seeing Roosevelt. They did not propose definite steps to be taken by Roosevelt to free the Scottsboro boys. They left without having received any definite promise from Howe.

The details of their conduct leaked out the same afternoon. Honest Negroes residing in Washington were disgusted with the scraping, bowing Harlem delegation which claimed to represent the Negro race. They felt the humiliation Davis and his group had imposed on the Negro race. They understood the treacherous, disruptive character of the step taken by Davis and his self Jim-crowed crowd. The same night the Washington Scottsboro Action Committee, composed of a majority of Negro workers, attorneys, teachers, adopted a resolution condemning Davis and his delegation as cowardly and his conduct as treacherous to the Scottsboro boys, and to the Negro race.

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THREE days later. May 8, 1933. This time Negro and white workers, 25 of them, walked determinedly into Howe's office. Among them were Ruby Bates, Lester Carter, Mother Patterson.

Thousands of Negro and white marchers outside chanted. "The Scottsboro Boys Shall Not Die! The Scottsboro Boys Shall Not Die!"

Like the tide of a sea the sound of this chant penetrated the thick walls of the White House.

"Do you hear it, Mr. Howe?" William L. Patterson, national secretary of the International Labor Defense, asked after Howe said Roosevelt could not see the delegation. "It's the voice of the masses, Mr. Howe! We who are in here speak for them. egation

During the march the motorcycle They outside are speaking for millions of [illegible] workers. Mr. Howe, I believe the president hears them, too. Mr. Howe—"

Howe holds up his hands, almost helplessly. The grim faces of the delegates, the chant of the masses pounding, pounding on the walls of the White House makes him uncomfortable. The presence of his lackeys, some of them doubtless armed, does not altogether reassure him. Nor do the pictures of battleships and an exaggerated self-confident portrait of Roosevelt on the walls of his office assure him against the chanting masses outside.

Sweetened Gas.

He takes on a painted expression. He can wear such an expression, for he is slight, almost dwarfish, his weasel face heavily lined and thin. He talks softly. No direct statements. Only intimations. He wants the delegation to think he believes the Scottsboro verdict outrageous; but he only intimates, he does not say so. He wants the delegation to believe that some executive action will be taken to set aside the Decatur lynch verdict; but he does not say so directly.

His words are like a sweetened gas poured in the hope of paralyzing the determination of the Scottsboro delcops had purposely blown out thick fumes to gas and discourage the marchers. The cops failed to accomplish their end.

Now Howe, suave and polished Howe, tries a sweeter sort of gas on the marchers' delegation. He wants it to stop demanding to see President Roosevelt. He fails, and forgetting himself shows impatience.

William L. Patterson presses closer. His voice is sharp, sharp with the class struggle, at another time it is deep with the voices of the workers. He demands that Howe get in touch with the president, to tell him that the delegation must see him. Patterson's tone is not pleading. It demands.

Howe bites his lips.

While Howe stands thus, undecided Ruby Bates is fighting with herself. For the first time she is in the White House. It is not easy for her to overcome the awe drilled into her for federal authority. But this working class girl has the innate fighting spirit of the working class.

She steps forward. She pauses for a moment. Then in a firm, clear voice she says:

"Mr. Howe, the boys are innocent. I am Ruby Bates. I know the boys are innocent, Mr. Howe!"

Mr. Howe smiles, as if the matter in its entirety were a little spectacle staged for his entertainment.

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THE delegation presses closer, closer around Howe. Anger brews in the hearts of this working class delegation. Roosevelt is closeted with the representatives of murderous fascist Germany and Italy. And he has no time to see a delegation of American workers! His lackey smiles when the innocence of nine Negro boys who are facing the electric chair is proven to him.

Patterson: "Mr. Howe, do you still refuse to get in touch with the president and tell him he must see us?" Patterson points to the window thru which can be seen a portion of the Scottsboro marchers, with their banners, placards. The sound of their chant beats on the White House walls.

Howe crumples. He takes the phone, calls the president in his retreat. Howe holds the receiver somewhat away from his ear, turning it towards the delegation.

"I have told the Scottsboro delegation you cannot see it, Mr. President, but still they insist."

Roosevelt's voice sounds impatient, Most of us cannot hear his reply. Howe hangs up.

"The President says he cannot see you."

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IN the silence that follows, there is a sob. Mother Patterson steps forward. Deep, deep into her has sunk the realisation that the president who has the power to send millions of youths to the slaughter of war does not want to see her, let alone save the nine boys.

Vainly she tries to control her tears. She stands in front of Howe, her body bent as in pain. She weeps.

"Please tell the president to give me back my boy. He's innocent."

The Voice of the Masses keeps pounding, pounding on the White House walls. "They Shall Not Die! They Shall Not Die!"

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AS the delegation marches out of the White House, the 5,000 marchers raise tremendous cheers. Told by Patterson that Roosevelt refused to see the delegation, the marchers booed, but soon the chant is taken up again, stronger, more grimly, "The Scottsboro Boys Shall Not Die! The Scottsboro Boys Shall Not Die!"

All Washington heard this chant. The Negro spectators heard it and repeated it with the marchers. White workers applauded the chant. "Black and White Unite and Fight!"

Patterson, Scottsboro Boy, Stabbed; Warden Holds Incommunicado

Daily Worker
5-12-33
New York, N.Y.

Capitalist Press Carries Lying Statements; Hold Roosevelt and Alabama Governor Responsible for Lives of Boys!

BIRMINGHAM, Ala., May 11.—Haywood Patterson was attacked and stabbed in Jefferson County jail here today. The extent of his injuries, which the warden said were "slight," could not be ascertained because of the refusal of prison authorities to permit any friends to see him. An investigation of the attack is under way by the International Labor Defense office here.

In announcing the stabbing, Deputy Sheriff Burgis Hawkins said Patterson was wounded in a fight with Roy and Andy Wright. This is an echo of the lying story carried by all the press services during the Decatur trial that Patterson and the Wright boys had a fight in jail. Investigation showed one of the boys had a nightmare, caused by their inhuman treatment, and woke up screaming.

Recently, the prison officials sent a gang of prison thugs and criminals into the part of the jail where the boys are held, with orders to attack them. When the boys announced they would defend themselves, and forced the withdrawal of the thugs, prison authorities sent out a story that they had "mutinied."

The I. L. D. pointed out that the present attack on Patterson and the story given out by prison officials was logical continuation of the previous attempts to frame and murder the boys.

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NEW YORK.—A call to all districts of the International Labor Defense, to all Scottsboro Action Committees, and to all workers and sympathetic organizations, to raise the following slogans in wires to President Roosevelt, Governor B. M. Miller, at Montgomery, Ala., and to the warden of Jefferson County Jail, Birmingham, Ala., to save the lives of the boys:

The Scottsboro Boys are innocent.

Dismiss the Scottsboro cases.

Roosevelt and Governor Miller are responsible for the safety of the Scottsboro Boys.

Roosevelt can and must free the Scottsboro boys.

Smash the new frame-up against Roy and Andy Wright.

Ruby Bates, southern white girl and chief defense witness in the Haywood Patterson trial, led the Scottsboro march in Washington last Monday. A delegation elected by the Marchers presented the Bill of Civil Rights to the Roosevelt government, calling for the enforcement of the 13th, 14th and 15th amendments to the U. S. Constitution. Ruby Bates is second from the left. At her side is L. Thompson, secretary of the National Action Committee. On the extreme right is William L. Patterson, national secretary of the I. L. D., who headed the Marchers delegation.

FOR SCOTTSBORO DEFENSE—AND JUSTICE

Defender 5-13-33 Chicago, Ill.

Attorney N. K. McGill, general counsel for The Chicago Defender, is shown presenting to Mrs. Janie Patterson (right), mother of Heywood Patterson, condemned Scottsboro boy, a check for $250 to aid in the defense of the boys now held in Alabama, while Mrs. Marjorie Thompson, representing the International Labor Defense, smilingly writ receipt.

Alabama

4278

Lynchings-1933

Legal Punishment for Rape

Alabama Branded As Hating, Seething Inferno By Spivak In Vivid Speech Here

Courier 5-6-33 Pittsburgh, Pa.

Hostilities of Ignorant, Prejudiced Decatur Whites Scored—Lynchings Threatened, Spivak Declares, In Masterful Description of Famous Scottsboro Trial At Pittsburgh Y. M. C. A. Meeting.

(Stenographically Reported by Theodore Washington)

I couldn't help but think of Decatur, Ala., when you were singing "Sweet Land of Liberty," but I gathered that you were voicing hope and not stating a fact.

Mr. Vann very courteously read the letter I wrote him protesting against his editorial and we spent several hours this afternoon discussing various matters centering around the Scottsboro case and the activities of the I. L. D. and the N. A. A. C. P. in it.

Now to get down to the Scottsboro case in Alabama. I shall spend perhaps a few moments on what the Scottsboro case means in the North and the South, and then afterwards try to show you the differences in meaning, which should be valuable. I am going to try to give you facts that were not so widely publicized.

I sometimes wonder whether there is a Scottsboro case. When I sat in the Decatur courtroom for the two weeks during which the Scottsboro case lasted I wondered whether the nine Scottsboro boys were on trial for their lives or whether the South was on trial for its treatment of the Negro, and I came to the conclusion that the nine boys were not on trial. Even the assistant attorney general of the State of Alabama remarked during the course of the trial, "Where is the forgotten man, Heywood Patterson?" During the entire first week of the trial all talk was on the exclusion of the Negro from the jury roll, and a bitter fight was waged by the defense on this question.

Now .. doesn't matter whether the white man objects to the Negro sitting on the bench with the white man ,but the participation of a Negro on the jury would help a black ma nin Alabama to become of legal importance and have a hand in the legal machinery of the South that s now controlled by the white man.

The fact is significant that the State of Alabama, through its highest legal officer, Attorney General Thomas Knight Jr., put up a more bitter fight for the exclusion of the ury roll from the court-room than t did to convict Heywood Patterson. He put up his best fight in the first five days of the trial, fighting the I. L. D., which was trying to bring in the jury roll of five thousand names to show the exclusion of Negroes from the right to serve on the jury.

Judge Horton who presided over the trial is a representative Southerner. A gentleman, but a Southerner, and a white man. He knew that there was deliberate discrimination against Negroes on the jury roll and that no Negroes in the State of Alabama had served on a jury. He is a shrewd jurist and he is a learned man, but he knew that it was illegal for that jury roll to be used in the picking of a jury. Yet, when the I. L. D. attorneys had moved to quash the list, Judge Horton overruled the motion. That means only one thing, that this able jurist was forced to admit the existence of the discrimination of Negroes and was forced to admit the omission of Negroes from participation in any legal activities of the state, and yet Judge Horton had to defend white supremacy, and of course, after that there was nothing to do but go on with the trial.

This then is the main issue of the Scottsboro case. A centering of world attention, both white and black, upon the deliberate oppression of the Negroes in the South and the deliberate discrimination against them from participation in legal machineries. Although they pay their taxes, the South does not want them to participate in the legal activities of the South, because you will be able to see Negroes on juries dispensing justice. That is why the South fought so desperately against having Negroes on the jury to try Heywood Patterson.

It was the whole South on trial in the handling of the nine Negro boys living in the South.

I am going to try to picture to you the things that went on outside and inside the court-room that did not appear in the newspapers.

On the morning that the boys were supposed to be brought in from Birmingham jail for trial and arraignment, some 500 whites and 300 Negroes crowded the courthouse lawn. Decatur is a typical Southern town, with wide streets where the whites live and the narrow, dirty streets where the Negroes live.

The court house where this dramatic and historic trial was to take place is a three story yellow building adjoining a two story jail building that has already been condemned as unfit for human safety. And it was to this jail that they were going to bring the Negro boys to keep them for the duration of the trial. There is a decrepit statue typifying justice on the court house lawn. I noticed that throughout the trial no one, not even the whites, went near the statue of justice. It is a strange fact and I do not know why, but they just wouldn't even look in that direction.

Most of these whites awaiting the coming of the Scottsboro boys were farmers who stood chewing tobacco and settled on the point of white supremacy. The Negroes who were there were afraid and worried and they did not want anything to happen. There had been talk that the county did not have the money to stand the expense of the trials and they were afraid that the whites were going to try to hang the boys. Anyway, if anything happened, the Negroes wanted to be there.

Thirty-six militia men were quartered across the street from the jail. Some were so green that they didn't know whether to shoulder their guns on their left shoulder or on their right. They were mostly young boys.

Due to some misunderstanding the boys did not arrive that morning so court was adjourned. They did arrive that afternoon. They came in a Birmingham patrol wagon with four men armed with guns guarding them. The crowd made a rush for the wagon. I think that it was curiosity that drew the crowds to the wagon. The soldiers kept them away. The boys were scared. They did not know what was going to happen to them. They were chained two by two and were forced to stand there while photographers took their pictures, then the soldiers led them directly into the court house.

Ozie Powell, one of the boys, is blind in one eye and near-sighted in the other, and as he walked up the steps he stumbled and the crowd thought that the shooting had started that everyone was expecting. In the court house the old jim crow system was in effect. The whites sat on one side of the room and the Negroes on the other side There were about 400 whites, smoking pipes, cigars and cigarettes, very informal. There were two Negro correspondents, but they were not permitted to sit at the white correspondents' table. They were seated at a table over in the colored section of the courtroom. As a matter of fact for the first few days everything was tranquil.

Attorney Leibowitz of the I. L. D. immediately after the indictment of Heywood Patterson was read, demanded that the indictment be quashed on the grounds that it was drawn up by a jury that was selected from a jury roll of whites only and was a violation of the fourteenth amendment of the Constitution of the United States. He was overruled by Judge Horton. The question of the jury roll lasted for four days. Attorney Leibowitz was continuously asking for the jury roll to be brought into the court room. The highest legal authority in the state fought vigorously to keep the jury roll out of the courtroom, and when it was brought in, and the world was shown that they didn't have any respect for the law, the actual presentation of facts began.

The boys were kept in a room on the second floor of the condemned jail. A curious detail concerning this building was the fact that there were exactly thirteen steps leading from the first floor to the second, which I counted the morning that I went to visit the boys in the jail, and immediately at the top of the thirteenth step was a trap door, and overhead stood a gallows, which was visible to the boys as they stood looking out of their cell. For two years they looked at the electric chair in Kilby prison, and when they arrived at Decatur they had to look at the gallows.

The first night that the boys arrived, none of them slept. They paced up and down looking out at the darkness and worrying and wondering when a mob was coming to lynch them. The only light they could look at was the light illuminating the gallows. It was several nights after the trial had gone on that the press blazoned forth with stories that Patterson had attacked Powell in a cell and that two of the Scottsboro boys had had a fight. Patterson and Powell sat in the vermin filled cell. Constantly in the day time looking at the gallows, and at night fearing that they would be hanged and in the middle of the night Patterson had a nightmare and dreamed that he was being hanged, and fought Powell who fought back. Why the boys did not go crazy I do not know.

While the trial was on and after Victoria Price had taken the stand she kept her eyes continuously on Attorney Knight. She was the coldest-blooded witness that I have ever seen. Not once during her hours on the stand, never once did she look at the defense attorney. When a flash of uncertainty came upon her face while Leibowitz was questioning her, Knight would jump up and object, giving her a chance to think of something to say.

Knight was always smoking and getting up, but while she was on the stand he would not stir from his chair. While the trial went on after Victoria Price gave her testimony, I went into the witness room just in time to see her with her ear against the door of the room where the defense lawyers were drawing up their plans. While the trial was going on and Leibowitz had grilled Victoria Price and had shown that she had lied on some of the things, we got word that fifty men from Scottsboro had come into town armed saying that the trial of those "niggers" was taking too long. They met in a hall with klansmen with the vowed intention of marching upon the jail and lynching the boys. Subsequently, I might as well tell you that we got the word from a southern white worker. A man who all his life was prejudiced against the Negro, but a man who had come to realize that he was just as low as the Negro unless we could raise the Negro to his level. He had been circulating around the towns for just such information for the newspapermen.

We all lived in the same apartment house. That is Knight and his assistants, Leibowitz and his assistants, and the newspapermen. In fact, everyone got along like one big family the first few days of the trial before the sentiment was brought against the New York Jews and northern money to defend Negroes. The defense and prosecuting counsels even conferred in the same room. Knight and his assistants in one part of the room and the I. L. D. lawyers could be heard quietly discussing their defense plans in low voices in the other. In fact, everything was gentle until the Negro question came up, then the free activities didn't exist.

Myself and the other newspapermen had been riding around the town at night in taxies. Well, the night that the mob was supposed to march to lynch the boys there was much strange activity among Attorney General Knight and the Captain of the militia. Both Knight and the Captain said that there was nothing wrong, when asked what was in the air. And stranger still was the fact that our usual taxis could not be found, nor could any be found. We wanted to go around town because we figured that there were mobs gathering. The newspaper men divided up and walked to the jail because if there was anything to happen it would happen at the jail. The jail was lit up with five huge flood lights. Soldiers were all around the court house who told us that nothing was going on. When we returned to the apartment house the soldiers that had been stationed there to guard us had been removed. The next morning another newspaperman and I were walking around. We saw a soldier. I said to him, "Lots of fun we had last night?" He said, "Yes." What time did the thing start? Oh, about 8 o'clock. How many soldiers did they use? Oh, about 20. How many were in the mob? Oh, about 200. A mob of 200 had marched on the jail, Sheriff Davis and deputies and soldiers met them and told the mob that they would shoot into them if they would try to lynch the boys. It was not to leak out because the stench would be too much on Alabama if it reached the press. When the newspapermen started wiring the stories that there was a mob that had tried to lynch the boys, Attorney General Knight tried to persuade the newspapermen that there was nothing to the story and not to send the stories. The Associated Press correspondent who had been conferring with Knight tried to aid Mr. Knight in asserting that there "was not a mob." There was a hasty conference between the judge and the attorney-general and it was then that the judge sent out the statement that they would protect the lives of the boys and the I. L. D. attorneys with the lives of the soldiers.

While Leibowitz was questioning the Price girl the propaganda was started against "northern Jews who would defend Negroes." One of the white spectators shouted out loudly in the court-room "Get that Jew bastard who is questioning that girl." He was seized and taken from the court-room and not allowed to return. But during the greater part of the trial the white spectators were talking in loud undertones and threatening, and only once or twice did Judge Horton weakly bring down his gavel on his desk and call for order.

The next day Ruby Bates was brought on the scene with a white boy. She was a white southern prostitute, no better than Victoria Price, but one not quite so hard, one who was still too young to be hardened by the work in the mills where she had worked for $5 a week, from six in the morning until six at night, tending the looms. She confessed to me that "Niggers were human too" and said that she wanted to testify even at the risk of her life that she had lied before.

Throughout the trial, Attorney-General Knight kept singing "Where is Ruby Bates?" "Produce Ruby Bates." They hated Ruby Bates and the white boy who had come with her to testify worse than they hated the nine Scottsboro boys, because they came to save a Negro. We got word that all Huntsville was armed and simultaneously that nine soldiers were surrounding the court-house, because Ruby Bates was in conference with the I. L. D. attorneys there. Knight sent for the reporters and came out and talked to them. He said, "Gentlemen, we are willing to take you into our confidence. These 14 soldiers are not here for a fire drill. Two distinct mobs are on their way here to lynch Ruby Bates, but we do not want any of this to come out. We are taking Ruby Bates and Lester Carter away because Alabama could not stand to have them lynched. We are expecting an attack in 30 minutes in the event that the militia men could not stop them at the bridge. Attorney Knight then turned to a New York Daily News photographer and said, "Don't take any pictures, Walter." "But I came down here to get news not surpress it," he answered. But we are going to stop them and he turned to the writers and said, "If there is shooting then write, if there isn't then don't write it." However, the militia did turn the mob back.

I tell this story for two reasons: "First, Alabama is a race-hating, seething, inferno right now and was then, and second, the attorney-general of the State of Alabama tried to suppress news of the trial."

5-2-33

THE SCOTTSBORO CASES

The result of the second trial of Raymond Patterson, one of the nine Scottsboro boys, has been the means of opening the eyes of the civilized world with regard to the treatment and administration of justice to the Negroes in the South. Everybody, North and South, seems to be unanimous in their statements that neither Patterson nor the other boys involved in this case have received a fair trial. So far as we have been able to learn, there has not been a dissenting voice (in good faith) to the contrary.

The big question now is, how are these boys to get a fair trial? Evidently, the State of Alabama has no intention of giving these boys a fair trial because that would mean acquittal for them. These cases have developed to the point where the State must face the question of admitting that it was wrong or committing another wrong, both of which, the premises considered, are hard for the State of Alabama to face. Meanwhile, the question is being asked, East, West, North and South, is how long shall these boys be made and compelled to suffer because the State authorities are not able to adjust themselves to the real facts in the case without prejudice?

Of course, the next logical step in Patterson's case will be to take the case to the Alabama Supreme Court which means a great expense to the defense and a long time in jail for the boys. This case before the Alabama State Supreme Court will be before the same sort of people before the same sort of people before whom it has already been tried. As fair as Judge Horton has been accused of being, he did not have the courage to dismiss the case against Patterson after admitting that Samuel Leibowitz, council for the defense, had made a prima facie case by showing that no Negroes had been summoned for jury services, even though many of them were eligible; thus, denying the defendant of his constitutional right.

If Judge Horton had been a man of Judge Lowell's calibre and had he been able to foresee the unnecessary expense not only to the defendants but to the State, Patterson would be free or his case would be well nigh to the United States Supreme Court without going the rounds of the State courts.

Meanwhile, the lovers of justice and fair play will busy themselves to see that necessary funds are raised for the defense of these boys. The National Association for the Advancement of Colored People has sent notice to all of its branches to assist in raising money for these cases, notwithstanding the fact that it is burdened with many other cases. Whatever money is raised by these branches for the defense of these Scottsboro boys will be sent to the national office of the N. A. A. C. P., and it will turn the money over to the International Labor Defense attorneys who have charge of this case.

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6
Legal Punishment for Rape.

Alabama.

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The Parade of the Meddlers In the Scottsboro Case.

Commercial Appeal
5-11-33
Memphis, Tenn

Several days ago The Commercial Appeal found it necessary, in the discharge of its duty to the public, to direct attention to the mess that a lot of meddlers made of the Scottsboro case in Alabama. Under the pretense of defending some negro boys, these meddlers paraded themselves as heroes in the battle for human rights, rekindled as far as possible all of the sectional prejudices and race hatreds in the book, and in the end made a mockery of both justice and the orderly processes of law.

One of the organizations mixed up in this business was and is the American Civil Liberties Union. The Commercial Appeal felt obliged to denounce as frauds the appeals made by this organization to innocent people for funds with which to make the meddling more complete. The American Civil Liberties Union undertakes to explain, in another column, that it is not a fraud.

The attention of our readers is invited to the explanation. It might be well to observe that the Civil Liberties Union very promptly and ingeniously takes a run-out on the trial itself, frankly stating that for that it "has no responsibility." The International Labor Defense, a radical, mischief-making associate, handled the defense. The Civil Liberties Union was willing to beat the bushes for nickels and dimes to "insure a fair trial," but when the trial turned out to be an indictment of the entire Southern people and even of justice itself, it dismisses the injustice with the statement that it "has no responsibility."

The American Civil Liberties Union is a black and tan outfit which interests itself largely in dabbling in other people's business. It assumes that it must go on parade at intervals by entering a strange community and, without regard to local conditions or customs, pretend to defend somebody by putting the whole community on trial. No local lawyer, jealous of the reputation, integrity and the traditions of local courts and local justice, will do.

This is particularly true of the outfit's activities in the South. It proceeds on the idea that the South is still a conquered province, basking in ignorance, and ruled by a lot of overbearing slave-drivers immune to every principle of justice or morals. A few political self-seekers rose to a doubtful fame and temporary power by such stuff 60 years ago, but happily it is no longer found except among a few professionals who lather themselves up for periodical drives and parades. That northern people themselves have no truck for such mischief-makers was evidenced last week by the very proper and sensible action of the officials in Illinois who denied Civil Liberties Union agents permission to go into the mine district and start a lot of monkey business among an inflamed and dissatisfied community of miners.

The record brands most of these outfits as frauds, thriving on prejudice. Not a night but somebody, frequently a young woman, is "taken for a ride" in New York or Chicago. What does the American Civil Liberties Union do? Light up the torches? Beat the tin pans? No! It quietly scoots for cover and keeps its mouth shut. But let somebody be "taken for a ride" south of the Ohio River. It immediately becomes a "lynching," and all the meddlers rush out with demands that the barbarous and savage outrage be repudiated by the governor and that the courts at once get into action and hang the perpetrators.

No civilized people have found a substitute for law and order. The Commercial Appeal stands for the orderly processes of law. It yields to no voice in this community in its persistent demand for a fair and impartial enforcement of law and the triumph of justice whenever she sits in judgment upon life, liberty or property. Gang killings, lynchings or whatever they may be called are relics of a disordered age. No community can exist without order. But it can exist without meddlers. The sooner everybody learns to attend to his own business, the sooner will everybody have some worthwhile business to attend to.

HOODED BIGOTS AND BOMBS

Advertiser
5-9-33
Montgomery, Ala.

"It takes more than a crowd of hooded bigots to scare a Jew from the sidewalks of New York. And it will take more than threatening letters and bombs to keep me from going down there 'til Hell freezes over and until the fight is won and we bring the nine of them back to this platform."

Thus spoke the Martyr Leibowitz as the wild cheers of a mob of misled Negroes and his own prostituted eloquence gave birth to phrases of hatred and prejudice that would drive "Nigger-baiting white scum" to shame.

A man pretending to have the interest of the American Negro at heart, a man who vowed that he would fight "'til Hell froze over" for the lives of nine black men could not have been outdone by a frenzied witch doctor in appeals to savage emotion that belongs not in civilized Harlem—but to jungle campfires.

A voodoo medicine man who called ignorant blacks to war council with the blood-rousing music of tom-toms could not have touched flames of hatred behind the shirt fronts of civilized black men more effectively than did Leibowitz as he sought to enlarge the ranks of the "Free the Scottsboro Boys Washington March."

This happened at St. Nicholas arena in New York the other night when Leibowitz and the International Labor Defense League had as honor guests Miss Ruby Bates, of Alabama, and Mr. Lester Carter, of Chattanooga and points East, West, North and South.

The Bates girl has been won over to a Cause.

New York is a nice place for a girl to visit, you know. And Ruby's generous heart has gone out to her New Friends, who teach her pieces to recite. Evidently she enjoys being a lady of distinction.

Carter happened to be riding on the train when the Negro defendants boarded it near Paint Rock two years ago.

Somehow he found his way into the I. L. D. camp and has been doing his bit with the aid of Communistic drill sergeants

How many threatening letters has Leibowitz received?

How many hooded bigots threatened the man?

How many bomb threats has he received?

If Leibowitz has received any threatening letters it is to be hoped that the United States Postoffice Department is investigating them. And it is to be hoped that the senders of the letters are prosecuted in the Federal courts.

If any hooded bigots threatened Leibowitz it is the duty of the sheriff of Morgan County to investigate and make arrests. And it would not be out of order for the Attorney General to prosecute them.

But Leibowitz was only making a speech when he told of the threats. He was not swearing out warrants.

And Leibowitz, to put it mildly, was exaggerating.

If Leibowitz is a man of pride he should hesitate to return to Alabama.

But the only thing the New York lawyer has to fear from Alabamians is a contempt that cannot easily be hidden, a contempt that is reserved for the sour loser.

Paraders Cheer Scottsboro Nine

Advertiser
5-9-33
Montgomery, Ala.

President Refuses To See Protest Delegation And Leaders Are Indignant

WASHINGTON, May 8.—(AP)—A parade of 3,000 whites and negroes today sought from President Roosevelt and congressional leaders, intervention to free the nine Alabama negroes convicted of criminal assaults in the renowned Scottsboro case.

In the van of the march was Ruby Bates, the girl who after once swearing the men had attacked her, reappeared at a new trial as a surprise witness and reversed her testimony. With her went James Ford, negro communist, and William L. Patterson, negro national secretary of the International Labor Defense. Along also was Janie Patterson, mother of Haywood Patterson at whose retrial the Bates girl changed her story. He was convicted again and is for the second time under sentence of death.

At the White House the leaders saw Louis McHenry Howe, presidential secretary. They complained bitterly when told the President was too busy conferring with Dr. Hjalmar Schact, special Germany envoy, to receive their petitions in person.

They marched then to the Capitol. Speaker Rainey saw them.

"We demand congressional action for the unconditional release of the Scottsboro boys," Ford told Rainey. "We present also a bill of rights amending legislation to guarantee enforcement of the 13th and 14th amendments."

"The petition will be referred to the judiciary committee," Rainey replied. "As for the Scottsboro case, that is a matter for the courts. Congress has no authority to direct the release of men charged with a crime."

Ruby Bates said: "The Scottsboro boys are absolutely innocent."

"You testified once they were guilty?" Rainey asked.

Yes, sir."

"Now you retract?"

"Yes, sir."

"What caused you to change your mind?"

"Well, I didn't want to see innocent boys suffer."

"Because you had perjured yourself?"

"Yes, sir, under duress," replied the Bates girl.

Then they called on Vice-President Garner, who told them he would refer their petition to the appropriate Senate committee.

Although at the White House attaches said the President was making a practice, now that business was so heavy, of referring petitioners to Howe, Patterson, as spokesman for the marchers, said they regarded Mr. Roosevelt's refusal to see them as a "gesture of contempt."

PARADE THRU STREETS; PRESENT CIVIL RIGHTS BILL; DEMAND ACTION

Daily Worker
5-9-33 New York

'Reads in Papers Bankers Suffer,' Is Howe's Reply to W. L. Patterson's Statement That Negroes Greatest Victims

Rainey Garner DePriest Hedge; Delegates Report at Meeting Following Parade

WASHINGTON, D. C., May 8.—Coming to the national capital from scores of centers—mostly from cities on the Eastern Seaboard—5,000 Scottsboro Marchers, two-thirds of them Negroes, paraded through the streets of Washington today in a demonstration for the Scottsboro boys and for the enforcement of the 13th, 14th and 15th amendments to the U. S. constitution.

Committees elected by the marchers called upon President Roosevelt, Vice-president Garner, Speaker Rainey and Congressman De Priest, Negro representative from Chicago demanding that these politicians support the fight for the release of the Scottsboro boys and for the enactment into law of the Bill of Civil Rights.

The Scottsboro marchers to Washington came in 37 buses, 22 trucks and 68 automobiles, besides a large number who came on freights and as hitch-hikers.

Roosevelt refused to see the Scottsboro delegation. Louis M. Howe, his secretary, met the group and told them:

"The president is busy now. He is seeing that the people's rights are not taken away from them. He is at the present moment busy with the diplomatic representatives of Italy and Germany."

William L. Patterson, national secretary of the International Labor Defense, and spokesman for the committee, replied, declaring:

"You tell us that the president is busy with representatives of these imperialist countries, whereas we who represent Negro and white citizens of this country in protest against injustice cannot be seen by the president."

Howe "Read It In the Papers."

HOWE: "He is too busy getting us out of the depression."

PATTERSON: "We are the worst sufferers from the depression. Moreover, we are the victims of an unabated lynch terror, and yet the president won't see us."

To this statement of Patterson, Howe replied with shameless cynicism: "I thought the bankers were the ones who were suffering. I read it in the papers."

PATTERSON: "We represent the most forgotten men, the Negro people, and yet the president won't see us."

Mrs. Janie Patterson, mother of Haywood Patterson, began to weep and asked Howe to tell the president to "give me back my child".

On Patterson's demand, Howe called President Roosevelt on the phone, asking him if he would see the delegation. Roosevelt's loud and resounding "NO!" could be heard by the entire committee.

Cycle Fumes Choke Marchers

Previously Patterson denounced Roosevelt's earlier refusal to see the committee as "a complete expression of his contempt for the colored people."

Patterson declared that "our delegation will report to the 5,000 who are waiting outside and to those who elected us to come here, that the president refused to see the representatives of the Negro and white workers."

Squads of police, on motorcycle and on foot flanked the marchers, as they paraded down Pennsylvania Avenue.

The motorcycles of the police puffed a barrage of smoke, choking the marchers, but this failed to halt their steady chant as they moved slowly over the capital's rain-swept streets past the White House. "Scottsboro boys must not die! Scottsboro boys must be saved!"

Later the delegation went to see Rainey, speaker of the House. James W. Ford, speaking for the marchers, said:

Daily Worker

Rainey W[illegible]

"First of all we demand that Congress take certain action for the release of the Scottsboro boys. We present you with this Bill of Civil Rights, and want you to see that it is taken up."

5-9-33

RAINEY: "I will refer it to the judiciary committee of the House. Congress has no authority to settle the case."

New York

Rainey began to question Ruby Bates in an attempt to confuse her as to her whereabouts previous to the trial of Haywood Patterson. "I came to the Decatur trial as a witness because I didn't want to see the innocent Negro boys electrocuted."

De Priest Can't "Make Fool of Himself"

The delegation then called upon Vice-President Garner, who said he "would refer the bill to the proper Senate Committee."

The Committee saw Congressman De Priest and asked him to take up the matter of the Scottsboro case in Congress. "The Scottsboro case is a matter of law and I won't make a fool of myself," De Priest said.

Regarding the Bill of Civil Rights, De Priest said he wanted to read it first. "Well, how soon will you read it?" Patterson asked. "I can't promise when," the Congressman replied.

"It is a bill calling for full social, political and economic rights for the Negroes," Patterson explained. De Priest abruptly cut the interview short, saying that if he had anything to say he would say it for himself and that no one could tell him what to say.

* * *

The parade through Washington culminated in a meeting at East Seaton Park.

In a speech to the Marchers assembled, William L. Patterson called upon the Negroes in the U. S. to violate all Jim Crow laws and to completely smash discrimination of any sort against the Negro people.

"The march to Washington," Patterson declared, "is only the beginning to save the Scottsboro boys. The mass protest movement will be developed until the millions of Negro and white workers are aroused to militant intensity in the defense of the Negro boys.

"The marchers must develop plans for preparatory work for the development of strikes of workers and students in order to save the Scottsboro boys, and to establish complete equality, including social equality, for the Negro people of America."

Other speakers at the meeting were James W. Ford, Communist candidate for vice-president in the last national election; Louise Thompson, secretary of the National Scottsboro Action Committee; A. J. Muste, of the Conference for Progressive Labor Action; Frank Spector, assistant national secretary of the International Labor Defense; and Samuel Patterson, of the Caribbean Union and of the Odd Fellows.

Line of March

The Scottsboro Marchers formed at New York Ave., east of Florida Ave., then marched west on New York Ave., to N St., west on N St. to 13th St., south on 13th St. to New York Ave., west on New York Ave., to Pennsylvania Avenue, west on Pennsylvania Avenue to West Executive Avenue, around South Roadway to extension of E St., east on E St., to Pennsylvania Ave., east on Pennsylvania Ave, to Constitution Ave., east on Constitution Ave. to Second St. N. E., south on Second St. to C St. S. E., west on C St. to Third St. S.W., north on Third St. to East Seaton Park where a big mass meeting of the marchers was held.

Previously Major Ernest W. Brown, superintendent of police in the District of Columbia in haggling over the permit for the parade, sought to force the Scottsboro Committee to accept a shorter line of march which would make impossible the focussing of the demonstration upon thousands of Negro and white workers of the city. Brown, in insisting on the shorter line of march, offered as reasons that a longer line "would tie up traffic and fatigue the marchers."

PRISON GUARDS BRUTALLY BEAT UP SCOTTSBORO BOYS

Cleveland Gazette
5-13-33
Cleveland Ohio

BIRMINGHAM, Ala.—(C. N. A.)—The nine Scottsboro boys were brutally beaten up last Thursday by prison guards in their cage on the eight floor of the Jefferson County Jail here.

The boys, arming themselves with pieces of plumbing, finally drove the guards from the cage. They then refused the demands of the guards that they go to their individual cells, realizing that the attempt to separate them was in preparation for more brutal attack. Heywood Patterson, under a new sentence of death as a result of the Decatur lynch verdict, declared "we'll die first" when the boys were ordered by the warden to go back to their cells. The eight other boys stood solidly with Heywood.

The boys then sent a letter of demands to the warden, protesting against their ill-treatment and closing with the slogan now thundering throughout the world "Freedom for the Scottsboro Boys!"

The warden, angered by the militancy of the boys, declared that they had been "insolent," "especially Paterson," since their return from Decatur.

In order to cover up the mistreatment of the boys, the warden prohibited visitors last Thursday, although Thursday is the day set aside for Negro visitors to the prison. Hundreds of Negroes were on hand in an attempt to convey to the boys their sympathy and solidarity with them.

News of the brutal beating of the nine boys spread like wild-fire throughout Birmingham and has evoked a wave of indignation from Negro and white workers alike.

Harlem ethed with indignation today as its residents learned of the vicious attacks on the nine innocent Scottsboro boys by the prison guards. News of the attack was carried on the front pages of most of the daily papers, although these papers attempted to minimize the attack and interpreed it as a "mutiny" by the boys.

A bulletin posted up in front of the office of the Harlem Liberator, at 2149 7th Avenue, immediately drew large crowds. A protest meeting was started at once, with speakers from the Liberator staff and the League of Struggle for Negro Rights, addressing the crowd and urging them to protest the ill-treament of the boys, and join the Protest march on Washington to demand their release.

Scottsboro Marchers On Way To Washington

5-8-33
New York City

BALTIMORE, May 7.—(AP)—Approximately 1,000 New Yorkers, mostly negroes, arrived here today in trucks and buses en route to Washington to seek President Roosevelt's intervention in the Scottsboro case.

They were to stay over night at Tom Mooney Hall and in homes of sympathizers and leave tomorrow together with a local contingent. They said similar delegations were en route to Washington from Detroit, Philadelphia, Boston and Chicago.

About 5,000 persons here today attended a meeting where Ruby Bates and Lester Carter, two defense witnesses in the Scottsboro case, asserted the indicted negroes in the case were innocent victims of a frame-up.

Lynchings-1933
Legal Punishment for Rape

Alabama

4280

The Scottsboro March to Washington

IVE THOUSAND Negro and white workers, professionals and students demonstrated in Washington on Monday. They came from scores of ies and converged on the nation's capital where they put forward de-ands for the release of the Scottsboro boys and for the enforcement of e 13th, 14th and 15th amendments to the United States constitution. t the fight for the release of the Scottsboro boys, the march focussed the tention of millions of Negro and white workers throughout the coun-y on the fact that of the 13,000,000 Negroes in the United States, nearly 000,000 live in the Black Belt; that these Southern Negroes are denied e rights of citizenship and of social, political and economic equality— the contrary, that they are held on the land by peonage, debt slavery, e chain gang system, contract labor, etc. Conditions prevailing in the lack Belt are only slightly worse than those prevailing in the industrial orth.

Daily Worker

Y dramatically presenting the Bill of Civil Rights to the Roosevelt government and its spokesmen, the marchers through their elected ommittees served notice on them that a ceaseless struggle is now begin-ing for the rights of the Negro people. Concretely, the demand was put orward for the enactment into law of the right of Negroes to be a can-idate for any public office, to vote in any election or referendum, to serve n juries, and to the full use of educational facilities without segrega-ion. It would forbid jim-crowism in trains, hospitals, hotels, restau-ants and places of public amusement. The Bill of Civil Rights would orbid residential jim-crow laws or ordinances as well as discrimination n the matter of membership in fraternal organizations and trade unions. n the latter point the American Federation of Labor is the worst of-ender.

5-10-33

The rousing reception given the Scottsboro marchers by the Negro nd white population of Washington—particularly in the Negro sections— s an indication of the spirit created throughout the country by the emonstration in Washington. Elsewhere in this issue is an eye-witness escription of the march, emphasizing particularly the inspiring scenes n the squalid sections of Washington—a stone's throw from the im-posing Capitol dome.

New York, N.Y.

PRESIDENT Roosevelt bluntly refused to see the delegation elected by the marchers to present to him the Bill of Civil Rights and thousands of names signed to a petition for the release of the Scottsboro boys. Roosevelt's action shows him to be the chief violator of the elementary rights of the people (the right of petition) and at the same time the chief supporter of the southern bourbon rule in which the Democratic Party is so deeply intrenched.

Both Rainey, Speaker of the House, and Vice-President Garner, hid behind formal technicalities in declining to act on the Bill of Civil Rights. All parliamentary bars were lifted when dictatorial powers were turned over to Roosevelt upon his inauguration—so that "emergency measures" could be taken in the interests of the banks and railroads of the country. When, however, demands come from the most oppressed sections of the population, every legal device is dragged forth to justify inaction on the part of the politicians.

As for the Negro congressman from Chicago, De Priest, we will take up his deceitful alibis in an early issue of the Daily Worker.

The Negro reformists, who at first pretended to support the Scottsboro March under pressure of the masses roused to fury by the Decatur lynch verdict, later eased out of the campaign. Despite their treachery, however, the march was an achievement.

THE Scottsboro March symbolized the struggle for the freedom of the nine innocent Negro boys, which is inseparable from the struggle for Negro rights.

Returning to their home cities, the delegates who joined in the march should take the lead in consolidating organizationally the tremendous sentiment behind the movement for the freedom of the Scottsboro boys and the fight for Negro rights.

Fish Sees Boost For Communism In Execution Of Scottsboro Negroes

Advertiser

5-5-33

Montgomery, Ala.

WASHINGTON, May 4.—(AP)—Linking his remarks with possible reaction to the Scottsboro case, Representative Fish (R), New York, warned of "communist activity among [illegible] negroes in America."

"Numerous negroes," said Fish, in a speech from the floor of the House, "have been sent over to the revolutionary training school at Moscow."

The International Labor Defense, representing the negroes charged with attacking two white women on a freight train near Scottsboro, Ala., Fish declared, was "an out-and-out communist organization."

"I say to you gentlemen from the South," Fish said, turning to the Democratic side of the House, "that if these young boys are executed, it will put into the hands of the communist party a weapon as it never before had."

The negroes of the world, Fish said, would regard execution of the Scottsboro men as a "miscarriage of justice."

The New Yorker also mentioned in his address the impeachment of Federal Court Judge Lowell, of Massachusetts district, in connection with granting of a writ to stop the return of William Crawford, negro, to Virginia to stand trial for the slaying of two white women.

Fish, defending Lowell's act, said the judge merely "desired to expedite justice." The appeal from the writ, instituted by the State of Massachusetts, said Fish, will bring the case promptly to the Supreme Court, rather than allow some time to elapse before the case filters through the lower courts.

Finished with his discussion of the Scottsboro and Lowell cases, Fish turned his attention to the current situation in Cuba, in which he already has interested himself.

"In nearby Cuba, less than a hundred miles from our mainland," he said, "a country which we freed from the misrule, terror and bloodshed of an alien Spanish dictatorship, there have been several hundred Cuban citizens killed by the secret police of the Machado government within the last few years. . . .

"In view of the fact that our State Department only a few weeks ago very properly asked for a report from the American ambassador and consuls in Germany regarding the attacks and outrages perpetrated on American citizens in that country and the facts concerning the persecution of the Jews there, why should not the same request be made of our diplomatic agents in Cuba. . . . .

"The part played by some big New York banks and utility companies in support of the Machado dictatorship does not make pleasant reading for liberty-loving Americans."

Referring to the Scottsboro defendants, Fish said: "They are charged with attacking two women of the underworld, women of low character. One of these boys has been sentenced despite the testimony of one of these women that she was not attacked.

"The attorneys representing these negroes were paid by the International Defense League, an out and out communist organization. I think the judge conducted himself with the utmost integrity. I am only trying to serve notice that the execution of these young men will do more to spread revolutionary propaganda in this country than anything the communists could do themselves."

Representative Colmer (D), Mississippi, asked Fish what he "hoped to accomplish by discussing a case being tried in a sovereign court of Alabama."

"Does the gentleman hope to influence the jury?" Colmer asked. "Does he hope to influence the judge in instructing the jury?"

"There is no good purpose to be served by such a speech."

Lee (D), Missouri, interjected that the Fish speech "would encourage a lot of negroes to get into trouble who ought to remain good negroes."

FISH SEES 'RED' PERIL IN SCOTTSBORO TRIALS

Atlanta, Ga.

5-5-33

Constitution

WASHINGTON, May 4.—(AP)—Representative Fish, republican, New York, told the house today that execution of the negroes on trial at Scottsboro for attacking two white girls "will be regarded by negroes as a miscarriage of justice that will put a weapon in the hands of communists such as they've never before had."

"They are charged with attacking two women of the underworld, women of low character," Fish said. "One of these boys has been sentenced despite the testimony of one of these women that she was not attacked.

"The attorneys representing these negroes were paid by the International Defense League, an out and out communist organization. I think the judge conducted himself with the utmost integrity. I am only trying to serve notice that the execution of these young men will do more to spread revolutionary propaganda in this country than anything the communists could do themselves."

"A few weeks ago," Fish continued, "four white men were arrested in Virginia for attempting to rape a 12-year-old negro girl. Does anyone believe they will be sentenced to death?"

Fish referred to Federal Judge Jams A. Lowell, of Boston, whose conduct the house voted to investigate last week after he released George Crawford, negro, wanted in Virginia for murder, as his personal friend and "a man of high character."

He said Virginia was fairer to the negro than any other southern state and had been the scene of fewer lynchings.

"The main reason communists haven't succeeded in their efforts to spread communism among negroes," he said, "is that the American negro believes in God and is a church-going people and when they learn that communism teaches hatred of God it doesn't go very well.

"But if these men in Scottsboro are executed, negroes will believe there is no such thing as justice for the negro in America and it will give the communists the weapon they need."

Representative Colmer, democrat, Mississippi, asked Fish what he "hoped to accomplish by discussing a case being tried in a sovereign court of Alabama."

"Does the gentleman hope to influence the jury?" Colmer asked. "Does he hope to influence the judge in instructing the jury?"

"There is no good purpose to be served by such a speech."

Lee, democrat, Missouri, interjected that the Fish speech "would encourage a lot of negroes to get into trouble who ought to remain good negroes."

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ottsboro Sympathizers Want To See President

5-?-33

Montgomery Ala.

WASHINGTON, May 2.—(AP)—A committee, representing the National Scottsboro Action Committee, today called on Louis Howe, one of the President's secretaries, in an effort to arrange for a conference with President Roosevelt on May 8.

Samuel C. Patterson, chairman of the National Scottsboro Committee, said Howe would inform them later whether they could see the President. The committee was formed in an effort to free the negroes who were indicted at Scottsboro, Ala., on charges of assaulting two white women.

Burn Home of Scottsboro Witness

Defender

4-25-33

Chatanooga, Tenn.—The vengeance of the Ku Klux Klan against those who fought to cheat the lynchers of their prey in Decatur, Ala., reached into Chattanooga, Monday, April 17, and while E. L. Lewis, Negro witness for the defense in the Scottsboro case, was attending court at Decatur, waiting to be called in the trial of Charley Weems, his house here, at 220 Central Ave., was burned to the ground, and all its contents destroyed. Fiery crosses burned in northern Alabama while this outrage was perpetrated.

Lewis was the witness for the Scottsboro boys who testified that Victoria Price spent the night before the arrest of the boys at Paint Rock, in the jungle at Chattanooga. The girl has said she spent that night at the home of "Callie Broochie"—a non existent person. Lewis was able to show that he had seen and spoken to her, Ruby Bates, and two white boys, early in the morning in the Chattanooga jungle. Ku Klux Klan threats, both officially from the organization, and from individual members, have been received by defense witnesses and their lawyers.

Already, in Jackson County (Scottsboro), a reign of terror against the Negro witnesses who testified for the defense on the exclusion of Negroes from juries, and two have been terrorized into signing repudiations of their testimony.

A SOCIALIST QUITS HIS PARTY

Advertiser

5-7-33

Montgomery Ala

Heywood Broun, who writes things for The New York World-Telegram, and who had been prominently identified with the Socialist Party has unhitched.

In other words, Mr. Broun has quit the party of Norman Thomas. He quit it cold—because he knew that the next day or so he would be asked to resign.

And the indirect reason for Col. Broun leaving the political body, of which he was a strong pillar, was the stand he took in defense of the "Scottsboro men."

Now we like Col. Broun. We like his writings. We like the way he starts out to convince his readers—and himself—of the truth. And we like the way he sometimes ruins his own case in trying to stick to the truth as he sees it, or as he saw it yesterday. Not that the erstwhile Socialist does not know that he is applying the blowtorch to ideas which he might have held last year, or day before yesterday. Nothing of the kind.

Broun, obviously, is what too many so-called liberal thinkers are not. He is honest enough to be defeated in debate. And usually his defeat is brought about by the arguments of none other than Heywood Broun.

Mr. Broun is consistent, however, in one theme. And that is his defense of the lowly. The underdog, in his opinion, not only deserves protection—but always is right.

But that is because he does his thinking with his feet off the ground. And that is why more than once he has shocked the powers-that-be with whom he has been affiliated.

Mr. Broun does not care for Communism. He has attacked it in his column.

But the Communists were quick to grab the Mooney and Scottsboro cases for propaganda fodder.

And Col. Broun if convinced that the defendants in both cases are innocent, and that they have not been treated justly.

So against the orders of the Socialist Party leaders, the fighting Colonel attended gatherings of rather crimson color to make speeches in behalf of Tom Mooney and the Scottsboro Negroes.

He knew when he attended the meetings that he would be asked to resign, so he beat the party leaders to the draw and announced that Heywood Broun has severed connections with the Socialists.

"I still think democracy the best way," he explained, "a majority can always overrule a minority, even though the minority is better organized."

But Broun is no less a Socialist now that he has resigned than he ever has been.

He never was a party man. And though he may in a fashion, place his name on the roll of some other political party, he never will be a party man.

Col. Broun is one of the top-rankers of those who think with their feet off the ground.

But there are many more lesser gentlemen whose thoughts are given birth in the air, so to speak, who profess allegiance to Socialism. They are not party men either.

And that is why Socialism never will make headway in this country—unless of course it is given wing by the Democrats or the Republicans.

REDS ADVISE LEIBOWITZ TO WATCH HIS STEP

Afro American

5-6-33

Baltimore Md

Apology to South Is Weakening to Magnificent Fight.

HINT SURRENDER TO DEMOCRATS

Eulogy of Judge Horton Unfortunate.

NEW YORK—Warning him that some of his public statements in which he apologized to the South and eulogized Judge Horton might be weakening to the magnificent defense he made in behalf of the Scottsboro boys, William L. Patterson, secretary of the International Labor Defense, has written Samuel S. Leibowitz a letter asking the trial attorney not to play into the hands of the enemy by such utterances.

There has been noted, says Patterson, an attempt by political groups and others whose purpose it is to stem the huge tide of public protest against the outrageous Decatur lynch verdict in the Scottsboro case, to use the attorney for for these ends.

Magnificent Victory

"Pressure of business has delayed my transmitting to you the congratulations of our organization for the very splendid part you played in the victory which is ours at the Decatur trial," Mr. Patterson wrote. "I say victory advisedly, for despite the fact that a verdict of 'guilty' was passed, this outrageous ruling-class lynch verdict and decision has been one of the most salient factors for the mobilization of new thousands into the ranks of struggle.

"The International Labor Defense congratulates you for the magnificent manner in which you carried forward the battle in the courts, and yet it feels that at this moment, more than at any other, it must call to your attention anew the basic character of our fight and the relation of certain mistakes you unwittingly made to the weakening of the defense of the boys as a whole.

"It would seem unnecessary to add that this tremendous gathering of forces for the defense, in which your activities played so prominent a part, was at once the vehicle with which the forces of reaction were also mobilized. The proof of this, of course, is to be found in the numerous attacks made upon us by the Southern press and the leaders of the prevailing political thought of the South—even their political opponents in the other capitalist parties."

The letter pointed out that while Mr. Leibowitz's reiteration that he is not a Communist was quite correct, his harping on the fact that he is a Democrat, a member of the party which in the South is the most determined upholder of the system of slavery and degradation for the Negro people and the white workers, seriously confuses the issues involved in the Scottsboro case.

Both Democratic and Republican organizations, Mr. Patterson said, are busily at work attempting to form "new defense organizations," the sole purpose of which, in view of the affiliations of these groups, can be to divert the pressure of mass opinion which alone can save the Scottsboro boys from death.

"In lumping them together you have unwittingly played into the hands of the lynchers, those who are against the Scottsboro boys and their interests," Mr. Patterson said.

Leibowitz's eulogizing of Judge Horton was termed "unfortunate" in the letter of Mr. Patterson, and his apology to the South, in his summation at the trial for having demanded that Attorney-General Thomas E. Knight, Jr., call a Negro witness "mister" was characterized as "weakening."

NOTES ON EDUCATION

Col. Advertiser

5-7-33

Montgomery Ala

Ruby Bates, the companion of Victoria Price on that infamous train ride near Paint Rock, Ala., two years ago is by way of becoming educated.

A Communist organization has adopted the cotton mill girl, and for the second time has extended to her the hospitality of the City of New York.

The other night, under the sheltering wing of the gentle Leibowitz and the good brethren of the International Labor Defense League, the Bates girl was haled before a mob of cheering Harlemites.

She made a speech.

And among other things Ruby Bates said: "The ruling classes of Scottsboro frightened me into saying the Negro boys attacked us."

Ruling classes!

Could it be that the kindly souls who have taken the girl in inspired that speech? Could it be that the simple mill girl was taught that speech by her "new friends?"

If Ruby Bates had spoken of "Them damn cops," or if she had said: "The laws made me do it," her story would have sounded much more plausible—if not true.

But "ruling classes" is not a phrase akin to the Bates girl's vocabulary.

Next thing, the girl will be poll-parroting about "the oppressed proletarians" and "the crushing iron heel of Capitalism on the necks of the humble white and Negro workers."

And the pity of it is that Harlem Negroes and Boston blue-bloods will believe her inspired stories.

Lynchings-1933

Legal Punishment for Rape

Alabama

4281

NEW YORK

COLUMBUS O CITIZEN

APRIL 24. 1933

Conflicting Opinions on The Scottsboro Case

Editor of Citizen:

PSEUDONYMS like "Southron" and "Southern Rebel" are quite handy when a writer wants to express distorted, biased opinions without revealing his identity.

The fair-minded opinions stated by The Citizen and Heywood Broun about the Scottsboro case surely cannot be interpreted by an intelligent person as a suggestion that those Negro boys should go "scot-free" if they are guilty of crime. "Southron" should know, if he does not, that in addition to The Citizen many northern newspapers, and even many southern newspapers, have expressed the opinion, not that the Scottsboro defendants are innocent or guilty, but that the state of Alabama has not given them a fair trial.

True, "the south knows the Negro"—so much so that the white forefathers of the south readily trusted the black man to guard the white wives, daughters, and sweethearts of the south, and this while the white forefathers were away fighting to keep these very black men and their wives, daughters, sisters and sweethearts in slavery.

"The south knows the Negro," and for that very reason many southern white newspapers have stepped up on holy ground with The Citizen and Heywood Broun—ground of right and justice—with the contention that the Scottsboro Negro boys have not to date received a square deal.—O. W. Shaw.

ANSWERS "SOUTHERN REBEL"

Editor of Citizen:

WHO, may I ask, does "Southern Rebel," as he so fittingly calls himself, think he is? Who empowered him to judge his fellow men and say that, when killed by the state of Alabama, "they will never be missed?"

In my estimation, a Negro has just as much right as anyone else to be considered innocent until he is proved otherwise in a trial conducted somewhat differently from the one at Scottsboro. If "Southern Rebel" doesn't like the north, the south might want him, and we "won't miss him."—W. H. McL.

SOUTHERNERS AND NEGROES

Editor of Citizen:

THE Scottsboro case again discloses the extreme ignorance of the average northerner about the race question in the south. Contrary to what most northerners believe, the southern people do not hate Negroes. In fact, the average southerner is a much better friend of the Negro than the average northerner.

With a tremendous colored population, the south has long found it necessary to separate the white and colored races to prevent race friction. This is simply an honest and intelligent way of handling a social problem, and educated Negro leaders approve and insist upon this separation.

No one knows better than I do that the commission of a vicious crime against a white woman or a child makes the ordinarily good natured southerner's blood boil, and he is altogether too likely to take the law into his own hands. Such crimes endanger to otherwise harmonious relations between the races. For these reasons, the crimes with which the Scottsboro boys are charged are of the most serious nature.

I do not know whether these boys are guilty as charged, but I do know that their "defense" has not been to their best interests. It is unfortunate that a certain organization is using this case merely for publicity. The boys are not Communists, but simply irresponsible youths who got themselves into serious trouble.

The services of any number of skilled attorneys, white and colored, are available in Alabama. A "defense" based upon class, sectional and race prejudices, conducted by a lawyer who has not the slightest sympathy with American institutions or social conditions in the south, cannot represent the true interests of the accused in this case; neither can any court, no matter how fair, assure an impartial trial.

Furthermore, southern people, white and colored, resent the meddling of outside agitators in affairs of which they have no real knowledge or interest. When Heywood Broun stops the sale of judgeships, the purchase of juries and witnesses and the "taking for a ride" of state's witnesses, the good people of Alabama will be ready to welcome his advice. —Alabaman.

"BOXCAR HOBOES"

Editor of Citizen:

WHETHER the Scottsboro Negroes are guilty or not, I wouldn't have supposed that southern white "ladies" would lower themselves to become boxcar hoboes. As for the north not knowing how to deal with Negroes, the north does know how to give anyone a fair trial, white or black.—Lucille Williams.

THEORY VS. FACT

Editor of Citizen:

THE statements of "Southron" and "Southern Rebel" are based on pure theory, not fact. At the first trial, about two years ago, Ruby Bates testified under oath that the Negro defendants had assaulted her. At the recent trial she testified, again under oath, that her previous testimony had been a lie. The only thing she proved at both trials was that her testimony was false.

Yet it was her evidence, in the first trial, that convicted the defendants. The district attorney charged that "northern Jew money" had bought her off, before the second trial, but there was no evidence to support this charge. Just another theory.

If the Scottsboro defendants are proved guilty beyond a reasonable doubt, I believe firmly they should be punished, as should any man who commits such a crime as they are charged with.—W. D. M., Delaware, O.

NEGROES IN THE NORTH

Editor of Citizen:

WHAT, asks "Southron," does the north know about how to deal with the Negro? Well, the north knows that the Negro is decidedly human; that in a few brief years of freedom he has made progress that the free white race required centuries to make; that he is entitled to decent respect.

The crime charged against the Scottsboro youth is, in reality, not a crime. The prosecution is exploiting southern hatred of the Negro. Great numbers of southerners have never realized that the Negroes are no longer slaves, and continue to regard them as less than human beings.

I do not uphold my people, or any other people, in wrong, but my sense of justice is strong. I have small respect for people like "Southron" and "Southern Rebel," who ask newspapers to print letters they are afraid to sign with their real names.—William Davis.

REGARDLESS OF COLOR"

Editor of Citizen:

SO the north does not know how to handle Negroes! Well, the north does give men accused of crime a fair trial, regardless of their color. We don't go in mobs, like hounds on the trail of a rabbit, after a man who has committed—or is suspected of having committed—a crime. The Negro, in the north, knows his place and stays in it. If he makes a mistake, we or our fair courts teach him correctly.

The Negro, in the north, has a chance. Knowing that he will be dealt with fairly, he trusts the law. There are no race wars; there are almost no lynchings, legal or illegal.

It is the north, and not the south, it seems to me, that does know how to handle Negroes.—Arden Brown.

Urbana's Representatives In National Congress

Editor of Citizen:

PLEASE state what congressman and what United States senator represent the Urbana district in Congress.—C. D., Urbana, O.

(Urbana is in the Seventh Congressional District, represented by Congressman L. T. Marshall (R), of Xenia. Ohio's two United States senators, Simeon D. Fess and Robert J. Bulkley, represent the entire state, no particular district.)

SCOTTSBORO BOYS BATTLE IN CELLS

Macon Telegraph

5-12-33

Haywood Patterson Knifed During Fight With Andy and Roy Wright, Codefendants

Macon, Ga

BIRMINGHAM, Ala., May 11 (AP) Three Negro defendants in the Scottsboro case fought among themselves in jail Thursday and Haywood Patterson was stabbed. The wound is not serious.

Wardens said Andy and Roy Wright—two of the nine Negroes accused in the case—attacked Patterson as the prisoners were being transferred from the night to the day cells.

Two stitches were taken in the wound. Sheriff James F. Hawkins ordered Patterson confined apart from the others. The Wright brothers said they attacked Patterson because he was "overbearing and arrogant." Officers took a knife from one of the Wright brothers.

Patterson is the omy one of the Negroes who has faced retrial. He was convicted recently at Decatur and resentenced to death.

One of the two women who accused the Negroes of assault—was reported missing from Huntsville Thursday, but later reports said she was visiting relatives in Tennessee.

Trouble Started at Kilby

Trouble with Patterson started several months ago while the Negroes were being held for safe keeping in the death house at Kilby prison, state penitentiary at Montgomery, Deputy Sheriff William Biles said the Wrights told him.

During the retrial of Patterson, who was convicted a second time and sentenced to death at Decatur last month, Morgan county officers quelled a fight among the Negroes.

Following their return to the jail here from Decatur the Negroes mutinied two weeks ago when they charged a deputy warden abused them. They spent the night on the floor of the day cell on a [illegible] water ratio[illegible] the next day cap[illegible]

NEW YORK CITY HERALD-TRI
MAY 9, 1933

Young Alabamians' Opinion

That Alabama opinion is itself far from unanimous on the Scottsboro case is indicated by the following from "The Plainsman," the student semi-weekly of the Alabama Polytechnic Institute, Auburn, Ala. This, a state-aid, land-grant college in eastern Alabama, is one of the leading educational institutions of the state. It has an enrollment of about 2,000, drawn almost entirely from Alabama. The first quotation is from an editorial, written by Knox M. McMillan, the editor of "The Plainsman." The second quotation is from a feature column, conducted by John R. Chadwick under the signature of "Observer."

"The Plainsman"—Editorial

The acquisition of further information on the subject inclines us to believe that our first judgment of the Scottsboro verdict was somewhat hasty. . . .

It is all too evident that the Decatur verdict should be modified or a new trial held. That the Negroes will be given a fair trial is now more doubtful than ever, unless they are brought before the Supreme Court of the United States. The defense has done more to convict the boys by its vituperation of the Decatur jury and the white people in Alabama than the prosecution has done. The propaganda scattered throughout the North by various organizations has done the defendants an injustice that may mean their deaths. We rather believe that the propagandists have never been really interested in the administration of justice; what they want is fertile ground on which to sow their communistic doctrines. And the poor, ignorant blacks are the targets of their preachings.

What the good citizens of Alabama think of the trial is best expressed by John Temple Graves 2d, of "The Birmingham Age-Herald," who says:

"Walter Lippmann paid this column the compliment last Tuesday of wiring from New York for its opinion of the Scottsboro case and asking 'What, if anything, I could helpfully say?' It seems to us that the most helpful thing Mr. Lippmann could say is that enlightened Alabamians—and there are thousands of them—have their fingers crossed, that they want with all their hearts to be fair, that they believe the death penalty a social necessity in the South for the crime of which the Negroes are accused, but that they are by no means certain of guilt in this instance, and that even if there is guilt the circumstances seem to call for executive modification of sentence. And that they have no more patience with Solicitor Wright than they have with the International Labor Defense. And that they do not believe in lynching—by hand or by telegram."

We are inclined to concur with Mr. Graves's viewpoint. The whole affair has been badly mismanaged. . . . We can only hope that future procedure will bring out the facts of the case in their true light before any irreparable mistakes are made.

"The Plainsman"—Observer

A few issues past, Observer took occasion to point out what seemed to be a slight inconsistency in the editorial pages of "The Montgomery Advertiser." The occasion arose from a comparison of two editorials appearing in that paper. The first, appearing some months ago, shuddered at the caste system as practiced in India; the second, an outgrowth of the attacks upon the State of Alabama in regard to the Scottsboro trial, pointed out that individuals and any organized force would do well to allow the sovereign State of Alabama to settle alone those circumstances which pertained to its own jurisdiction. Said "The Advertiser," in reply to those statements: "Is 'The Auburn Plainsman' opposed to the 'caste system' as it is in Alabama?" . . .

Observer is opposed to the caste system as it is in the State of Alabama. No person who has lived in the far South for many years and has seen the misuse of the Negro can deny that he does not suffer from inequality before the state-operated legislative and judicial tribunals and their respective tributaries. No one who has ever seen the average officer of the law in this state, laboring under a misconceived estimation of civil authority arrest a Negro, can doubt that equality of the two predominating races in the state is far short of mythical. . . .

Certainly "The Advertiser" is aware that the State of Alabama ranks tenth among eleven Southern states in the educational expenditures for the Negro as compared with the white. Can it then be denied that there is unequal educational opportunity of the two races? Leading sociologists, respected for their knowledge of living problems of the races, contend that crime will be more easily found where there is ignorance. Is it then rational to misuse human beings who have been denied the proper teachings of the social standards?

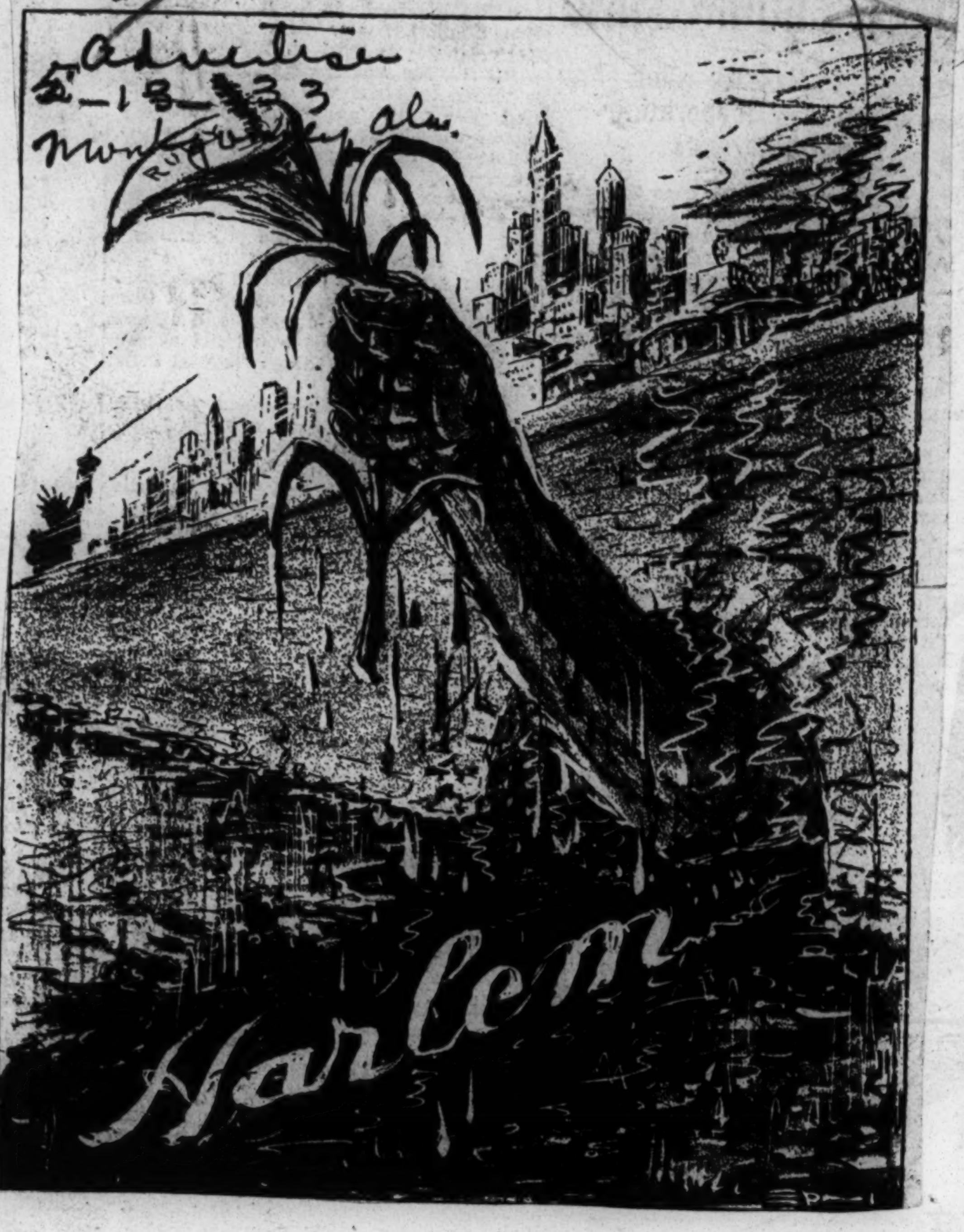
The political situation, which does not encourage and often prevents Negro participation in government, leaves the Negro practically a dependent upon the whites who make the laws. The majority of the blacks refer to the courts as the "white man's court," and to the police as "the law." As a consequence the Negro's feeling of civic pride and community responsibility has been stunted almost to the point of extinction. The state does not adequately provide for welfare work and organizations which would remedy the poorly accommodated institutions for juvenile delinquency and the mentally deranged among the Negroes. The justified feeling that he does not have the police protection afforded the whites leads the Negro to the conclusion that he must protect himself. In many communities police allow a crime of Negro against Negro to go unpunished; not so in Negro against white. Rarely does one hear of the lynching of a white person; never when white has committed a crime against a Negro.

The Negro has not only been denied the common advantages of a human being but has also been made to feel his inferiority. There is no denying the Negro's mental inferiority due to the fact of his suppressed educational advantages. It is possible that the Negro as a race is inferior to the white. Certainly he has been given no opportunity to disprove such a supposition. It is true that the white race has proved itself more barbaric, more taken by greed and more capable of inhuman actions than the Negro could conceivably be capable of committing. The Negro has been born to be more primitive than the white, but certainly more appreciative of human rights in more than one respect.

It is Observer's belief that if the Negro in this state were given a broader opportunity for advancement he would be more creditable to the state. This idea undoubtedly grates upon the provincial Southland and upon those traditions which are attributed to the old South. But we are not striving to live in the ante-bellum South. We are existing in the present and should strive for a more intelligently conceived advancement.

The Miracle —Spang

Advertiser
5-18-33
Montgomery, Ala.



Lynchings-1933
&
Legal Punishment for Rape

Alabama

4282

CONTRIBUTORS AID SCOTTSBORO FUND

Amsterdam News

"Privilege to Give," Says Dentist, Sending Check of $25 to Publisher

To the amount of $41.27 reported last week as the balance on hand of the Scottsboro defense fund under the direction of William H. Davis, publisher of The Amsterdam News, the sum of $88.73 had been contributed yesterday by the following clubs and individuals:

Dr. Bernard Haines	$25.00
The Gay Dumb Belles Bridge Club	25.00
African Universal Church of Miami, Fla.	17.13
V. G. Jervis and Unity Life Insurance agents	8.60
The Sunflower Club	10.00
Mrs. Anna Black	1.00
C. V. Jones	1.00
Susie A. Wilkins	1.00
Total	$88.73
Brought forward	41.27
Grand total	$130.00

"I consider it a humble privilege," wrote Dr. Haines, a white dentist, "to make my small contribution to this fund.... To me it seemed that every phase of the (Decatur, Ala.) trial was clouded by unreasonable prejudice. I have dealt with hundreds of colored people during my many years as a dentist, and I have always found them no different from those of my own race."

Dr. Haines is head of a dental corporation bearing his name and having offices at 144 Columbus avenue and at Jamaica avenue, corner of 164th street, in Jamaica, L. I.

Patterson Hearing Is Set For June 22

MONTGOMERY, Ala., May 15 (AP) Attorney General Thomas E. Knight, Jr., was notified by Judge James E. Horton Monday that the petition of Heywood Patterson, one of the nine Negro defendants in the "Scottsboro" attack cases, for a new trial had been set for June 22, at Decatur.

Patterson was convicted and sentenced to death by a Morgan county jury April 9 for the second time. Trials of the other "Scottsboro" case defendants were continued to an unspecified date by Judge Horton after a Decatur newspaper had printed portions of an interview by Samuel S. Leibowitz, New York counsel, for the Negroes in which the jury was severely censored for its action in convicting Patterson.

The nine Negroes were charged with attacking two white women on a train near Scottsboro.

Montgomery, Ala., Advertiser
May 9, 1933

HOODED BIGOTS AND BOMBS

"It takes more than a crowd of hooded bigots to scare a Jew boy from the sidewalks of New York. And it will take more than threatening letters and bombs to keep me from going down there 'til Hell freezes over and until the fight is won and we bring the nine of them back to this platform."

Thus spoke the Martyr Leibowitz as the wild cheers of a mob of misled Negroes and his own prostituted eloquence gave birth to phrases of hatred and prejudice that would drive "Nigger-baiting white scum" to shame.

A man pretending to have the interest of the American Negro at heart, a man who vowed that he would fight "'til Hell froze over" for the lives of nine black men could not have been outdone by a frenzied witch doctor in appeals to savage emotion that belongs not in civilized Harlem—but to jungle campfires.

A voodoo medicine man who called ignorant blacks to war council with the blood-rousing music of tom-toms could not have touched flames of hatred behind the shirt fronts of civilized black men more effectively than did Leibowitz as he sought to enlarge the ranks of the "Free the Scottsboro Boys Washington March."

This happened at St. Nicholas arena in New York the other night when Leibowitz and the International Labor Defense League had as honor guests Miss Ruby Bates, of Alabama, and Mr. Lester Carter, of Chattanooga and points East, West, North and South.

The Bates girl has been won over to a Cause.

New York is a nice place for a girl to visit, you know. And Ruby's generous heart has gone out to her New Friends, who teach her pieces to recite. Evidently she enjoys being a lady of distinction.

Carter happened to be riding on the train when the Negro defendants boarded it near Paint Rock two years ago.

Somehow he found his way into the I. L. D. camp and has been doing his bit with the aid of Communistic drill sergeants

How many threatening letters has Leibowitz received?

How many hooded bigots threatened the man?

How many bomb threats has he received?

If Leibowitz has received any threatening letters it is to be hoped that the United States Postoffice Department is investigating them. And it is to be hoped that the senders of the letters are prosecuted in the Federal courts.

If any hooded bigots threatened Leibowitz it is the duty of the sheriff of Morgan County to investigate and make arrests. And it would not be out of order for the Attorney General to prosecute them.

But Leibowitz was only making a speech when he told of the threats. He was not swearing out warrants.

And Leibowitz, to put it mildly, was exaggerating.

If Leibowitz is a man of pride he should hesitate to return to Alabama.

But the only thing the New York lawyer has to fear from Alabamians is a contempt that cannot easily be hidden, a contempt that is reserved for the sour loser.

Scottsboro Front Split at Meeting

Amsterdam News

Old Antagonisms Revived by Speakers After March to Washington—Large Audience Lacking in Former Enthusiasm

5-17-33
New York, N.Y.

Aroused to historic heights of indignation by the Palm Sunday conviction of Haywood Patterson in Decatur, Ala., and spurred on to a mass protest march on Washington, Harlem seems to be suffering a reactionary let-down on the Scottsboro case.

This fact was evidenced at a monster meeting at Rockland Palace last Wednesday evening, where an unresponsive audience of 5,000 persons assembled to hear the report of the Scottsboro marchers who vainly sought to protest the decision to President Franklin D. Roosevelt on May 8. The meeting was sponsored by the Scottsboro Action Committee, which was also responsible for the demonstration at the nation's capital.

Instead of giving a detailed report of the march, speakers on the Rockland Palace program launched a bitter attack against the various organizations and individuals who had joined in a "united front" to support the defense of the nine boys and sought to arouse a jaded audience to fight against the leadership it had previously followed.

The National Association for the Advancement of Colored People, the Socialist Party, The New York Amsterdam News, the New York Age, the ministers of Harlem, and the professional practitioners of the community bore the brunt of the attack waged by a long list of speakers. Included among the attackers were Louise Thompson, national secretary of the sponsoring body; Richard B. Moore of the International Labor Defense, Larry Cohen (white) of the Conference for Progressive Labor Action, Samuel Patterson, chairman, and several others.

Mrs. Janie Patterson, mother of the twice convicted youth; Ruby Bates and Lester Carter, two chief witnesses for the defense in his retrial; Irving Schwab, I. L. D. attorney, and the Rev. A. C. Powell, Jr., assistant pastor of Abyssinian Baptist Church, also made short addresses. Two-minute talks on the hardships and significance of the march were given by several participants, including the Rev. J. Brooks Callander of the African Orthodox Church, Mrs. C. J. West, Mrs. Ruby Edwards and William Boyd.

Organizations Attacked.

The N. A. A. C. P., which is at present raising funds for the defense of the boys, was savagely attacked by Moore and other speakers. The Amsterdam News was scored because its general manager, William H. Davis, carried a delegation of nineteen persons to present a petition of 145,000 signatures to President Roosevelt. The Age was opposed because it carried an article connecting Miss Thompson and the I. L. D. with the Communist party. And the ministers, many of whom have donated their churches and services for Scottsboro meetings, and the Socialist Party, which was invited into the "united front," were attacked for everything from Hitlerism to petty larceny.

Attorney Schwab brought greetings from the Scottsboro defendants, Angelo Herndon and the Tallapoosa sharecroppers; Carter and Miss Bates expressed their intention of going back to Alabama to testify in behalf of the other eight boys, and the young Rev. Mr. Powell made a plea for all "to forget pettiness, narrowness and false racial antagonisms in the fight to free the boys."

No mention was made of the old "united front" of all groups on a common cause which made history in Harlem during Holy Week.

Scottsboro Case May Be Depicted for Posterity in Murals of Diego Rivera

Student of Celebrated Painter Is Planning Artistic Project

Amsterdam News

By T. R. POSTON.

New York

THE BARBARISM of Alabama will be preserved for posterity if a project now being planned by Yay Sanches, young Mexican mural painter and pupil of the great Diego Rivera, is carried out. 5-17-33

Sanches, an assistant to Rivera in the disputed creation of a mural in the RCA building at Radio City, is completing a collection of newspaper clippings, sketches and pictures of the celebrated Scottsboro case with the view of reproducing the high lights of the internationally famous case on the walls of some metropolitan institution in the new future.

The projected mural will be done in true fresco—that most enduring decoration used by the Egyptians more than 4,000 years ago to preserve for the ages their impression of that period. The same medium was used by Rivera in the creation of the openly Communistic mural in Radio City which recently broke another storm around the head of a man whose artistic life has been a series of tempests.

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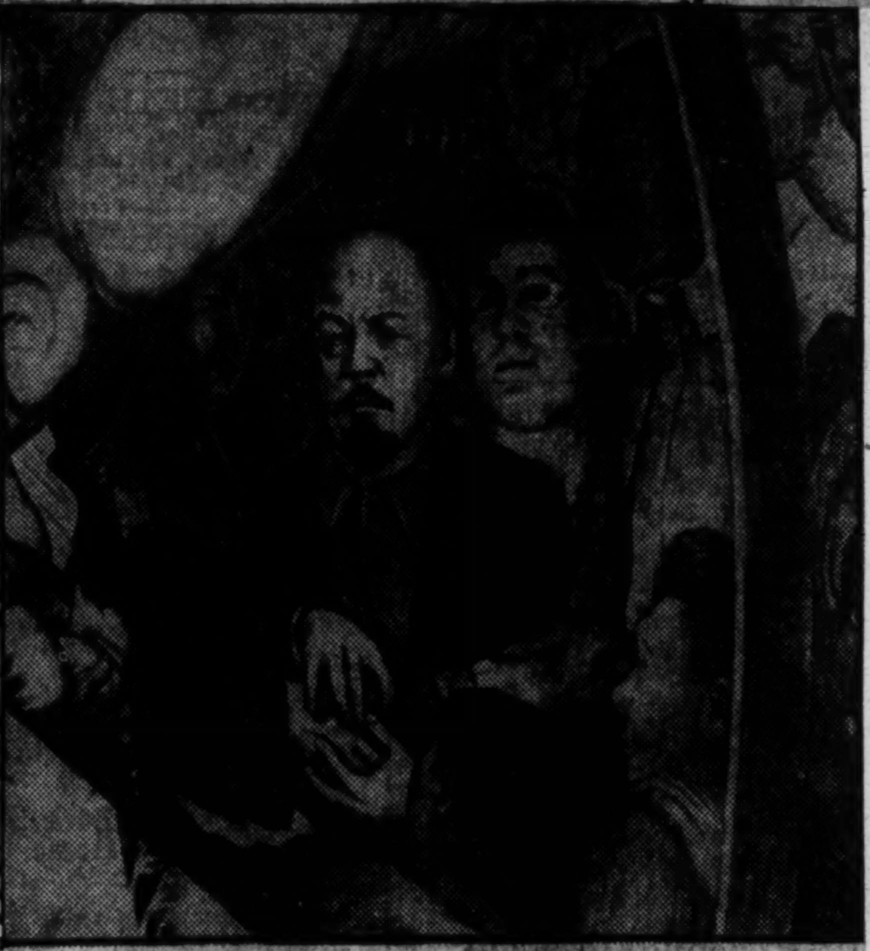
IT is certain that Rivera, believed by many to be the greatest mural painter of the century, will assist his pupil in the creation of the Scottsboro fresco—if, indeed, the master does not take over the project himself. As a proletarian painter, Rivera is intensely interested in the position of the Negro in America and was so deeply affected by the Decatur verdict convicting Haywood Patterson that it was impossible for him to continue his all-absorbing work in Radio City for a while.

In his present mural, now threatened with destruction in the RCA building, the Negro plays an important part. One of the most prominent figures in the foreground of the American scene is that of a colored girl in a student group. This figure is a likeness of Miss Ethel Carr, a Temple University graduate, who posed for the artist. Directly beyond Miss Carr is the head of another Negro student in whose thick lips and flat nose a faint resemblance to the writer of this article may be discerned.

A Negro worker is included in the ranks of the unemployed men who march past South and Wall streets under the vigilant eye of Commissioner Bolan's mounted police in another scene, and the painter was considering adding a "Free the Scottsboro Boys" placard to the others carried by the demonstrators stating, "We Want Work, Not Charity," "Free Mooney," and "Down With Imperialistic Wars Against Soviet Russia."



The Disputed Lenin Panel in the Radio City Mural.

But a Negro worker figures most prominently in the panel which brought about the dismissal of Rivera last Tuesday and ended in the threat of destruction of the whole mural. This panel shows Lenin, the patron saint of the Russian revolution, joining the hands of a soldier, a white worker and a Negro. Nelson Rockefeller objected to the likeness of Lenin.

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THEREFORE, through the pupil, Sanches, and the master, Rivera, Posterity may yet hear of and discuss the fate of nine Negro boys whose lives were placed in jeopardy—if not lost—because their skins were black. In view of this it is quite possible that 5,000 years from now some renowned archaeologist, delving into the ruins of what once had been the New York City, Chicago or San Francisco of today, might uncover a wall filled with hieroglyphics of especial significance.

And, studying these, some future chronicler of these turbulent times may describe the America of 1933.

"In those times," this future historian may write of this period, "a large portion of the North American continent was set apart by arbitrary boundaries and designated as the United States of America. This area inhabited by a heterogeneous group boasted an estimated population of 125,862,037 persons. This population, in deference to the tryannical customs of the land and despite its mongrel composition, was divided into two classifications, commonly called the blacks and the whites. The blacks (Negroes or niggers, according to the section) composed 10 per cent of the whole or approximately 12,684,926 souls.

"These Americans (as those arbitrarily divided inhabitants insisted upon calling themselves) were a

Negro Figures Used in Fresco Decoration at Radio City

half-civilized group of barbarians who constantly sought to bolster their conceptions of national and racial entity by the outward adoption of ridiculous platitudes—the most common of which was "all men are created free and equal."

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"WHILE some of these platitudes were national in scope—that is to say, they were accepted by all persons within the artificial boundaries of those United States—other platitudes and concepts were more or less localized and peculiar to the section of the country in which they were originated and maintained. In this way the concepts of "White Supremacy" (a contention that all whites were inherently better than all blacks), and "the Purity of White Womanhood" (that the females of the white species were pure and undefiled by the blacks) were brought into being.

"These latter concepts were born in the Southern part of the country immediately after the blacks had been freed from a short period of enforced servitude at the hands of the whites. In later years—during the 1900s—the leaders of the South found it to their advantage to foster these purity concepts most openly so that the poor and exploited whites would not see that they too were being mistreated by the rulers in the same manner as were the blacks.

"Therefore at stated intervals, surreptitiously set by the leaders, the poor and exploited whites would be influenced to seize some equally poor and exploited black and to torture him to death. In this way the unfortunate blacks and whites would spend their time fighting each other instead of uniting against the leaders who systematically robbed them all.

"And so, on a certain day in 1931, a freight train was passing through Alabama (one of the least civilized of the Southern provinces) when agents of the rulers, hearing of a fight between some black and white youths, halted the conveyance and arrested nine brothers named Scottsboro...."

Neither Sanches nor Rivera can vouch for the historical interpretation which may be placed upon their murals, but the student at least is determined that Posterity shall hear of the plight of the nine black boys in Alabama.

Living Church
Milwaukee, Wis.

JUN 10 1933

"Scottsboro, Decatur, and Boston"

TO THE EDITOR: I am deeply gratified for your editorial of May 13th, Scottsboro, Decatur, and Boston. It is the sort of editorial I have long desired to see in your paper, as expressing the Anglo-Catholic attitude toward race proscription and social injustice.

I do not comprehend the logic of Fr. Albinson's letter, anent the Scottsboro case. It seems slightly illogical. I should like to have him develop his thesis. He seems to argue that harm is produced by the intrusion of lawyers from the north, particularly Jewish, into cases involving the legal protection of Negroes. Moreover, he urges that "if the people of the south are let alone there is very rarely a miscarriage of justice in cases at law where Negroes are concerned." If this contention is admitted, his conclusion is correct; but the fact exists that his contention is incorrect; if the people of the south are let alone there is rarely any justice for Negroes in cases at law, or in any other situation affecting white and black. Moreover, he seems to argue that "a sovereign state has the right to administer its own justice" in terms of its own concept. If this is true, lynching, disfranchisement, and social proscription are justifiable. Again, he argues that the intrusion of northern agencies into situations of southern injustice causes harm, and is unchristian. Would he argue that the causes of the intrusion—legal and social injustice to Negroes—constitutes no harm and are Christian-like? Admittedly, in cases of Negroes in the south, it is the state that is on trial, and not the defendant at the bar, but this, not because of a show of northern superiority but because there is remote probability, that bigotry and race prejudice rather than Christian intelligence are dominant factors in the administration of southern justice, so far as Negroes are concerned. The Scottsboro case raises the important question of whether the normal southern mind is competent to administer legal justice to Negroes and of whether that mind has developed a concept of illegal and unconstitutional justice for those people. The rulings of the United States Supreme Court seem to indicate it has. The guilty element is not the northern group that has brought to light the constitutional injustice, but the element that develops and seeks to perpetuate it. I would remind Fr. Albinson that if the south would give equal justice to Negroes there would be no necessity of northern intrusion. No intelligent person can agree that harm is produced by the exposure of evil; the fact exists that harm is produced by the development and stubborn perpetuation of evil conditions.

(Rev.) HARRY E. RAHMING.

Denver, Colo.

Lynchings - 1933
&
Legal Punishment for Rape.

Alabama.

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Daily Worker 5-6-33

New York, N.Y.

Scottsboro Marchers To Fight For Civil Rights For Negroes

FOR two years the Negro and white working masses have been waging a life and death struggle to save the nine innocent Negro boys framed at Scottsboro. Through the militant leadership of the Communist Party and the International Labor Defense, supported by the world-wide revolutionary movement, the issue in the struggle, during this period, has been raised beyond the question of saving the lives of nine framed-up defendants to the fundamental issue of defending the most elementary rights of the Negro people in the United States.

The justice meted out by the Alabama courts has sharply revealed to the whole world that behind the Scottsboro case rages an elemental war between the reactionary forces of the white ruling class and the awakening Negro people, in solidarity with the white workers, for their right to complete equality. It is this fundamental principle which is the moving force in the stubborn struggle of countless black and white toilers in behalf of the Scottsboro boys.

MILLIONS OPPRESSED

Thirteen million Negroes, a tenth of the population of the United States, are living today under various kinds of disabilities, economic, political and social.

In the Black Belt of the South, 8,000,000 Negroes, although constituting a majority of the population, are reduced to the status of an oppressed nation. The so-called "emancipation proclamation" of 1863 has in no way lifted the actual yoke of slavery from the Negro masses. This proclamation did not touch upon the fundamental question of land, and by depriving the Negroes of the land, their slavery has, on the contrary, been perpetuated. The material conditions of Negroes under the present system of share-cropping, peonage, denial of the right to sell crops, plantation stores, usury, and convict labor, are in no way improved by their

"legal" freedom. All the forces of government are enlisted to maintain their slavery.

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BY law, and by practices unchecked by law, the Negro people of the United States are everywhere subjected to economic super-exploitation, to social indignities, and to political inequality bordering on virtual outlawry. The Bill of Rights in the American Constitution is for the Negro masses a mere fiction.

The 13th, 14th and 15th Amendments to the Constitution, adopted ostensibly to admit the Negro people to political equality, have proved a hollow mockery. State upon State maintains legal restrictions on the rights of the Negro people. Chain-gang slavery, peonage, disfranchisement, segregation, inter-marriage bans, all or in part, are legalized in more than half the States in the Union, while "unwritten laws" legalize such practices as the closing of many occupations, (particularly the skilled industries) and the professions to Negroes, the discrimination in the American Federation of Labor unions, the imposition of inferior working and living conditions upon Negroes, prejudicial treatment of Negroes in dwellings, in public places, in places of employment, in educational institutions, in law courts, on public carriers, etc.

THE ALABAMA LYNCH VERDICT

The recent lynch verdict of the Decatur courts, in the case of Haywood Patterson, first of the Scottsboro boys to come up for a new trial, has most especially brought to light the flagrant systematic exclusion of all Negroes from jury service; has evidenced the repeated and wilful attempts by the courts of Alabama legally to murder nine innocent boys in the face of their proved innocence, in the face of the perjury of the principle State witnesses, of the acknowledged injection of race prejudice by the attorneys for the prosecution, and of admitted tampering with the jury

So brazen has been the offensive of the boss-controlled courts of Alabama in the Scottsboro fight which has become a test case for the continued tyranny over the Negro masses, that the moment has come for the Negro people and white working class, as well as all true friends of Negro liberation to hurl the challenge: **Shall a nation of thirteen million people continue to remain oppressed economically, politically, and socially, or shall the entire American working class, white and black, join in unison to demand full and unqualified equality for the Negro people!**

Finally, the refusal of Congress to avail itself of the enforcement powers granted it by the 13th, 14th and 15th Amendments, the refusal of the President to exercise his executive powers to check lynchings, has given the stamp of approval, the status of unwritten law, to the murderous instigations of the white master class of the South against the Negro masses whom they seek to keep in perpetual subjection through the most fiendish terror. The railroading to long prison terms of Angelo Herndon and the five Tallapoosa sharecroppers are examples of the whole system of white ruling class oppression, particularly in the South.

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The Constitution of the United States includes three Amendments avowedly for the purpose of giving political equality to the Negroes. The following are quotations from the 13th, 14th and 15th Amendments:

"Sec. 1. Neither slavery nor INVOLUNTARY SERVITUDE, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they

reside. NO STATE SHALL MAKE OR ENFORCE ANY LAW which shall abridge the privileges or immunities of a CITIZEN of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

"The right of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude."

Each of the foregoing Amendments carries with it an enforcement clause reading:

"Congress shall have power to enforce this article by appropriate legislation."

The responsibility for the inhuman oppression of the Negro people rests directly upon the white ruling class and its State and Federal Governments. Numbers of states openly launch attacks upon the living conditions, liberties and lives of the Negroes, while the refusal of Congress and President to act or lift a voice against these atrocities clearly demonstrates their partnership in the onslaught upon the Negro people.

Congress in two flagrant examples out of many has jumped to the defense of the lynchers: in the case of George Crawford, where impeachment proceedings were overwhelmingly voted against Judge Lowell because he refused the extradition of a framed Negro to Virginia on the ground that any sentence passed there would be illegal on account of exclusion of Negroes from juries; and in the case of the Hawaiian lynchers, where Congress lined up with Clarence Darrow to prevent their punishment.

Clearly, the liberation of the oppressed Negro people, as indeed of the entire toiling masses, is the task of the Negro and white toilers of the land. Not by way of holding forth legalistic illusions, not in the spirit of the reformists, as in

formal presentation of anti-lynch laws without the rousing of mass struggle and support for their enforcement, but by way of bringing forward militantly the claim to equal rights for the Negro people, the League of Struggle for Negro Rights has brought forward the Bill of Civil Rights, which has been endorsed by the National Scottsboro Action Committee.

ONLY STRUGGLE IS EFFECTIVE

Only by constant struggle, by a consistent fight on the part of millions of toilers, black and white, by the combatting of every expression of Negrophobia, can enforcement of such a bill, effective legal protection for Negroes in all fields, and actual enforcement of their equality, be obtained.

The community of interest between the struggles of the Negro people against national oppression, and those of the white workers against their exploitation and degradation by the same ruling class forces, is clear. That the white workers increasingly recognise this common interest is shown by the fact that even in the South they are being drawn more and more into the struggle for Negro rights.

It is in no way an accident that it is in the South, where the ruling class doctrine of white supremacy reigns most openly, that the conditions of the white workers are the most degraded, their exploitation most extreme. The slave status of the Negro masses is used by the ruling class as a weapon to whip down the living standards of the whites. The laws of the Southern states which disfranchise the Negroes operate also to the same effect against large masses of white toilers. Armed forces of "law and order" and the extra-legal forces, such as the Ku Klux Klan, which supplement them, though used primarily to enforce slavery on the Negroes, are used also against the whites whenever they attempt to fight for better conditions.

Mob violence, which the ruling class and its government authorities use as a weapon against the Negro toilers, is instigated by the drawing in of white workers into its operations, for the purpose of diverting them from their community of interest with the Negro masses.

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SOME of the basic democratic rights denied the Negro people almost completely include those of jury service, voting, educational facilities without discrimination, and the right to move from place to place freely without being shamefully herded into Jim Crow vehicles. These conditions are dealt with explicitly in sections of the Bill of Civil Rights designed to abolish them. Heavy penalties, as well as provision for civil damages, are provided for their violation.

Lynchings and police murders, and murders of Negroes by individuals at the instigation of the white ruling class and its officers, are the most violent open expressions of the drive against the Negro masses. Five thousand Negroes have been lynched in the past fifty years. Last year, with suppression of all information regarding lynchings the order of the day for the working class and its press, thirty-seven lynchings came to light. In the first two months of 1933, nine lynchings were recorded. Besides these, and besides the unrecorded lynchings, there have been a growing number of police murders and murders by individuals, of Negroes, mounting into hundreds per year as this form of terror has become more popular with the white rulers of South and North.

Against these, also, sections are provided in the Bill of Civil Rights, authorizing specific use of every agency at the command of the government—not, as is now the practice, to promote them, but to prevent them.

The conditions which require the inclusion of sections 3, 4 and 5—against disfranchisement, disqualification for jury service, and school segregation and discrimination, are particularly concrete, as embodied in the laws of many states, and in the practice of all.

* * *

ON the basis of the mass movement roused around the indignation and protests of millions of Negroe and white workers over the infamous lynch-verdict of Decatur in the Scottsboro case, concessions can be won by a militant struggle, from the ruling class. Such concessions, partial though they may be, are definite forward steps in the national struggle of the Negro people for the right to self-determination. Only the winning of this right, with the confiscation of the land now held by force by the white ruling class, can achieve the actual liberation of the Negro people.

The League of Struggle for Negro Rights, an organization of Negro and white, wholeheartedly approves of the proposed program of action of the National Scottsboro Action Committee in presenting President Roosevelt and Congress on May 8 with a demand for the freedom of the Scottsboro boys and with the "Bill of Civil Rights" demanding the enforcement of the 13th, 14th and 15th Amendments to the U. S. Constitution as an inseparable part of the struggle for the freedom of the Scottsboro boys.

Scottsboro Boys' Own Story of Jail Abuse

Daily Worker 5-1-33

I.L.D. Attorney Schwab Gets Facts Which Give Lie to Malicious "Mutiny" Stories

BULLETIN.

PHILADELPHIA, Pa., April 30.—Negro and white workers fought off attacks of police here today and held a mass meeting in front of the Standard Theatre to demand release of the Scottsboro boys. 3,000 held a second meeting in the South Side following the first struggle.

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(Special to the Daily Worker.)

BIRMINGHAM, Ala., April 30.—The first authentic report of what actually occurred in the Jefferson County jail in connection with what the capitalist press maliciously described as the "Scottsboro Mutiny" on Thursday and Friday became available today when Irving Schwab, attorney for the International Labor Defense, visited the Negro boys in their cage on the eighth floor of the prison.

Abused in Prison.

The framed-up Scottsboro defendants told Schwab that they had been receiving particular abuse at the hands of a guard named Dement. They had objected to the use of the word "niggers" in referring to them and constant cursing—all of which culminated in an open protest

policemen tore h

wall. He collapsed under a hail of blows. A policeman was kicking his hat like a football over the square.

The police wavered. In spite of their mad rush at everything in their way, they couldn't break up the demonstration. On the contrary they

have come to them, not only from workers in the United States, but from other countries as well.

Daily Worker

The prison guards sought to quell the protest of the Negro boys by bringing to the day cell about 25 white and Negro prisoners, armed with blackjacks. The guards called for the boys to come out, but the latter refused, arming themselves with whatever they could find about the cell for defense—continuing all the time to shout protests.

5-1-33

The attack upon them was called off, but the boys refused to leave the cell for 24 hours. They were denied all food during this time, according to the I. L. D. attorney, and, contrary to capitalist press reports, were not even given bread and water.

The boys surrendered, Schwab reports, when they were promised better treatment. Their spirit is high, he says, and they feel confident of ultimate release by the workers of the country.

NEW YORK.—A truckload of marchers is leaving today from Portland, Ore., it is announced by the National Scottsboro Action Committee, 119 W. 135th St., which is organizing the march. The purpose of the March to Washington is to demand

of President Roosevelt on May 8 that he intercede for the release of the

Scottsboro boys and that Congress pass laws guaranteeing the constitutional rights of Negroes.

The National Scottsboro Action Committee is negotiating for 200 large buses to carry the New York marchers to Washington.

Marchers who have already signed up for the demonstration met Sunday at the Lido Palace, 146th St. and Seventh Ave., New York. Here they were divided into Block Committees, captains elected, and plans for the march formulated.

May 2 and 3 have been designated by the National Scottsboro Action Committee as Scottsboro Days for the enlisting of recruits. A house-to-house canvass will be made in Harlem and other sections of New York City to sign up workers and secure provisions and supplies.

NEW YORK.—A "Scottsboro March Sound Truck," operated by the noted Negro aviator, Colonel Hubert Julian, will cruise up and down Harlem streets this week, calling on workers **to support the Scottsboro campaign and enlist for the demonstration in Washington, May 8.**

Richmond Meet

RICHMOND, Va., April 30.—One thousand Negro and white workers, professionals and students crowded the Fifth St. Baptist Church here at a Scottsboro protest meeting.

Speakers included Richard B. Moore of the International Labor Defense, who called for mass support for the Scottsboro March to Washington.

Prof. J. E. Moore of Virginia Union University voiced the sentiment of the audience when he declared that he was **"not scared by the Red bogey. If the Communists fight for the Scottsboro boys, then I am willing to fight with them."**

The meeting was held under the auspices of the Richmond United Front Scottsboro Defense Committee.

* * *

Norfolk Protest

NORFOLK, Va. (by mail).—With Richard B. Moore of the I.L.D. as the chief speaker, the local Citizens' Scottsboro Aid Committee held a **protest meeting attended by more than 800 at the St. John's African Church here.**

EL PASO, Tex., April 30.—The first auto caravan of Scottsboro March delegates to Washington hit the highways today when three cars full of workers and sympathizers left here for the trek to the capital. Several more cars of marchers will leave within the next few days, according to the secretary of the Southwestern Branch of the International Labor Defense.

Scottsboro Defense Fund Swelled By More Contributions

Journal & Guide
Norfolk, Va.
6-3-33

Contributions to the Scottsboro Defense Fund continue to come to the Journal and Guide to be forwarded to one of three organizations authorized to receive the funds—the national office of the National Association for the Advancement of Colored People, the International Labor Defense, and the American Civil Liberties Union.

Latest contributions include a check for $8.00 from members of the Alpha Zeta Lambda Chapter of Alpha Phi Alpha Fraternity of Bluefield, W. Va.; a donation of $5.00 from Kesler's Chapel A. M. E. Zion Church, the Rev. S. S. Riggs, pastor, of Wadesboro, N. C.; and $1.50 from the Excelsior Sunday School and Rosenwald Day School of Zuni, Va.

Contributors of one dollar each in the fund raised by Alpha Zeta Lambda Chapter were: Dr. W. W. Goens, John Patterson, Dr. R. R. Higginbotham, Harry R. Jefferson, Douglas Anderson, Dr. C. A. Rogers, Dr. W. M. Wright, and J. C. Kingslow. All of the men except Mr. Patterson are residents of Bluefield. Mr. Patterson's home is in Kimball, W. Va.

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PHILADELPHIA PA. BULLETIN
APRIL 11, 1933

THE SCOTTSBORO CASE

Every patriotic citizen will pray that a righteous indignation over the verdict of an Alabama jury in the first re-trial of the series of Scottsboro cases will be restrained and will not be permitted to start a conflagration of racial prejudice and madness. Protest is justified. Appeal to the ultimate recourse of law is desirable and should be urged. The better mind and spirit of the State of Alabama may intervene, both in this individual case and in the further trial of the remaining cases. But the spirit of lynch law is not the right way to secure justice, even if the fury of the mob be directed against the institutions of the State instead of being visited upon individuals.

The conduct of the trial was to the credit of Judge Horton, who presided, and to that of the State of Alabama, whose authority was used to check every demonstration of violent prejudice. The verdict of the jury, which seems to the outside world to be in contradiction of the weight of evidence presented, is not, in itself, a reflection upon either. And the assumption should be that there is power in the institutions of the law and justice to assure fairness, as against prejudice and passion. The appeal from what is regarded as an unjust verdict ought to be in the spirit of such an assumption rather than through inflammatory tactics, which are the method of the mob.

Athens, Ala., Democrat
May 18, 1933

ERRONEOUS IMPRESSION

When George Chamblee of Chattanooga appeared in circuit court here Thursday morning to get a writ of habeas corpus for two of the Scottsboro negroes it so happened that the case of Lewis Williams, colored, was called for trial. It was presumed by some that Chamblee was here for the purpose of representing Williams, but the Chattanooga attorney soon dispelled this impression.

MAY 17 1933

Hits Leibowitz On Motives in Scottsboro Case

Negro Leader Criticizes ~~Lawyer~~ for 'Bragging' Over Political Ties

Samuel S. Leibowitz, Brooklyn defender of the Scottsboro Negroes, was criticized last night for his political affiliations by the spokesman for the organization which retains him in the famous case.

Before a mass meeting in behalf of the prisoners, William L. Patterson, Negro, general secretary of the International Labor Defense questioned the sincerity of Leibowitz' fight for Negro rights. About 200 persons, mostly Negroes, heard the criticism at John Wesley M. E. Church, 305 Pacific St.

"Leibowitz is bragging about the fact that he is a Democrat, a party that has its Tammany Hall here and has its lynch-rule in Georgia," he said. "Surely he fought a good fight for us. But unless he shows he is a real champion of our cause we may ask carefully why he went down there for nothing.

"We can imagine the reason he went down. Because it was the greatest legal case in the country, that is bound to bring him respect and make himself a hero.

"But we will not let him play political football with the lives of nine Scottsboro boys nor of the Negro people. We did not care who the lawyer was as long as he saved these boys."

Other than to declare that "the record speaks for itself," Leibowitz today declined to comment on the Patterson statements.

In behalf of the defense counsel, it was pointed out, however, the political and racial issues in the trial have not been injected by Leibowitz and that the Brooklyn attorney has concentrated in the proceedings so far on building up an appeal on the basis of Negroes being denied admission to juries in Alabama.

Patterson told an Eagle reporter that the defense was satisfied with Leibowitz' handling of the case, that "it is not contemplating any change in counsel." He added Leibowitz is slated to argue for a new trial in June.

Augusta, Ga. Herald
May 16, 1933

Let's Think This Over

—WHAT IS WRONG WITH THE COURTS?

By I. S. CALDWELL

T. 78

IN SUNDAY'S Augusta Herald our good friend George S. Murphey expressed surprise that I should think the Scottsboro boys innocent of the crime for the commission of which they were found guilty. My observation of cases of this kind in several states has led me to the knowledge that in many cases the mob spirit was the deciding factor. I know of one case in this state where a member of the trial jury said that he voted as he did for conviction because the accused was a Negro. Every intelligent, observing, mature man who is familiar with the administration of law in sections where there are enough colored people to arouse racial hatred, knows that black skin often prevents justice.

In regard to the Scottsboro case there were several things that gives reasonable ground for doubting that the men are guilty. A long time ago there was a man in Spain who had a variety of expedients to force confessions and it seems at times that the spirit of Torquemada has been divided into a multitude of spirits and that they have been reincarnated in some modern officials. In this particular case one of the women who testified against the negro men says that she was forced to say the men were guilty when she knew that they were not guilty. She says that as soon as she escaped from coercive influence that she determined to retract her charges. What is the truth of the matter? Is it still true that it is better for a hundred criminals to go unwhipped than that one innocent man should be unjustly punished?

Why did the jury in this particular case do the unusual thing in fixing the dealth penalty rather than leave it to the judge to decide? The fact that this was done is a clear indication that there was prejudice in the court room. The men on trial were black and the lawyer conducting the defense was from New York and he was a Jew and he was a member of the I. L. D. The lawyer ought to have remained in New York. There was enough prejudice already.

Mr. Murphey is correct in saying that this country is developing a criminal tendency and a criminal record that is blacker than that of any other nation. It is also true that our halting courts are largely to blame for existing conditions. When unmerited leniency is extended to a Negro it is usually done at the behest of some white man who has an axe to grind. The number of times that justice miscarries in this country is notoriously great but the Negro race with all of its aggravating faults is not responsible for the halting, falacious procedure of our courts. The white people have the courts in their hands. We are responsible for the failure of justice and the wreaking of vengeance on a few colored people will not relieve us of the responsibility. God Almighty is responsible for some things, the negro race is responsible for something, but undoubtedly neither God nor the Negro is responsible for the courts of Alabama or Georgia.

Our courts are too expensive, they function too slowly and too uncertainly. It is time for a general overhauling of judicial procedure. Last summer while I was in Milwaukee a man charged with second degree murder was brought before the judge of the district court the day after the alleged crime was committed. The judge told the man that he could get a lawyer and demand a jury trial or he could make his statement and let the judge decide. The man preferred to let the judge try the case. That afternoon he was taken to the state prison to serve ten years. A case like that in Jefferson or Richmond would take a whole day, possibly two, would cost the citizens of the county several hundred dollars and then there would likely be an appeal with additional cost. We need a revolution in judicial procedure.

Clarksdale, Miss. Register
May 11, 1933

—FOULNESS—

Ruby Bates of Huntsville, Ala., who figured in the Scottsboro case with rather unpleasant notoriety—for those who had to read the filthy stuff—has become a platform performer and she also led a gang of negroes and radicals down Pennsylvania Avenue to the White House:

If the President were ever inclined to meet radicals face-to-face, or as man-to-man, he would hesitate a long, long time and his usually calm demeanor would be ruffled by the necessity of contact with the Bates woman.

So of course he refused to greet the motley crew.

The President's secretary was sent, as a matter of fact, to wave them away.

Ruby Bates spoke in both New York and Washington.

By the Great Horned Spoon! It seems strange that in this land where we believe in the fitness of things there could be any one who would give ear to a moron and degenerate.

We can with some sense of fitness give heed to the roar and rumble of the voice of Danton—he of the disfigured face, the ape-like body and massive head who led the initial stages of the French Revolution to the guillotine.

But who can stomach this sorry spectacle in Washington even though there be some justice to the cause against the Scottsboro case?

The story—from first to last acts in which Ruby Bates engages — is so foul and filthy that we make our case against it as brief as maybe.

Raleigh, N. C. News and Observer
April 24, 1933

T 6

DEPLORES METHOD OF TRYING NEGRO BOYS

Walker Thinks Defendants In Scottsboro Case Deserve New Deal

"If Communism and attendant turmoil should spread among the Negroes of the South, it will not be so much the fault of a race that was brought here in chains and is kept here in ignorance as the fault of certain well-fed members of a race whose ancestors fled here to establish justice but whose children's ears have become so intent upon the clink of the dollar that they can no longer hear the wail of oppression," asserted Rev. Joseph R. Walker in his morning sermon at the West Raleigh Presbyterian Church yesterday.

He was regretting the circumstances surrounding the trial in Alabama of seven Negro boys charged with assaulting two white girl hoboes. Continuing his discussion, the minister said:

"During the past week we have been reading of an illustration of this fact that is of peculiar interest to us here in the South. I would like to commend an editorial in The News and Observer on the notorious Scottsboro case, and to carry the thought a step further. Mr. Daniels comments upon the fact that the case was prejudiced by the fact that the Negroes' lawyer was a Northerner, and a Communist, and that he used abusive language about the South. The editor states that the Negroes could be better defended, and should be defended, by able Southern lawyers. He points out also the rather obvious fact that they are being served by a Communist organization, not from any particular love for the Negro, but for purposes of propaganda among Negroes. He concludes, however, by observing truly that except for this propagandizing service, they would have been already hanged.

"Well, we do not have to be radicals to admit that it is good propaganda, and legitimate propaganda, though some of us may wish it were in a better cause. I wish to raise the question, why is there no Southern organization to come to their defense; some manufacturers association, some merchants association, some organization of farmers or legal body composed of Southerners give them help in their extremity? Why is it that here in the South, among those who draw so much of their manpower and wealth from the black man's toil, there are not people who care enough for the Negroes welfare to provide an organization whose business it should be to investigate and make war upon injustice to the Negro in our courts? Is it because there is not enough injustice to warrant such a thing? One has only to read cold facts in the last issue of Harper's, an article entitled, "Chain Gangs and Profit," to become sick at heart. The Negro picks our cotton, hoes our corn, heaves our brick, lays our roads, cooks our food, tends our children. Vast fortunes have been built in the South upon Negro labor. Why is it that no one has thought to provide a place to which seven Negro boys can turn who are about to be hanged on a fram-up? I will tell you why—because we have been too content to get from the Negro, and too little interested in giving him even the common ordinary justice which we take as our own birthright, and for which, if necessary, we would die."

Birmingham, Ala., News
May 25, 1933

VOICE OF THE PEOPLE

Expressions from readers upon topics of current or general interest are welcomed. Writing should be on one side of the paper only and should not exceed 300 words. Anonymous communications will not be printed and letters unaccompanied by self-addressed, stamped envelope will not be returned. The News reserves the right to shorten letters of excessive length.

"AN ABIDING FAITH IN THE GOOD PEOPLE"

To the Editor The News:

It is very interesting to read the many articles about the Negro and the Scottsboro case. From these one gets a very good idea of how the other group is thinking about these things. The best part of it all is the very frank, and to a great extent sympathetic, and tolerant attitude expressed in a great many of the articles.

Unfortunately, there are some who use every excuse, from the so-called danger of social equality to the very Bible itself, to keep from admitting the Negro has as much right to expect and ask for equal opportunities, justice and the right to participate to the fullest extent of his ability in this great American government as any other group has. No one believes in racial integrity any more than I do. Yet I think it is quite possible to allow the Negro the same chance others are allowed and still maintain racial integrity. Of course, most intelligent people know this, but won't admit it because of selfish interests. It's simply an old vestige of might makes right—to the strongest belong all the best things.

No one who has read the least bit of world history can conscientiously believe in racial superiority. We have always had individual superiority, but all races have shown capacity to produce great men and women. The Negro is no exception to this rule. Carver and Washington, of Tuskegee; Dunbar, the poet, and a host of others too numerous to mention are examples worthy of notice.

Would one say the Italians were an inferior people just because the Romans built a great empire almost within their midst while they remained ignorant for years thereafter? Can the Nordic truthfully boast of superiority when the Chinese invented gunpowder, printing, and gave or sent these to Europe where the people were unable to use them for years, whereas the Chinese and other Easterners had been civilized for hundreds of years before? Imagine a people whose culture is little over 250 years old calling Jews inferior, when the Bible was written by them? Yet withal, no one of my group should allow himself to become too bitter, for no place where slavery has existed within the living memory of the people has given the Negro as great a chance as this country, notwithstanding lynching and other injustices that have been perpetrated upon him.

So, withal, I have an abiding faith in the good people of our country. There are too many Southern Christian white people who are not only ready and willing, but are actually advocating justice and fair play, for us to lose hope. And these people are neither radicals nor liberals, but just plain, honest Americans.

F. G. DINKINS.

Decatur. Ala

CHURCHES AND THE SCOTTSBORO CASE

Argus / St. Louis, Mo.
6-2-33

The word "Scottsboro," is familiar to more than forty million people. When they hear this word, a picture of nine innocent Negro boys who are sitting, as it were, in a death chair waiting for an electric shock to snuff out their lives comes before them.

"Innocent," yes, we think that every fair minded person, or rather every normal minded person, who knows anything about the evidence which has been produced in the courts will agree with us that the charges against these boys were "framed," and that the accused are innocent of rape upon two white girls in Scottsboro, Alabama more than two years ago. Now, therefore, the question which arises is what are you going to do about it? Yes, "you," not what is he going to do nor what are they going to do, but you, yourself?

We are interested to note that the Federal Council of Churches of Christ in America, the leading religious organization in this country, has entered the case, is taking cognizance and in a public statement recently issued, among other things, said:

> We have viewed with growing concern the developments attendant upon the Scottsboro case recently brought again to public attention. The issues involved in the Scottsboro case are neither local nor sectional. The whole nation is concerned. Race prejudice is not limited to any section nor state. The treatment of Negro citizens almost everywhere in America brings all of us to shame.

The Federal Council of Churches is just another civic or religious body which has entered into this case, looking forward to and hoping for justice, simple justice, for the accused Negro boys; and in its protest, of course, it took cognizance of the treatment of the whole Negro race in America, based upon racial prejudice. Surely, something ought to be done to speed up such action in this case as will free these boys.

Forty million people are watching this case. It is an unusual case. Forty million people are saying that the boys are innocent. What do the Courts of Alabama say?

ANGRY MOB MANHANDLES EDITOR

Argus 6-2-33

William Davis and his wife, editor and owners of the Amsterdam News, have been subjected to much criticism and attempts at bodily harm at the hands of mobs led by the League of Struggle for Negro Rights and the followers of the International Labor Defense. Mr. Davis is accused of misusing funds which his newspaper collected for the defense of the Scottsboro boys, and newspaper reports state that his wife has been compelled to use a cane to defend herself against attacks of the mob.

St. Louis, Mo.

The controversy herein related is merely incidental and would not command any comment from us were it not for the fact that we see, in this, as the National Association for the Advancement of Colored People has warned, that there is likely to be much "trouble" up the road in the handling of the moneys which have been given for the defense of the Scottsboro boys.

It will be remembered that Mr. Davis and the Amsterdam News were the first to announce a campaign to secure a million petitions to send President Roosevelt. This newspaper was among the first to rush into print, telling about opening its office to receive moneys for the innocent boys, and now the life of its editor and his wife are being threatened and the Lord only knows what the end will be.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4285

Is the Negro in a Trap?

(From *The Christian Century*)

Christian Index
Jackson, Tenn
5-27-33

AFTER twenty hours of deliberation the Alabama jury sitting on the first of the Scottsboro cases to be re-tried brought in a verdict of guilty. The verdict carried the jury vote in favor of death. It is expected that the state will now press for quick trials of the other six defendants. Since the cases are identical, it is impossible to hope for different verdicts. These Negro boys will again be sentenced to die for an alleged attack upon two white girls, one of whom now denies that any such attack occurred. The verdict will not be well received in the North. This attitude on the part of the North will be hotly resented in the South. There is, therefore, every chance that the grave issues involoved may be lost sight of in a flurry of mutual sectional recrimination.

By this time the Scottsboro case (or cases, to be precise, since the boys are now being tried separately) is so well known to our readers that its details need not be recounted again. The United States supreme court held, in a 7-to-2 verdict rendered last November, that the young Negroes accused of raping the two girls whom they found bumming their way with a crowd of white boys from their Alabama mill town to Chattanooga and back, had not had a fair trial. The consequent re-trial—in the case of the first defendant—hinged on the testimony of the girls. This was absolutely contradictory. Although both agreed that they were together during the period when the attack was alleged to have taken place, one denied and the other affirmed the actuality of the incident. If ever a condition of "reasonable doubt" can arise it would seem to be under such a confusion in vital testimony, yet the jury is reported to have reached its verdict immediately and to have been delayed only in fixing the punishment.

There are reasons to believe that another appeal to the Supreme Court may lead to another intervention. The establishment, by the defense, of the exclusion of Negroes from juries in Morgan County, Alabama, where the re-trials are being held under change of venue, would seem to lay the proceedings open to the same criticism on which the Supreme Court set aside the former verdict. And the atmosphere surrounding the trial seems to have been as surcharged with popular passion as when the original trials were held in Scottsboro. Even the judge at Decatur, whose attempt to conduct a fair trial was notable, felt forced to refer from the bench to rumors and mob action against the defendants and their counsel. The *Christian Century* has already received several letters from various parts of the South expressing the opinion that, had the verdict been other than it was, there would have been some sort of popular outbreak.

It is good to feel that the final hope for these young Negroes is not lost with the verdict of this rural Alabama jury. But to those who study the Scottsboro cases as parts of the most baffling social problem in American life, a problem that is growing more dangerous every year, there is slight comfort in the possibility of another reversal by the Supreme Court. Undoubtedly the general feeling in Alabama—and throughout the south—is that the Decatur trial is significant, but because of its outcome, but because of its demonstration of the lengths to which the e would go (under pressure) to grant a Negro the benefit of the forms of the law. The tendency is now to turn to the rest of the nation—and to Negroes everywhere—and say, "What more could be done to insure due process of law?" Too few will be those who sense even faintly the despair in the Negro heart at the growing conviction that what this Decatur trial really signifies is, that whatever forms observed, the fate of the Negro turns out to be unchanged.

We are in no mood to upbraid the state of Alabama, or the South in general, over the Decatur verdict. To tell the truh, we have too keen a sense of the part which the accidents of geography have played in this whole matter of the place of the Negro in American life to feel like casting any stones from a northern vantage point. Recent Negro migrations to northern cities—now largely suspended on account of the economic stagnation—have indicated that, when the color question becomes a sizeable one in the North, the Negro can count on little more security, and justice than in the South. But the Decatur verdict, and what has gone with it, has revealed once more a condition within the nation of terrible menace. As such, it must be faced with frankness.

The simple fact which whites, in considering the national color problem, fail sufficiently to take into account is this: One-tenth of our American population lives constantly under a sense of jeopardy. It believes that it is trapped. It feels no more certain of justice, opportunity, fair dealing than an animal at the mercy of an irresponsible hunter. A life of rectitude may lead to a measure of community approbation; it may just as well lead to death at the hands of some irresponsible mob. Booker T. Washington was almost beaten to death for the crime of looking at the names an an apartment house mailbox. (That, be it noted, happened in New York City!) To the accustomed disabilities of the poor, the Negroes must add the handicaps imposed by terrific race prejudice. It is still cause for national notice when the conditions of segregation and discrimination which these causes produce are, even momentarily, transcended.

For seventy years the Negro in America has been under various sorts of pressure toward a higher standard of living. No more heroic chapter stands in the national record than the story of his climb. And many of the noblest names in the story are the names of whites. But always the Negro has remained at the mercy of the mob—in Chicago as much as in the South. And that has meant not only jeopardy of life (that, thank God, is growing less as the years pass!) but jeopardy of occupation, jeopardy of residence, jeopardy of opportunity for children, jeopardy in court. (It would be revealing to discover, over a ten-year period, how large a proportion of the persons actually executed in northern prisons are friendless Negroes). No white man can fully enter into this black man's world of jeopardy. But no white man with social imagination can fail to understand, at least dimly, how insecure it renders the future of American life. One American in every ten living under the tension produced by this ceaselessly gnawing fear!

To meet the Negro's need there have, in three stages, arisen three types of leadership. There was the leadership of philanthropic whites who, frequently at the cost of social ostracism, took up the black man's cause in the days following emancipation. Then came the leadership of the Booker T. Washington school, a Negro leadership which believed that, by sedulously avoiding conflict with white prejudice and gathering together an economic stake, the Negro would finally win sufficient approbation to lead to his being granted at least peace and opportunity by the whites. Latterly, however, there has emerged a more radical type of leadership, dating from the rise of Dr. DuBois, proclaiming itself disillusioned as to the readiness of the white man to do justice until the Negro organizes to demand and compel justice. It is this new leadership, intensely scornful of what it calls the "Uncle Tom" sort of Negro who is obsequient in the white's presence, that has set rumbling deep undertones of anger and desperation in American Negro life since the war. Today, even Dr. DuBois is on the edge of being displaced by a still more radical leadership within his race.

The Caucasians in the south who have become so aroused over the Scottsboro cases have been right in seeing, behind the trial of these friendless boys, something of deeper meaning. By a strange quirk of fate, these heedless moronic young drifters became the pawns over which a struggle was precipitated within the Negro community. It was a struggle between the championship of the race represented by Dr. DuBois and the National Association for the Advancement of Colored People (a leadership which most whites still regard as ultra-radical) and the leadership of the left-wing group which insists that the color problem is a part of the Marxian class war, and that the Negro can attain security only by enlisting in the war on the side of social revolution. The latter group won out; the Decatur trial was not fought by the N. A. A. C. P., but by the International Labor defense, a communist organization.

Faced by this unexpected issue, the whites in the south with few exceptions, swung into line at the sounding of battlecries born of their own prejudices. The strategy of the case on one side called for a class solidarity; very well, there appeared an equal class solidarity on the other side. White womanhood must be protected. (The slogan lost none of its effectiveness despite the circumstances of the case.) Outside intervention—especially northern intervention—in a southern matter must be resented. Americanism must withstand the red menace. The prosecuting attorney even called upon the jury to hang the accused as a rebuke to the machinations of "Jew money."

The latter note in the prosecutor's speech is worth pondering in these days when so much indignation is being registered in the United States over the anti-Semitism of Adolf Hitler. We have no doubt but that Hitler and his Nazis will do incalculable harm to Germany if they continue in their course. But it is by no means sure that the open and calculated brutality of their program will do more harm to Germany in the long run, than will the hypocrisy and callousness of our Nordics to America. Hitler is blasted by our scorn for putting under jeopardy less than one per cent of the people of Germany; it is to force back the United States that the racial, sectional and social prejudices of the whites are mobilized in such eventualities as this Scottsboro affair.

But to return to the main issue, the principal national significance of these Decatur trials is going to be the increase in the Negro's sense of desperation. What the Negro will see is not the carefully observed forms of the law; what he will see is the (to him) foreordained verdict. His is becoming the psychology of the trapped. Most of the south—no, we believe that truth compels it to be said that most of the whites of the nation—when confronted with the desperation of the trapped turn instinctively to the tightening of the trap. A few, such as the noble women who are working in the inter-racial commissions of the south, are aware of the future tragedy implicit in that course. They would take down bars; they would, by insuring security and opportunity, strike at the source of the Negro desperation. But they are so few in relation to the mass, and the progress that they make is so slow! Meanwhile there has definitely come into the picture this new, revolutionary element which is hastening both sides, white and black, toward catastrophe.

It is a time for great searching of heart on the part of the Christian churches. The mass of the Negroes is still touched by the influence of the churches as by no other influence. In the south, at least, the same thing is true for the mass of the whites. Ideally, the churches stand for the things which the Negro feels he is denied; the lack of which constitute the trap in which he is caught. Are the churches really, genuinely, in their vitals concerned about this? Here comes the prophet of the class war; he is concerned. Say what you will about his motives, his methods, and the outcome if his message is accepted. The fact remains that he has used the Decatur trial, and he will use a hundred other episodes, to prove that he is interested in the fate of the black man in the trap, that he will risk his own future to help the black man get out of the trap. In all honesty, are the churches ready to meet that challenge?

Scandal Looms As Funds Are Raised For Alabama Boys

Tribune 6-17-33

Philadelphia, Pa.

A nation-wide scandal looms because of the large number of individuals and organizations which are collecting funds supposedly to be used in the defense of the Scottsboro boys.

Samuel S. Leibowitz, who defended Heywood Patterson at Decatur, Ala., has issued a statement intended to put an end to the promiscuous collection of funds for the defense of the Scottsboro boys.

"I am working in conjunction with the I. L. D. and the National Scottsboro Action Committee in the continuance of the effort to liberate these innocent Negro defendants," he said.

Referring to the fact that his name was being used by others collecting funds ostensibly for the defense of the boys, he stated: "I cannot make it too clear that I have never given anyone my authority to take such action and that no one, either organization, committee or individual is authorized by me either directly or indirectly to make such representations."

Send Checks to Committee

Checks, money orders and currency for the defense of the Scottsboro boys should be sent to the ILD, to the National Action Committee in the name of Rev. J. W. Brown, treasurer, 119 West 135th st., New York City.

Meanwhile, the sum of $1,810.94 has been collected by the National Association for the Advancement of Colored People to assist the ILD. This money is being held in a separate account.

Two members of the National Scottsboro Action Committee, J. Dalmus Steele and Seward Virgil, who went to Washington, D. C., with the delegation led by William H. Davis, editor of the Amsterdam News, have been expelled from the committee.

Defense Witness Threatened

According to reports from Chattanooga, Tenn., attempts have been made to rifle the offices of General George W. Chamlee, chief of counsel for the Scottsboro youths.

Threats are also said to have been made against E. E. Lewis, important Negro defense witness. While Lewis was in Decatur at the trial, the KKK burned down his house.

Tribune 6-17-33

Philadelphia

The Executive Committee of the Federal Council of Churches of Christ in America, early this week issued a statement calling upon the Christian forces of America to take action in the Scottsboro case.

Urge Churches to Take Action

The statement follows: "We have viewed with growing concern the developments attendant upon the Scottsboro case recently brought again to public attention. Interracial understanding and goodwill have been further jeopardized, and hatred and misunderstanding have been increased. This situation is so crucial that the churches should express their ocnvictions in no uncertain terms. The confidence of all in the soundness of our institutions is shaken when suspicion is raised that justice cannot be secured because of creed, race or color.

"The issues involved in the Scottsboro case are neither local nor sectional. The whole nation is concerned. Race prejudice is not limited to any section or state. The treatment of Negro citizens almost everywhere in America brings all of us to shame.

"In view of Christianity's basic recognition of the sacredness of human personality and the spirit of the teachings of Jesus Christ affecting human relations, we urge our churches and church leaders everywhere to voice their convictions that justice for all, irrespective of creed, race or color, should be assured in America."

Lynchings - 1933

Legal Punishment for Rape

Alabama (Haywood Patterson.)

4286

Advertiser

4-18-33

Montgomery, Ala.

IN THE NAME OF AN HONEST STATE

> If you ever saw those creatures; those bigots, whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it.

This is what Samuel Leibowitz, chief of defense counsel for Haywood Patterson at Decatur, is quoted as having said in New York following the conviction of his client.

These bitter and provocative remarks followed a formal statement made a few days before in which Mr. Liebowitz condemned the jury for "bigotry" and race hatred, and of contempt for the memory of Abraham Lincoln.

Yesterday when the case of Charles Weems, another defendant, in the so-called "Scottsboro case," was called, Judge James E. Horton, indignant at what had been said, declared from the bench:

> The published statement was uncalled for. It was addressed to a panel of highly intelligent jurors, and men who wished to do what was right in the case. The statement of itself of necessity must make impossible and just and impartial verdict. The accused negro must be a victim of this statement. His leading attorney would be a millstone about his neck."
>
> The impartiality of the courts must suffer as a necessary result.

In conclusion Judge Horton said: "It, therefore, becomes the unquestioned duty of this court at the present time to enter of its own motion a continuance of this case until such time when in its judgment a fair and impartial trial may be had."

For obvious reasons it is plain that there must be a breathing spell, in order that the harm done by the defendant's enemies, their lawyers, may be neutralized by the passage of time.

Judge Horton's decision, therefore, will be applauded by the people of Alabama.

There is not a decent man in Alabama who is not a better friend to the seven defendants in this celebrated case than the lawyers who have been retained to defend them.

There is not a good citizen in this State who is not more honestly interested in seeing exact justice done these men than their lawyers.

The Attorney-General of Alabama is more honestly interested in seeing justice done these men than the motley groups of the International Labor Defense and the Communist party who are raising storms without the State and clamoring metallically for justice to these "poor, downtrodden laboring men."

The State demands justice for all concerned.

The defense and its backers want anything but justice.

What they want is trouble.

They are not so much interested in establishing the innocence of their clients as they are the guilt, if any, of the white people of Alabama, whose only offense it would appear, was in furnishing the women that were to be attacked on that undefended gondola.

Their purpose is to run a wall between whites and blacks in Alabama so that neither may hereafter have peace.

All of them would upset the jury system of the State, and most of them would upset the economic system of the State.

Their motives are political and economic, and the more difficult they make it for these defendants, the happier they will be.

Consider these extracts from a dodger circulated in New York recently by the Communist party of the New York district:

> We, the jury, find the defendant guilty, and fix his punishment at death." This is the barbarous lynch verdict handed down by the Alabama lynchers through their courts against Heywood Patterson, the first of the nine Scottsboro boys to be tried. With their fingers reeking with the blood of thousands of Negro workers, the fiendish lynchers, the capitalist class, of Alabama, are determined to murder, to burn alive, nine innocent Negro boys, victims of the most damnable and infamous frame-up in the history of the savage persecution and terror against the Negro people of the United States.
>
> This monstrous lynch verdict against Patterson gives the cue for what the Southern plunderers and oppressors of the Negro people intend to do to the remaining eight boys and the masses of Negro toilers.
>
> The verdict of death handed down at Decatur it not merely a verdict against an unemployed Negro youth. It is a verdict of terror, cold-bloodedly calculated to maintain the age-long violent oppression of the Negro masses by the Southern lynchers in particular and by the American Capitalist class in general. It is a verdict of the white ruling class butchers intended to terrorize the Negro toilers and thus stem the growing revolutionary struggles of the Negro masses against the barbarous oppression of the lynch masters. It is a verdict aimed at smashing the growing unity of Negro and white workers in common struggle against unemployment, hunger, discrimination and fiendish lynch terror.

When the Patterson verdict was announced, The Chicago Tribune, which had been following the history of the case from the beginning, printed a remarkable editorial denunciation of the gang that is doing all it can to lead these wretched defendants to the slaughter.

The Chicago Tribune has in other years been a bitter and unkind critic of Southern institutions.

Though in other respects a great public journal, The Tribune has been uncharitable and intolerant of most things Southern.

The Tribune nevertheless says of the Patterson trial:

> Whatever opinion those who have followed reports of the Scottsboro trial may have reached as to the guilt or innocence of the defendant, the conduct of the defense deserves attention for its own sake. The cause has been made a world-wide sensation by the same organized propagandists as were responsible for the furore over the Sacco-Vanzetti and Mooney cases. Although citizens of conscientious motives were drawn into these activities to give them repute, the most persistent and vociferous participants in all cases were Communists and radicals of other varieties. Only a very indigent observer of these proceedings could miss their intent. Pretending to be a defense of innocent individuals from injustice and oppression and an assertion of civil guaranties, the objective aimed at was the disparagement of American courts and the American social conscience.
>
> This has been strikingly exposed in the trial just ended at Scottsboro. The attorney brought from New York by the International Labor Defense could not be as tactless as he has been save intentionally. The very fact that he was chosen in place of counsel known and respected in the region in which the trial was to be held was evidence of lack of good faith, of a sincere concern for the fate of the defendant. In and out of court his words and actions have appeared to an impartial observer studiously provocative of local feeling, and the inference must be that he intended not to win his case, but deliberately to lose it, to make more of a martyr for his cause and an excuse for more propaganda. Immediately after the verdict he gave vent to a tirade against the community amid which the trials are being held, and, returning to New York, he publicly described the jury as "those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy." Yet he is going South in a few days for the second series of trials. The employment of such an attorney for the defense promises if it does not in fact insure a miscarriage of justice. It shows no regard for the defendants, but rather a deliberate determination to bring about their conviction.
>
> At the beginning of the affair the radical agitators descended upon the community in which the trial was to be held, insulting, blatant, insolently prejudicing the case and the character of the agencies of the law. They have shown no consideration for the defendants. Pretending to defend them from mob sentiment and race prejudice, they have done everything possible to inflame both. No klan fanatic could do more to create conditions in which even-handed justice is impossible than these pretended friends of the oppressed.
>
> Meanwhile the well meaning public of the North has been exhorted to donate money for the support of this murderous proceeding misnamed defense. The Civil Liberties Union published advertisements calling for funds to "help give these boys the best possible break at this second trial." Such appeals are frauds. The Civil Liberties Union is a fraud. Its managers have no regard for civil liberties except when they can be placed for the protection of radical mischief makers and criminals. They are Communists and sympathizers with Bolshevism, which has destroyed civil liberties wherever it has gained power. The active head of the Civil Liberties Union at a meeting of Communists in New York has just declared that political democracy is moribund, and he wants a "united front," precious Bolshevik phrase, of Communists

and liberals to fight Fascism. A union of Communists and genuine liberals would be a union of the snake and the bird. Liberals who support it are either gullibles or they are not liberals. There are no civil liberties remaining except where political democracy exists, and so long as the Civil Liberties Union is run as it has been and is, by enemies of democracy, its title is a flagrant hypocrisy which can no longer deceive any but liberal sentimentalists befogged by mere phrases. Even these ought to be shocked at its methods in the Scottsboro affair.

Alabama wants no innocent blood on its hands.

Alabama asks merely that it be given a chance to do its full duty by its own people, and in its own way.

Alabama is humiliated and outraged at the unscrupulous assaults which have been made upon it by a combination of moony sentimentalists on the one hand, cutthroats on the other.

Alabama resents the necessity of siding with either, for both are wrong, and wholly unreliable.

Judge Horton relieves Alabama somewhat of that bitter necessity when he declares a postponement of the remaining trials until the atmosphere clears.

Somewhere between the opinions of foggy-headed sentimentalists and realistic cutthroats lies the clean, pure truth about this sordid, revolting affair.

All that decent Alabamians want is the truth.

The least that Alabamians hope is that before it is too late the defendants will find more charitable and chivalrous lawyers than those they have so far retained.

Somebody ought to be on their side who is as much interested in justice as the prosecution is.

STUDENTS BLAMED FOR RACE PREJUDICE

Henderson Says They Lack Grasp of Problem—Scottsboro Youth's Mother Talks.

New York

White members of student organizations were held to blame for discrimination against Negro students in a talk by Donald Henderson, economics instrutcor at Columbia University, at the opening session yesterday of a three-day student conference on Negro student problems, initiated by the National Students' League, in the McMillin Theatre at Columbia.

The conference of representatives of schools and colleges and student organizations from Eastern, Middle Western and Southern States will continue today at the International House, 500 Riverside Drive, where Kenneth E. Barnhart, Sociology Professor at Birmingham Southern College, and Mrs. Jennie Patterson, mother of Haywood Patterson, convicted Scottsboro youth, will speak.

Mr. Henderson said the reaction to the verdict at the first Scottsboro trial marked a new epoch for the Negro, in that it indicated a changed attitude on the part of the white race toward racial oppression. He said the main object of the conference was to give the white student "a clear, acute and painful knowledge of what is going on in these United States." Mr. Henderson thought the attitude of white students toward Negro students was only sentimental and lacked serious understanding.

E. Franklin Frazier, Sociology Professor at Fisk University, noted that college training of the Negro was changing from emphasis on indsutrial subjects to the academic, and Arthur Huff Fauset, principal of Singerly Public School, Philadelphia, viewed the Hitler demonstration against Jews as analogous to oppression of Negroes in this country.

HEYWOOD BROUN SAYS KNIGHT WAS AFRAID OF FACTS

Courier 4-22-33
Pittsburgh, Pa

Noted Columnist Comments On "Slave Ship" Days As He Takes Alabama "Justice" to Task—Urges Judge Horton to "Speak Up."

By HEYWOOD BROUN

NEW YORK, April 20—A clipper ship came down the tide and cast her anchor over. She rode the long swell and waited for boats from the blazing coast to bear her black slaves. When they were below deck she picked up her pin and headed for America.

That was more than two hundred years ago. The other day in Decatur, Ala., a jury of 12 white men brought in a verdict of death against Heywood Patterson. The Attorney General of the great sovereign State referred to him as "that thing."

They say it was a quiet courtroom and a gentle day down in Morgan County when the jury filed in after 24 hours of deliberation. But could none of them hear the wind in the rigging of the slave ship, the creaking of her timbers and the cries of the cargo?

That ghostly ship has steered her course around our coasts and even up into the back waters times innumerable. She seeks in vain a final haven.

We, the grandsons and the great-grandsons of the slavers, are not appeased. We have not forgiven the Negro. It is less difficult to forgive your enemies, but the persecution of the Negro continues because we have wronged him so vastly and so vitally. We are bound to the wheel of our damnation and try to stave it off with silly postures and cruel antics. Fear grips us, and we sheer off even from an act of simple justice.

Attorney General Knight could not even bring himself to admit that he was in the presence of a man on trial for his life. He had to take refuge in such a phrase as "that thing." He was afraid of the facts. He had reason to fear.

Alabama Justice

There was much panicky talk in the speeches of the men who pressed the case. "Show them Alabama justice cannot be bought and sold with Jew money from New York!" cried Solicitor Wright at one point in the trial. And the Attorney General, after deploring the injection of prejudice by his associate in the summation, went on to say: "If you acquit this Negro put a garland of roses around his neck, give him a supper and send him to New York City. There let Dr. Harry Fosdick dress him up in a high hat and morning coat, gray striped trousers and spats."

And that was because Dr. Fosdick had told Ruby Bates to face the danger of return and go back to confess that she lied when first she accused the Negro boys. And that was because the Attorney General was afraid.

If human life were not at stake this Scottsboro case might take rank with the most inspired of all extravaganzas, but the shadow of the chair falls across such ironic ribaldries as the conviction of a Negro field hand on the ground that Alabama does not like the modes and manners of New York City. Instead of a crown of thorns, Alabama rhetoric pressed down a high hat upon this poor laborer.

But the irony of the situation swings wide beyond the borders of the State where the trial was held. Does the learned counsellor from the Southland actually believe that the song of the slave ship never floats above the roofs of Harlem? Instead of the fantastic festival outlined by the prosecutor, what would New York really have to offer any Heywood Patterson? Morning coats and garlands? Not exactly. The great and free city of New York would afford him an opportunity to share a three-room apartment with nine or ten of his fellows. And only with the best of luck would he be able to pay the rent.

We Use Tuberculosis

The South imposes rather more lynchings, legal and otherwise. New York and Chicago take it out in tuberculosis.

We have no right to sit in the seats of the scornful. Nor is it the part of wisdom to think of the Scottsboro case as a local issue. We will get nowhere if comment merely takes the form of attacks upon the legal machinery of Alabama and charges that Decatur opinion is blinded by bigotry. That would merely be a matter of the mote calling the beam black.

As a matter of fact, some wise words were spoken during the trial. "The world at this time and in many lands is showing intolerance and showing hate. It seems sometimes that love has almost deserted the human bosom. It seems that hate has taken its place. * * * Wrong dies and truth forever lasts, and we should have faith in that."

That was said by the Judge—James E. Horton. Well, Your Honor, when it comes time to pass sentence of death, how are you going to plead? Remember that you and all the rest of us are on trial for our faith, our integrity and our lowest common decency. What say you? Guilty or not guilty?

Speak up, man! Let us all speak up and prove that we are not guilty of this monstrous thing. Let us scuttle the slave ship in 40 fathoms and stop that whine of the wind in its rigging.

Lynchings-1933
6
Legal Punishment for Rape.
6

Alabama. (Haywood Patterson)

4287

BACKGROUND STUDY OF SCOTTSBORO CASE

Times 4-16-33
New York, N.Y.

Scenes That Marked the Clash of Issues In the Little Courtroom of Decatur

By F. RAYMOND DANIELL.

DECATUR, Ala.

ONE HUNDRED AND THIRTEEN years ago, on Jan. 13 last, President Monroe ordered his Surveyor General to lay out a town to be named in honor of Stephen Decatur, the distinguished naval commander dear to the 100 per cent American for his words:

"My country—may she ever be right, but, right or wrong, my country."

The selected site, in Northern Alabama on the south bank of the tortuous, muddy Tennessee River, remained part of the Cherokee Indian Reservation until 1826, when it was incorporated. From then until a little more than a month ago it continued on its tranquil, almost somnolent, way with only an occasional disturbance, such as a strike in the Louisville & Nashville Railroad shops or a crime of purely local significance.

Then, through no fault of its own, Decatur inherited the now famous Scottsboro case—a Southern cause célèbre involving nine Negro youths and two white girls of a stratum of society only a little above the inexorably drawn color line. The little community, drafted for a part in history which it did not seek or relish, approached its task of rendering fair judgment under the play of conflicting public opinion with an added mélange of emotional and intellectual contradictions. It wanted to be impartial and unbiased, but many of its more thoughtful citizens wondered if that were possible.

Rustic Southern Traditions.

Despite its external appearance, suggesting a small Middle Western town, Decatur is Southern and rustic in its traditions and its background. Some of its buildings bear the scars of Union shells, many of its residents bear in their hearts the wounds left by the war between the States. The memory of the reconstruction period which followed the peace is a vivid and haunting one to many of its people and the people of Morgan County, of which Decatur is the seat of government.

A few days before the Negroes were brought from the Jefferson County jail in Birmingham to the vermin-ridden jail in Decatur, condemned two years ago as unfit for white men, the little city buzzed with anticipation and preparation. The one hotel, its three stories topped only by the water tower dominating the town's main street to the west, threw open a whole wing of rooms long out of use.

A long wooden table was built in the second-floor courtroom, its floor dotted at one-yard intervals with cuspidors for the tobacco-chewing gentry, and places were marked off for visiting newspaper men. Cards of admittance were printed and issued carefully to exclude gate-crashers, Communists and trouble-makers from the arena before the judge's bench.

The National Guard Called.

Sheriff A. W. Davis—Bud to his friends—had a final conference with Judge James E. Horton, who was to preside over the wrangling lawyers with such enlightened impartiality that he won the admiration of neutral observers and even the most radical of the Negroes' sympathizers. At that conference they decided to call upon the National Guard to see that mob spirit did not interfere with the orderly processes of justice.

Sheriff Davis let it be understood that the call for troops was prompted more by a wish to prevent escape of the Negroes from the flimsy old jail than by a fear of trouble from the townsfolk. They were a law-abiding lot, he said, patient and willing for the law to take its course. The Negroes, he said, had nothing to fear from the citizens of Decatur.

So it seemed as the proceedings got under way on March 27 with the defense, led by Samuel S. Leibowitz, New York criminal attorney, calling Negroes as witnesses in the most formidable legal onslaught against the selective jury system of Alabama and the South that the last sixty years of jurisprudence has seen.

The court room was as quiet and as orderly as a church, even when the New Yorker, after addressing one of his dark-skinned witnesses as "Mr.," questioned the veracity of a white official of Morgan County, who had said that he did not know whether any of the persons whose names appeared on the jury rolls was a Negro. Row upon row of rough-faced, unshaven countrymen in blue denim overalls and cowhide boots chewed their tobacco meditatively, but uttered no sound of disapproval. Their faces were set in hard, unsympathetic lines.

The Judge on the Bench.

Upon the bench sat the lank, raw-boned jurist who was called upon to rule upon questions of law involving in fact matters which he had grown up believing were undebatable. He allowed the defense much leeway—so much in fact that he was criticized privately in some quarters for leaning backward, and newspapers of the South declared in headlines that the time-honored jury system, which is held necessary by many to preserve white supremacy below the Mason-Dixon line, was in greater jeopardy than ever before.

Judge Horton's physical resemblance to the Emancipator, Lincoln, was observed and noted. Photographers gamboled about his court room. Typewriters clattered so that lawyers finally asked him to quiet the din. It seemed as if he scarcely noticed any of it as he rendered his rulings first for one side and then the other, occasionally sending unabashed for law books to look up some moot legal point.

He held—to the surprise of many, after several Negroes had laid claim to the very qualifications laid down in the statute for jury service, and after the defense had shown there were no Negroes on the jury rolls of Morgan County—that Mr. Leibowitz had established a prima facie case of systematic exclusion on racial grounds in violation of the Fourteenth Amendment. The court-room crowd gasped and frowned. Not long afterward they recovered their composure and faith in the jurist and the orderly processes of law which he represented.

The Jury Board's View.

The State, represented by Attorney General Knight, sharp-faced and sharp-voiced, had to call only one white witness to refute the evidence the defense had offered. Arthur J. Tidwell, President of the Jury Board, testified that while it might be true that only the names of white men were inscribed upon the jury rolls it was not because of any arbitrary discrimination against the African race but merely because he and his fellow-commissioners in the exercise of their discretion had not encountered a Negro fit to serve as a juror when judged by the terms of the statute.

Thus, with the issue one of fact rather than law, since the defense conceded that the Alabama statute fixing the qualifications of jurors was constitutional while contending that it was misapplied by the jury commissioners, Judge Horton rendered his final ruling on a question which agitated the Southland considerably more than the question of the guilt or innocence of the accused Negroes. The court room breathed more easily.

"I am going to deny the motion of the defense," he said. "Let's get on with the trial."

The attack by the defense on a time-honored jury system was only one of the factors which so combined extraneous matters with the main facts at issue—the question of whether two white women were attacked by a dozen Negroes on a freight train—that it is doubtful if any jury of twelve good men and true could have rendered a verdict based solely on the evidence presented to them.

The Trial at Scottsboro.

To understand this fully it is necessary to go back more than two years to the little town of Scottsboro nestling in contented isolation among its beloved hills. There it was that the Negroes were taken by the armed posse, which removed them and their white accusers from a freight train at Paint Rock, a few miles beyond, and lodged them in the Jackson County jail. There, two weeks later, they were tried for their lives, with the result that eight of them were condemned to die in the electric chair.

While their trials progressed th Negroes could hear, welling up from the court-house square, the cheers that greeted the announcement of each verdict of guilty. No witnesses were called in defense of the accused at the hastily ordered trials, and the lawyer appointed by the court to defend them prefaced his defense with a protest to the court against his assignment.

Into this atmosphere, attracted by the publicity that accompanied the Negroes' arrest and conviction, there walked one day, while the trials were still under way, a New York lawyer associated with the International Labor Defense, which is the legal arm of the Communist party. He wired a description of the scene to New York headquarters, and immediately there started a flood of telegrams, couched in the accepted phraseology of Communist diplomacy, demanding protection for the Negroes and holding the officials of Alabama responsible for their safety.

Reds Become Interested.

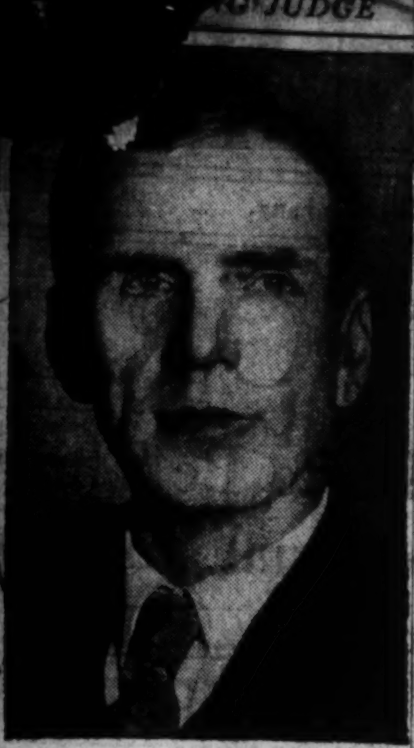
Whether from pure altruism or a desire to make capital of the plight of the Negroes for organization work among the members of that race, the Communists became as interested in the case as though a member of their own group were under arrest.

Lawyers were engaged and the verdict was appealed. The Alabama Supreme Court, holding that one of the convicted Negroes was a juvenile, ordered a new trial for him and affirmed the death sentences imposed upon seven others. Attorney General Knight's father wrote the prevailing opinion of the court. The case then went to the United States Supreme Court, which last November reversed the original verdicts of guilty, set aside the death sentences and ordered new trials.

On the date set for the opening of the new trials defense attorneys moved for a change of venue, and Judge A. E. Hawkins, after inspecting the affidavits charging fevered prejudice in Jackson County, granted the motion. The defense, seeking a trial of the issues in the urban community of Birmingham, sometimes called the "Pittsburgh of the South," had sought to disqualify all the other county seats in the vicinage.

Through some oversight in drawing the papers Morgan County and Decatur had been overlooked. The people of Jackson County were de-

JUDGE



Associated Press.

James E. Horton.

termined that if they were not to have the final word in a case that had disturbed the peace and quiet of their community and brought it unwelcome publicity for two years past they wanted desperately to have the case tried by people of their own kind. They were pleased when Judge Hawkins "for reasons of economy" sent the case to Morgan County.

Thus when twelve citizens of Morgan County raised their hands before Judge Horton and swore they would "a true verdict render," they were swimming in strong currents. A complexity of issues intruded upon the plain issue of guilt or innocence of the defendants.

Handicaps of the Defense.

The Negroes were under the natural handicap of appearing as defendants in a case in which a white woman was their accuser. Communist support, though it saved them from the electric chair, at least for a time, was another handicap. There was another. That was the almost unexpressed resentment among many Alabamians at what was considered a rebuff to the Supreme Court of that State, a rebuff that could only be offset by a new conviction, which would be a ratification of the Jackson County jury's verdict, which the State's highest court upheld.

The supposed wealth of the defense, despite the repeated assertions of Mr. Leibowitz that he was serving without a fee, made the hill folk suspicious of the Negroes' defense; led to the charge in open court that its witnesses were "bought and paid for" by "sinister influences" in New York.

The Semitic complexion of the defense led by Mr. Leibowitz and assisted by Joseph Brodsky, an admitted Communist, helped to increase the antagonism of the natives of Decatur toward the Negroes. A common comment of the townsfolk, after a medical expert had been called by the defense to testify that the story told by the Price girl did not gibe with scientific findings, was:

"When a nigger has expert witnesses, we have a right to ask who is paying for them."

"Real Issue" of Trial.

It remained for Wade Wright, circuit solicitor associated with the prosecution, to lift the curtain on what had become a real issue of the trial. He thundered anathema at the city and city ways until the walls of the court house seemed to shake. He stamped up and down before the jury as though transported in religious ecstasy, as he summed up the case for the Southland against the meddlesome East, which had sold slaves at a profit and then taken them away.

"Show them," he shouted, "show them that Jew money from New York can't buy Alabama justice."

Judge Horton told the jury to disregard the inflammatory words, but he could not stop them from appearing in print from one end of the country to the other. Whether the jury did disregard them is a question which the United States Supreme Court may yet be called upon to decide.

Whatever the result of an appeal may be, in all fairness it should be said that Attorney General Knight and many of the more enlightened people of Decatur wish that the earnest young circuit solicitor had prepared a manuscript and submitted it for approval before delivery.

"We'll March!" Shout 3,000 in Scottsboro Mass Meeting

Daily Worker

4-21-33

New York N.Y.

ATLANTIC CITY, April 20.—"We'll march! We'll march!" shouted 3000 Negro and white workers at a Scottsboro protest meeting in the Boxing Arena here last night as they rose to their feet and cheered in response to a talk by William L. Patterson, national secretary of the International Labor Defense.

Patterson's appeal that Negroes take an active part in the fight to free Tom Mooney was also greeted by cheers. "Negroes are asking and have secured the help of the white workers in their battle to save the Scottsboro boys. Now they must show their solidarity with the white victims of the same capitalist frame-up system by fighting for the freedom of Tom Mooney."

The audience applauded and cheered Patterson's account of Ruby Bates, the poor white mill girl who courageously took the stand, despite threats of lynching, and testified that she had been compelled to lie in the original Scottsboro "rape" trials. Patterson pointed out that for a white girl in the South to take the stand in defense of Negro boys framed for rape was a sign of the awakening unity of poor whites with the Negro tenant farmers and workers.

Mayor Stays Away.

The mayor and other officials of the city had been invited to the meeting, but did not appear. "It is not by accident that they are not here," Patterson declared. "They are part and parcel of the machinery which uses lynch and legal terror against workers here as well as in the South."

When he called upon the audience to fight for the Scottsboro boys in their daily local struggles against discrimination and jim-crowing, Patterson was greeted with a roar of approval. He declared that the barring of Negroes from restaurants, hotels, and amusement places in Atlantic City, the playground of the white ruling class, was of as much political importance as the Scottsboro case. He called for a struggle against these bars, telling of the march on Washington to demand of Roosevelt the freedom of the Scottsboro Boys and congress a bill guaranteeing the constitutional rights of Negroes.

It was at this point that the audience shouted: "We'll march! We'll march!"

The meeting was called by the Citizens Committee. Among the speakers were Father Jackson of the Episcopal Church; Isaac J. Nutter, well-known attorney, and C. Barr, a politician.

MONEY—NOT PETITIONS

Defender

4-22-33

Chicago

The Chicago Defender believes that if the Scottsboro boys are to be saved it will be through the proper legal channels. It believes that the case of Heywood Patterson will again go to the United States supreme court, as it rightfully should. It believes that the other boys are innocent also, and should be given every recourse to law guaranteed to them under the Constitution of the United States.

The Chicago Defender knows that it takes money to fight. It knows that the orderly process of courts is not influenced by petitions. It knows also that President Roosevelt has nothing to do with the courts, and that he will say as much when and if the petition is presented to him. It knows further that the number of names on the petition will add weight only in so far as they add pages to the package—and that the practical value will be exactly zero.

That is why The Chicago Defender is taking no part in the great petition drive. Instead, it is attempting to help in a practical way. It wants to raise money to turn over to those who are conducting this defense so that they can carry on through the highest court of the land. That is why The Chicago Defender is staging a monster SCOTTSBORO BENEFIT FUND SHOW at the Regal theater on the night of [illegible], the entire proceeds of which will be sent to the organizations conducting the defense.

TRIBUNE CRIES FRAUD

Defender

4-22-33

Chicago

An editorial appeared in the Chicago Tribune under the date of April 13 entitled "A Fraud Exposed." The editorial attempted to deal with the Scottsboro case, and it did in the Tribune's usual style of all matters affecting our group. The editorial was a collection of accumulated hate, hypocrisy and sophistry that has been a part of the Tribune's politics and plans since the days of the civil war.

The Tribune, in accordance with its tradition, sought to slander the attorneys for the defense, as well as slinging mud on the Civil Liberties union and International Labor Defense. So far as the Tribune is concerned, no movement for the purpose of sustaining the civil rights and privileges of black people has ever been accorded its favor.

The Tribune was, as usual, silent on the conduct of those who prosecuted the case, and could see nothing reprehensible in the methods used by the thin-jawed attorney general, Mr. Knight, whose nauseating and putrid activity made the whole proceedings a farce and mockery. But the Tribune was much disturbed over the conduct of the defense counsel, who pleaded to save a black man from a legal lynching.

They, of course, according to the Tribune's viewpoint, should have been on their knees trying to find virtue where vice exists. They should have thrown a halo of sacredness around Victoria Price, who unfortunately has been a prostitute all of her adult life. The Tribune now hopes to rescue and cure the cause of the disease by attacking the dead patient.

This method of seeking virtue where vice exists is not unusual with the Tribune. It maintained this same attitude in the Jake Lingle case, and in the midst of its disturbed conscience it sought, or better still, it secured a method of easing its troubled mind by a questionable conviction.

So when the Tribune cries "Fraud" no one need be alarmed. First, every black man should find out which side the Tribune is on, and for the sake of his own sense of justice and fair play, go the other way.

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4288

Ruby Bates Tells Reporter Her Conscience Feels Better

[illegible] 4-29-33

South Hates White Girl who Testified for Scottsboro Boys as Much as It Hates the Boys Themselves. Ruby's Early Life as Hard-working Mill Hand Described—Long Hours, Sex Thrills, Social Disease, Came in Early Childhood. She's Just Finding out that Negroes in the South are Human and Get Treated "Worse than Us Poor Whites".

By STANLEY GIBSON

DECATUR, Ala.—Almost more than the Scottsboro boys, the white bourbons of the South now hate Ruby Bates.

They hate her because, a white girl born and bred in the South, she took the witness stand in Decatur, Alabama, and with her testimony exploded the ancient legend that "Negroes rape white women." Exploding that legend has a deep social and political significance. It means putting out of gear the machinery with which the ruling class of the South terrorizes Negroes and keeps them in slavery.

Uproar

When Ruby Bates took the stand and declared that the Scottsboro boys had never touched her, the courtroom went into an uproar. That night the Ku Klux Klan and the young upper class blades about Decatur talked of lynching Ruby Bates.

It was a new thing for the southern rulers to see a poor white girl "side" with Negroes. Yet this new spirit is slowly seeping into the consciousness of the white share croppers and workers throughout the South. Slowly they are beginning to realize that the same powers that lynch Negroes and frame them for "rape" are likewise grinding out the poor white cotton tenant.

That's why they hate Ruby Bates. That is why they said of her that "such people aren't fit to be members of the white race," and threatened to lynch her.

RUBY BATES
At the trial she relieves her conscience

And that is why the dramatic appearance of this slim white girl in an Alabama court to tell the truth about the Scottsboro case is of such momentous social and political significance.

Lived in Squalor

For sixteen years Ruby lived in squalor in a "white trash" shack in Huntsville, Ala. As a child, barefooted, with skimpy calico dresses, she played about the unpaved streets where the "mill hands" lived. Upper class whites looked down upon these mill hands as scarcely better than the Negroes.

Nearby was the Negro quarter but Ruby Bates kept away from that. The poor whites were taught that they were "better than" Negroes." This was the only thing that the Bates family clung to their sense of "superiority" over the Negro people down the street. In this manner, the bourbons who control the South keep the masses black and white, apart. "Divide and rule" is their motto.

Ruby stayed in school barely long enough to learn to read and write. By sixteen she was already an experienced mill hand, with a drab life of tending the looms ahead of her. She worked eleven hours a night and earned $5 a week. Living seemed sordid and empty to the girl.

Family in Want

Sometimes the family was in extreme want. There was no money for clothes, for food, for the little pleasures that a girl wants. In the bleak day-break she came home exhausted from the whirr of the looms and the throb of the machines; she ate her scant meals, slept, and went back into the linty atmosphere of the mill again.

The only fun for a young adolescent girl in these barren mill-owned towns is the thrill of sex. Ruby was never taught the dangers of promiscuous sex relations. When she was still a child, she was already the victim of veneral diseases.

Then the mills shut down and even what little security Ruby had was snatched away. The burdens of the crisis fell on the poor whites almost as heavily as upon the Negro masses.

Famous Hobo Ride

Next followed that internationally famous hobo ride on the freight train which took Ruby Bates and another mill hand, Victoria Price, to Chattanooga and back to Huntsville again, via Scottsboro.

To cross the Tennessee-Alabama line with the white boys who had accompanied them and with whom they spent some days in a hobo jungle, meant arrest for vagrancy or perhaps even more serious charges.

Victoria Price had already spent time in jail. The mill had beaten Victoria Price down, the police terrorized her, till she had surrendered. In sex and in squalid underworld life she found some escape from the blight of the mill drudgery.

"Say we were raped by the Negroes," Victoria whispered when they were arrested at Paint Rock. "That will let us out and we'll make some money as witnesses."

So the girls said they were "raped" and Scottsboro had a Roman holiday while the nine Negro boys were "tried' and sentenced to death.

Ruby Thinks

Ruby Bates was only a child, and not so hardened as her companion. As time went by, and the Scottsboro cases resounded around the world, Ruby began to do some thinking. Conditions in the poor little shack became worse and worse. Sometimes there was no food to eat.

It was then Ruby began to see that poor whites cannot rise by badly as Negroes. She began to see that poor whites cannot rise by stamping the Negro deeper into the mire. Some faint glimmering of unity with the downtrodden black workers up the street began to flicker in her mind.

It Wasn't Right

"Somehow I began to think it wasn't right," she told the writer in Decatur the evening after her fateful testimony, that she had lied in the original Scottsboro trials. "Sure, them boys is Negroes. But Negroes got feelings just like white folks.

"After the trials when I went hoboing again I just couldn't get the idea out of my head. Them Negroes was human. They was on the way looking for work, just like we was. They gets treated even worse than us poor whites. And it bothered me, mister. Yes, sir. It just made my head hurt thinking about them Negroes me and Victoria was sending to the electric chair—just because we wanted to escape being put in the bull pen and get a few dollars for being witnesses."

Went to New York

"Then I went to New York, you know. I saw Dr. Fosdick, this minister I was telling about on the stand, and I told him the whole story. I just couldn't see it—my lies sending them boys to their death.

"That's how I come back.

"Sure I know I took a chance of going to prison for perjury for lying the first time. But, mister, I feel better right here," she pointed to her heart.

"Negroes is human. They gets treated worse than us poor whites. Yes, sir, I finally saw what I done, so I told the whole truth."

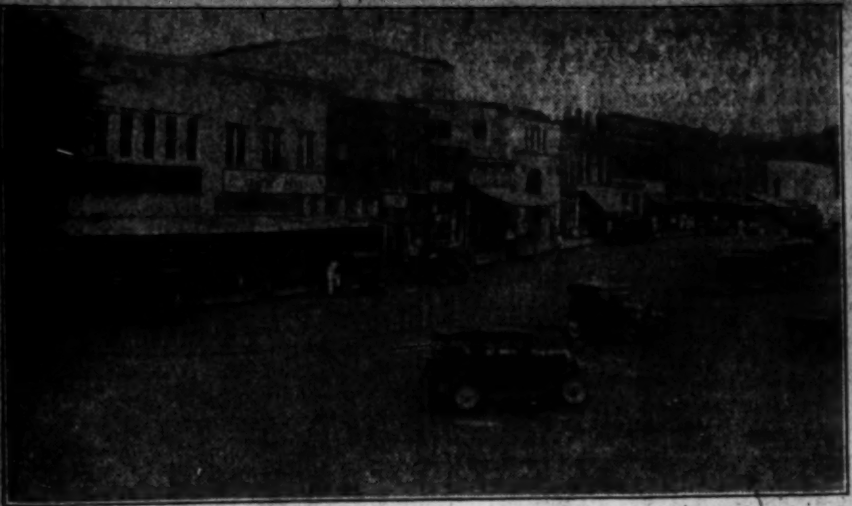
Ruby Bates does not yet understand who it is that treats poor Negroes worse than poor whites—and treats both badly. But she does understand that they belong to the same class and are fighting against the same brutal forces that strip both of freedom, health, and joy in life. And so this child of nineteen, her life almost wrecked by disease, by gruelling labor in a mill, by the hopelessness of her future, by the system of which the entire working class is victim, walked courageously into the Morgan County courtroom and defied the hatred and contempt of the Southern ruling class to save the lives of the Scottsboro boys.

Poor Begin to Awaken

When a white woman has the strength and courage to face a southern lynch court in an effort to save a Negro framed for "rape," there occurs a historic moment in the rise of the black and white masses of America. Ruby Bates's appearance on that witness stand is a symbol of a deep change in the South.

It means that the poor politically backward whites, at the bottom, are beginning to awaken. It means that slowly the veil of race prejudice drilled into them by the owners of the mills and plantations is beginning to drop from their eyes.

It means that some day they will join hands with the still poorer blacks and together will face their common enemy.



Scottsboro—Typical Alabama town where whites are poor and ignorant, and blacks still more so.

Ruby and Victoria in calico. We need only a picture of them in overalls as hobos to complete the cycle from overalls to sport ensemble.

ANDREW WRIGHT, 17-year-old Scottsboro boy. Negroes are human like other "people."

Scottsboro Nine Return To Cells

4-29-33

Rebellious Negroes Agree To Surrender Temporary Arms, Pay For Damage

BIRMINGHAM, ALA., April 28.—(AP)—After twenty hours of rebellion, the nine negroe defendants in the "Scottsboro case" today capitulated and went peaceably to their cells for a good meal and slept most of the afternoon.

Armed with pieces of metal ripped from plumbing and lighting fixtures of the day room, the negroes late yesterday defied officials and refused to return to their cells.

"We'll die first," they shouted to Sheriff J. F. Hawkins, who sought to reason with them after Warden F. L. Erwin had failed to quiet them.

About 11 a.m. today, however, after holding out from 4:30 p.m. yesterday they sent word to the warden they would behave and promised to pay for damages done in ripping out their crude weapons. Sheriff Hawkins had ordered them locked in the day room, which is equipped only with a table and benches, and placed on bread and water until they became tractable.

Warden Erwin attributed the outbreak to "streams of communist propaganda and letters from sympathizers" and discontinuance of the practice of permitting hundreds of negroes to visit them on Thursday afternoon.

Previous to the rebellion, the negroes had sent a crudely-printed placard to the Warden headed "Freedom for the Scottsboro boys" and demanding "better treatment."

Sheriff Hawkins said the only complaint they made when he asked if they had been struck or mistreated by deputy wardens was that one of them "cursed us."

"They swore at the wardens during their rebellion," the sheriff said.

Warden Erwin designated Heywood Patterson, 19, of Chattanooga, recently convicted and sentenced to death the second time for an alleged attack on Mrs Victoria Price, Huntsville textile worker as the ring leader.

Gov. B. M. Miller, at Montgomery, today refused authority for the transfer of the negroes to Kilby Prison, where they have been incarcerated during most of the two years the International Labor Defense has sought to free them. The governor said there was no law authorizing the removal of the prisoners to Kilby prison unless the jail in which they were confined was insecure.

It was further explained to the Sheriff that prisoners must be convicted and sentenced before being received at Kilby. It is likely, however, that Patterson, since he has been resentenced, may be transferred to Kilby.

"I have no fear of any trouble or the negroes escaping," Sheriff Hawkins said, "but they are having an unwholesome effect on the other negroes in the jail and in the county."

The Jefferson County Jail where the negroes are confined is atop the new $2,000,000 courthouse, seven floors above the street level, and is modern in every respect.

Patterson and his companions, Andy Wright, Eugene Williams, Charlie Weems, Ozie Powell, Willie Roberson, Clarence Norris, and Olen Montgomery, were sentenced to death in Scottsboro on April 9, 1931, after convictions by juries. All except Williams, whose sentence was reversed by the Alabama Supreme Court, were granted new trials by the United States Supreme Court. The ninth negro, Roy Wright, was given a mistrial at Scottsboro.

Patterson, the first to be retried at Decatur under a change of venue early this month, was convicted and his punishment fixed at death. A motion for a new trial is pending.

The other trials were indefinitely postponed by Judge James E. Horton, after a statement attributed to Samuel S. Leibowitz, chief of Patterson's counsel, concerning "bigots" had been printed in Decatur with a reply by Atty. Gen. Thomas E. Knight, Jr.

The negroes were charged with attacking Mrs. Price and Ruby Bates aboard a freight train on March 25, 1931, as the girls "hoboed" their way home from Chattanooga.

Scottsboro Meeting in Phil. Sunday to Hit Attack Upon the Boys

PHILADELPHIA, Pa., April 28.—A demand that the attacks upon the Scottsboro boys congned in the Jefferson county prison in Birmingham cease, and that the boys be freed, will be made at a Scottsboro meeting to be held here Sunday afternoon at 3 o'clock in the Stanard Theatre, South and 12th Street.

4-29-33

Prominent local labor representatives, clergymen, and speakers for the ILD, which is arranging the meeting, will appear. Prior to the meeting a large delegation will demand that Mayor Moore order the chief of police to "keep hands off" the meeting and cease threats to prevent the meeting from taking place.

Lynchings-1933
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Scottsboro Marchers -:- Jam White House Gate

FREE ANGELO HERNDON

Parade of Scottsboro sympathizers, carrying placards and banners, created this traffic jam in front of gate at entrance to White House. Ruby Bates (in circle), who took witness stand to deny she had been attacked by Negroes, was among delegation. Picture from International News Photograph Service.

2,500 IN MARCH TO AID YOUTHS

WASHINGTON, May 9.—Approximately 2,500 Negroes and whites staged their march on the White House and Capitol in behalf of the nine Scottsboro, Ala., colored youths charged with criminally assaulting two white girls.

The marchers were headed by National Communist leaders, including James W. Ford, Negro Vice-Presidential candidate of the Communist party last year.

A delegation was admitted to the White House offices, where they had a half hour conference with Secretary to the President Howe.

The delegation demanded to see President Roosevelt, but was informed he was in conference with the German economic mission.

The delegation left with Howe a petition, said to bear 200,000 signatures, demanding release of the Scottsboro boys

Knight Goes To Decatur For Scottsboro Hearing

Atty. Gen. Thomas E. Knight, Jr., left yesterday afternoon for Decatur, where tomorrow, with Asst. Atty. Gen T. S. Lawson, he will represent the State at hearing before Circuit Judge James E. Horton, of habeas corpus proceedings filed by defense counsel, seeking the release of Roy Wright, and Eugene Williams, two of the nine original "Scottsboro" case negro defendants.

In petition for habeas corpus, George W. Chamlee, Sr., of Chattanooga, Tenn., attorney for the two negroes, maintained that they were 13 years old at the time the crime with which they are charged was committed, and that they should have been turned over to the jurisdiction of the juvenile courts of the State. Mr. Chamlee, it is understood, will represent the petitioners at the hearing tomorrow.

Two Seek Liberty In Scottsboro Case

DECATUR, ALA., May 31.—(AP)—Roy Wright and Eugene Williams, two of nine negro defendants in the "Scottsboro case" and alleged juveniles, have been ordered brought into Morgan Circuit Court tomorrow for a hearing on petitions for a writ of habeas corpus.

Wright and Williams, both alleged juveniles, are under indictments with seven other negroes on charges of attacking two white girls aboard a Southern Railway freight train in Jackson County on March 25, 1931.

Applications for writs of habeas corpus were filed before Judge James E. Horton at Athens several weeks ago, and a hearing was set for tomorrow.

In filing the petitions for writs, George W. Chamlee, Sr., of Chattanooga, one of several attorneys employed by the International Labor Defense, informed the court he held an affidavit from Ruby Bates, one of the alleged victims, denying that Wright attacked her.

Wright, the only one of the nine not sentenced to death two years ago, was indicted only on charges of attacking the Bates girl.

In the trial of Heywood Patterson, convicted a second time on April 9 this year and sentenced to death, the Bates girl made a sensational appearance after having been missing seven weeks and repudiated her former testimony.

Sheriff James Hawkins at Birmingham in whose custody the negroes are, declined to say what time he would leave for Decatur with the prisoners. In setting the hearing Judge Horton directed Sheriff Hawkins to produce the negroes here tomorrow.

CASES TRANSFERRED TO JUVENILE COURT

Advertiser

Youngest Scottsboro Defendants Turned Over To Lower Jurisdiction

DECATUR, ALA., June 1.—(AP)—Juvenile authorities of Morgan County today were given jurisdiction over the cases of the two youngest of nine negroes indicted in the "Scottsboro case," by Judge James E. Horton after a hearing on petitions for writs of habeas corpus.

The hearing took less than an hour, the defense offering two witnesses to support contentions that Roy Wright and Eugene Williams were only 13 years of age when arrested, and the State resting with introductions of birth certificates.

Concluding his case Thomas E. Knight, Jr., attorney general, chief of the prosecution staff, said "The State has no objection to the juvenile court reviewing the cases, but we will contend that because of the gravity of the offense, they should be sent to the Circuit Courts."

It was after this statement that Judge Horton ruled that the negroes, both charged with participation in an attack on two white women aboard a freight train in Jackson County, March 25, 1931, should be transferred to the jurisdiction of the juvenile courts.

Beatrice Maddox, sister of Roy Wright, who testified he was born Oct. 22, 1917, and Mamie Williams, mother of the other negro, who gave his date of birth as Dec. 9, 1917, were the only witnesses called.

Atty. Gen. Knight introduced into the record a birth certificate purporting to show Wright's birth date was Oct. 26, 1916, and that of Williams as Sept. 2, 1916.

The hearing attracted little attention in contrast with the crowded courtrooms during the trial of Heywood Patterson, first of the negroes to be tried here, under a change of venue.

The negroes were brought here from Jefferson County by deputies sheriff and after the hearing was returned to jail there pending setting of a date for a hearing in juvenile court.

Mrs. Victoria Price, one of the alleged victims of the attack, was present in court, but was not called to testify. She was the principal witness against Patterson who was sentenced to death last April 9.

Patterson and his seven companions were arrested at Paint Rock, Ala., March 25, 1931, and charged with attacking Mrs. Price and Ruby Bates aboard a freight train.

All except Roy Wright were convicted and sentenced to death in Jackson Circuit Court on April 9, 1931. The Alabama Supreme Court set aside Williams's death sentence on account of his age, and the United States Supreme Court set aside the others and ordered a new trial.

Only Patterson was tried here in April, Judge Horton postponing the others, because of remarks about the jury attributed to Samuel S. Leibowitz, of New York, chief of defense counsel.

ANY HELP IS WELCOME

The Scottsboro case is an epitome of southern conditions, — Negroes charged with crime and adjudged guilty without evidence. Victory in it will have a far reaching effect. It will mean the end of the legal reign of terror which has made Negroes yield rights on demand, and filled prisons with innocent men.

If as Josephus Daniels of Raleigh, N. C., says, southern whites will raise a fund and secure the best southern white lawyers, well and good. Such a step would take the last vestige of respectability from the way southern courts treat Negroes. It would bring to an end the conditions of the past under which Negroes have been without aid of counsel worthy of the name.

Help comes from the International Labor Defense and the National Association for the Advancement of Colored People. The latter is our old stand-by when in trouble. The former made itself known to us in the Scottsboro case.

To win the Scottsboro case, we need both favorable public opinion and money. They are the faith and works of the problem. No need to argue which is the more needed. Help in any way is welcome and no sensible person will refuse it, no matter from whom it comes.

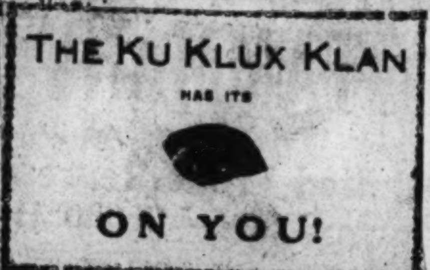
Defeat Klan Move to Smash Mt. Vernon Scottsboro Meet

Daily Worker 6-7-33

New York

MT. VERNON, N. Y., June 6.—An attempt by the Ku Klux Klan to intimidate workers and disrupt a "Save the Scottsboro Boys" meeting held here last night was defeated by the solidarity of Negro and white workers who despite the vicious tactics of the Klan flocked to the A. B. Davis High School Auditorium to attend the meeting.

As the workers gathered, they found the walls of the building inside and out covered with stickers reading:


THE KU KLUX KLAN
HAS ITS
ON YOU!

The workers, however, refused to be frightened by this "warning." When they went to their seats, they found scattered through the hall labelled "Ku Klux Klan Exposed by a Klansmen."

A Klansmen, the circular said "has the courage to back these convictions and the nerve to get in now and not wait until the work is all done."

This obvious warning that Klansmen intended to use force and violence which has marked their terroristic history followed statements such as these:

"A Klansmen believes Black Supremacy is O. K. for Africa and stands unalterable for White Supremacy in America.

"A Klansman opposes trash immigration.

"A Klansman is native born, he is a Protestant, he swears his allegiance to America."

With the growing strength of the militant working class struggle among both whites and Negroes against the sharpening terror of the capitalist rulers of America, the intensifying fight on the workers is evidenced by the revival of terroristic activities by the Klan, as exemplified by the onslaught at last night's meeting.

Carter Speaks.

At last night's meeting, while Lester Carter, defense witness for the International Labor Defense in the Scottsboro case, retold the shameful story of the frame-up in that case, he saw two Klansmen and one Klanswoman who gained entrance to the hall make secret Klan signs to each other.

William L. Patterson, national secretary of the I. L. D., Mrs. Leslie Thompson, of the Yonkers Scottsboro Action Committee, N. Pollard, Westchester County Scottsboro Action Committee and L. E. Williams, A Coverdale, Pa., miner, were among the speakers at the meeting arranged by the I. L. D. in conjunction with Blossom Heath Lodge, No. 31, I.B.P.O.E.

Patterson, on behalf of the International Labor Defense, issued an immediate call as a result of the attempted Klan attack last night to all district branches of the I. L. D. to take active steps to protect future Scottsboro or other defense meetings against the menace of attacks from the Klan.

Huntsville, Ala., News
June 9, 1933

Negro Motion Hearing Is Changed To Athens

Athens, June 6 — The motion for a new trial for Heywood Patterson, convicted Scottsboro negro, who was sentenced to death at his trial in Decatur, Ala., recently, will be heard at Athens instead of Decatur on June 22, it was announced by Judge James E. Horton of Athens Monday, who who presided at the trial of Patterson.

The fact that circuit court will be in session under Judge W. W. Callahan in Decatur on that date was assigned as the reason.

Thomas E. Knight, Jr., of Montgomery, attorney general, George W. Chamlee of Chattanooga and Samuel Liebowitz of New York are among the attorneys who probably will be present.

Habeas Corpus Hearings Thursday For Two Of Nine Scottsboro Negroes

5-29-33

DECATUR, ALA., May 28.—(AP)—Hopes for early freedom for two of the nine negroes indicted in the Scottsboro case hinge on habeas corpus proceedings, set for hearing in Morgan circuit court here Thursday, June 1.

Judge James E. Horton recently issued an order that Roy Wright and Eugene Williams, juveniles, be brought into court here for determination of their case, and set the hearing for Thursday.

In applying for the writ to "determine their cases," George W. Chamlee, Sr., of Chattanooga, one of the attorneys employed in the caes by the International Labor Defense, contended both negroes were only 13 years of age at the time of the alleged crime and therefore should have been committed to the jurisdiction of the juvenile courts.

Chamlee further set forth that Roy Wright was indicted on charges of attacking Ruby Bates, who in the trial of Heywood Patterson in April denied her previous testimony.

The girl made a sensational appearance in court after having been missing seven weeks, and swore that she was not attacked and that she previously had testified falsely.

Wright in the first trials at Scottsboro from whence the case takes its name, was given a mistrial when the jury could not agree on punishment for him. A previous attempt to gain his freedom on a writ of habeas corpus failed in Jefferson Circuit Court.

Williams was convicted and sentenced to death in the first trials at Scottsboro in April, 1931, but the Alabama Supreme Court set the verdict aside on the grounds that his counsel contended he was a juvenile and the State had not proven his age.

WILMINGTON, N. C.
STAR

JUN 3 1933

DePRIEST DISSENTS

While white malcontents have made a hullabaloo over the Scottsboro trial in Alabama, it is interesting to note that Representative **Oscar DePriest**, of Chicago, the nation's only negro congressman, takes a dissenting view as evidenced by his Memorial day address in Chicago. As noted by the *Greensboro Record*:

"His theme was patriotism, and he lambasted the communists to a fare-you-well: They are using the Scottsboro case to spread their devilish doctrine, he declared, admonishing: 'Don't you black people of America let them take you in on that. They are against all that you believe and all that you are. They don't believe in our government and they have no faith in cur Christ.' That much is obviously true.

"Lauding the patriotism of his people the Chicago delegate said: 'The negro never has turned upon the flag of his country. He always has been first to fight for it, though he has had many complaints at the protection it has offered him. But this is the best country in the world for the negro.' Though some of this is exaggeration, the country as a whole recognizes and, we hope, appreciates the patriotism of the negro, so we have no particular fault to find with what Representative **DePriest** has said on this score in the heat of his own oratorical fervor."

Lynchings-1933
&
Legal Punishment for Rape.

Alabama

4290

SCOTTSBORO MEETING IN CHURCH IS ALMOST A RIOT

Call

10-27-33

KANSAS CITY, Kas.—A near-riot disrupted a meeting at First A. M. E. church here Sunday afternoon when Congressman U. S. Guyer and Lester Carter, white Texan, who was one of the defense witnesses at the last Scottsboro trial at Decatur, Ala., came perilously near to fisticuffs before an assemblage of 1,000 which had gathered to hear a talk by Mrs. Jane Patterson, mother of Haywood, one of the nine Scottsboro boys.

The trouble arose when Mr. Guyer, refuting attacks made by Richard B. Moore, West Indian Communist, against President Roosevelt, the supreme court, Congressman DePriest, and America in general, was challenged by Carter after the congressman had made a remark Carter construed as an insult to himself.

"There are some good white people in Texas," Mr. Guyer remarked, "but they are good to white people only."

At this point Carter leaped to his feet and advancing toward Mr. Guyer, shouted:

"You can't call me a liar, you capitalist!"

Carter seemed on the point of physically attacking the congressman, who set himself for defense, when Forest B. Anderson, chairman of the meeting, and president of the Ctizens league, which was sponsoring the meeting, intervened firmly.

"There Was Confusion"

Other members of the Patterson party started yelling too. A number of people in the audience sturged towards the rostrum. Others ran toward the exit of the church, fearing a general melee. For a few minutes much confusion reigned.

Then the Rev. A. W. Davis made his powerful voice heard above the tumult. He succeeded in restoring a measure of order.

Following him the Rev. W. D. Wilkins, pastor of the church, expressed regret that such an occurrence could have taken place and apologized to Mr. Guyer for the incident. The minister told the crowd, which had become quiet again, that he had reluctantly given his consent for the holding of the meeting in his church. He had not expected that inflamatory speeches would be made, he said, but only that Mrs. Patterson would speak in order that the people might know the truth about the Scottsboro case.

Carter Leaves

When Congressman Guyer rose to continue his speech Carter ostentatiously took his departure.

Mrs. Patterson spoke briefly. She was calm and her talk was effective. She related the reasons which she, and most other people had, for believing her son and the other Scottsboro boys innocent of the rape of the two white girls, for which they are being held. She praised the I.L.D., saying that it had come to her aid when she needed it and that it had stuck by her and she would stick by it as long as she lived.

The speech which riled Congressman Guyer, as well as many of the audience, was that of Moore. In a vitriolic manner Moore poured abuse on President Roosevelt, calling him a "sneaking demagogue." The supreme court of the United States he termed a "tool of Wall street." DePriest, according to Moore, was a traitor to his race and worse. Going back to Lincoln, Moore said of the great emancipator that he he freed the slaves not from humanitarian motives but as a move of expediency to save the Union.

"No Honest Judges"

"There are no honest judges," Moore shouted. "There ain't no such animal."

Carter, the white Texan, said he was on the train on which the fight between the white and colored boys took place. He stated that he and his partner were with Ruby Bates and Victoria Price and that the colored boys had made no attack on the women.

Carter told how officers had tried to make him sign statements saying that the women had been raped by the colored boys, but that he and his partner refused. The police then made them get out of the state, Carter said.

When Congressman Guyer rose to speak he defended the president, the courts, except in Alabama, and Oscar DePriest.

"I could not sit here and allow you to attack the President," Mr. Guyer said. "You should not go against your friends. I have stated several times that the Scottsboro boys have not had and cannot get a fair trial in Alabama. I have offered to aid in whatever way I could to help these lads. But I cancont and will not sit here and listen to attacks on our nation in silence."

'Scottsboro' Trials Set for November 27

Constitution
Atlanta Ga.
10-20-33

DECATUR, Ala., Oct. 19.—(AP)—Judge W. W. Callahan, of Morgan circuit court, announced today after a conference with Attorney-General Thomas E. Knight Jr., and Judge James E. Horton that a special term of court would be called for November 27, 1933, for the trial of the "Scottsboro cases."

Autauga County Negro Sentenced For Attack

Advertiser
10-25-33
Montgomery Ala.

PRATTVILLE, ALA., Oct. 24.—(Special)—Jim Lyle, 24-year-old negro, was sentenced to 50 years in prison in Circuit Court here today fcr an attack upon a white woman in the Statesville community last July. Another negro Charlie Hall, was tried on similar charges but early this morning a jury had failed to reach a verdict.

The white woman, 33 years old and mother of six children, testified both negroes attacked her and the negroes denied it. The cases were heard before Judge F. Lloyd Tate.

Carter Starts Row At Scottsboro Mass Meeting Here

Kansas City and Topeka Plaindealer
10-27-33
Kansas City, Kans.

CONGRESSMAN RESENTS ATTACKS HURLED AT U. S. GOVERNMENT, SUPREME JUDGES, ABRAHAM LINCOLN AND CONGRESSMAN DePRIEST MADE BY I.L.D. SPEAKER; FORREST B. ANDERSON MAKES STATEMENT.

BULLETIN

Directly following the appearance of the article in the Kansas City Times, Monday morning, scores of prominent citizens of both races made urgent inquiries of Rev. W. H. Wilkins, pastor of First A. M. E. Church, and officers of the Citizen's League concerning the Guyer-Carter fiasco. The Times failed to state that the belligerent Carter was a white man, and much resentment and consternation is reported because of the unfortunate affair.

Rumors also are rampart that many persons are directing criticism toward Forrest B. Anderson, president of the Citizen's League, because of his invitation to Congressman Guyer. It seems to be the concensus of opinion of prominent political leaders, that the unpleasant state of affairs should have been averted, for the good will and well meaning of all concerned.

(By an Eyewitness of Plaindealer Staff)

Remarks of Congressman U. S. Guyer in which he expressed dire resentment of the tenure of attacks hurled at the national government, President Roosevelt, the Supreme Court of the U. S., and his fellow congressman, Oscar DePriest of Chicago, by the vitrolic gestures of Richard B. Moore during the latter's address Sunday afternoon at First A. M. E. Church, were abruptly interrupted at the instance of a counter charge on the part of Lester Carter, (white) defense witness.

The altercation came at the close of the program of a mass meeting and testimonial given under the auspicies of the Citizen's League, during the presence of Mrs. Janie Patterson, mother of the doomed Heywood Patterson, who made a sympathetic plea in behalf of the condemned boys in Alabama; and following enthusiastic reception of Lester Carter, the white boy the risk of his life helped to prove the innocence of th Scottsboro boys on the witness stand along with Ruby Bates.

Young Carter in his own way had described the event o affairs leading up to and after the last trial. Incidentally h made it known that he was a native of Texas. And what actually caused the violent commotion when he threatened to strik Congressman Guyer, was Mr. Guyer's statement that "it wa true that the Scottsboro boys could not get a fair trial in Alabama and that there were good white people in Texas, but they were good to white folk." Immediately following this statement from Congressman Guyer, Carter rose to his feet and challenged Congressman Guyer with firey denunciation, that might have resulted in bodily harm but for the quick actions of others seated on the platform, who surrounded the repugnant youth and escorted him to the door. Mr. Moore the alleged avowed communist came to the rescue of Carter and succeeded in mal ing a quiet retreat.

At this juncture the hundreds of persons in the vast [illegible] had been thrown into panicky frenzy and half of them made a hasty exit, unheeding the cries of Rev. W. [illegible] Wilkins, pastor of the church who valiently tried to restore peace and calm. After his alert admonishments, he finally gained hold of the situation and Congressman Guyer was allowed to continue his talk. Mr. Guyer was reticent and declared that his fo[illegible] was in error, and apologetically explained that he made no attack upon the good will of Cater.

The terrible confusion of affairs came as a bombshell out of a clear sky, and marred the morale of what intended to be almost tranquill gathering who were bent on paying tribute to Mrs. Patterson and wishing her every good wish for the safe return of the Scottsboro boys to their homes.

Moore, the prolific speaker of the I. L. D. held the attention of his hearers firmly, which included a representative group of the leading business and professional men and women and pastors of the churches, together with the Honorable member of Congress. During his 45 minutes of discourse he hurled varied accusations at Congressman Oscar De Priest, of Illinois, as having failed to properly represent the members of his race in Washington, and described him as especially negligent in the Scottsboro case. He made wanton attacks upon the NAACP specifying that they failed to turn over $7,000 defense funds collected in the name of the unfortunate boys. Further, Moore spoke despairiyingly of the "noble" deeds of Abraham Lincoln, and charged that the emancipation of the Negro was not brought about by his love for the colored people but to save the Union.

The long afternoon was a voloptous round of affluent oratory by numbers of speakers, some of which gained access to the floor at advantageous points. The meeting finally adjourned amid excitement running high.

A substantial collection of $58 was presented Mrs. Patterson.

Anderson's Statement

I had two purposes in inviting congressman U. S. Guyer to the meeting first, that Mrs. Patterson the mother of one of the Scottsboro boys could tell him her story and second that he could hear it. This poor mother traveled all the way to Washington to tell congress her story and was refused the right to do so, while in this event she had the congressman come to her so the meeting was beneficial to both of them, especially in the event that Mr. Guyer decided to take official action (which I hope he will) he will have first hand information from the lips of one who can tell the story as no one else can.

The meeting was a perfect success except for a few unpleasant words that passed between Mr. Guyer and Mr. Carter (both white) which I regret exceedingly and while I did not think the matter of any grave consequence still as a matter of precaution I appointed a committee of three men to escort the congressman to his car.

As president of the citizens league I would feel remiss in my duites to have had Mrs. Patterson come to our city and go away without being entertained by some local organization. I have no apologies to offer, if I had it to do over again I would persue the same course.

FOREST B. ANDERSON,
President Citizens League

Scottsboro Cases To Be In Supreme Court Again, Lawyer Says

Advertiser

WASHINGTON, Nov. 4.—(AP)—The Scottsboro, Ala., cases are again to be brought before the Supreme Court.

Osmond K. Fraenkel, of New York, counsel for Ozie Powell and six other negroes charged with assaults upon two white women, has given notice he will ask the highest court to order United States marshals to levy on property of the State of Alabama to satisfy costs totalling $1,452 awarded his clients when the Supreme Court set aside their conviction and gave them a new trial.

Fraenkel, in the papers he has prepared for filing with the court, said he had called upon Atty. Gen. Knight, of Alabama, to comply with the court's decree by paying his clients costs to cover the expense of printing the records in their cases for use of the high court but had been unable to obtain any assurance the money would be paid

He pointed out that the negroes would again be brought to trial on Nov. 27 and declared it was highly important the money be available to enable them to present a proper defense.

He said he would inform the court that efforts to raise money otherwise for the defense of his clients have not been fully successful.

Stay Asked for in Scottsboro Appeal To Supreme Court

Daily Worker
11-4-33
New York

ILD Demands Ala. Pay Cost of First Appeal Before New Trial

WASHINGTON, D. C., Nov. 3.—Motion for a stay of all proceedings in the trials of the nine innocent Scottsboro boys until the state of Alabama pays the costs of the appeal to the U. S. Supremede Court has been filed with that court by Osmond K. Fraenkel, attorney retained by the International Labor Defense, and will be hear Monday, Nov. 13.

The motion cites the assignment of $1,452.55 in costs, nearly all of it for printing of the appeal, by the U. S. Supreme Court to the state of Alabama, which was the defendant in the appeal, won by the International Labor Defense, in a decision handed down Nov. 7, 1932, granting the boys a new trial.

With November 27 set as the date for the opening of the new lynch trial before Ku Klux Klan Judge W. W. Callahan, and with Attorney General Thomas E. Knight calling for the nine boys to be brought for arraignment to the lynch town of Decatur, November 20, the motion, unless decided immediately by the Supreme Court, would have the effect of delaying the trials.

No precedent has ever been set for the decision of the court in a so-called criminal case, but the law calls for a stay of all further proceedings by the losing side in all cases coming up to the U. S. Supreme Court until costs are paid up as assessed.

Birmingham, Ala., Age-Herald
October 27, 1933

Forum Of The People

(Communications to the editor are welcomed. Letters must be signed with the author's name. Matter sent also to other papers is not, as a rule, desired. Letters should be brief, preferably not more than 300 words; typewritten, if possible; double-spaced, if typewritten; clearly and legibly written, if in longhand. Do not enclose stamps, since correspondence, the return of which may be desired, in the event it is not used, is not sought by this paper. Letters will not be returned. Please refrain from personal attacks and libelous statements. The Age-Herald reserves the right, in accordance with the foregoing suggestions, to edit manuscripts without changing their meaning.)

CONCERNING JUDGE HORTON

To Editor, The Age-Herald:

As a constant reader of your paper, I note your editorial in your issue of Tuesday, Oct. 24, under the head of "On Shifting Judges."

In this article you regret that Judge Horton is not to retry the Scottsboro Negro rape cases, and that Judge Callahan is to try them. You wonder why the change was made, and you say: "The fact which cannot be overlooked is, that the judge who has already tried the cases and who has done so with infinite credit to himself and the state of Alabama, is not being permitted to bring to a fresh investigation the benefit of his experience and the assurance of his unfaltering courage." Have you ever thought, Mr. Editor, that Judge Horton deliberately disqualified himself from again trying these cases? This, he did, when in passing on the motion for a new trial, he stated "that the evidence was not sufficient to convict." After deliberately expressing this opinion, he knew, as everyone else ought to know, that he would no longer be qualified to sit as judge in the case.

Your statement in that editorial that Judge Horton had tried the case "with infinite credit to himself and the state of Alabama," shows a lamentable ignorance of the true facts. The facts are, that during that trial, Judge Horton allowed the courtroom to be made a circus of, by allowing flashlight pictures to be made in the courtroom while the trial was in progress, and allowing that Jew lawyer who represented the defendants, to say and do what he pleased.

For instance, Mr. Editor: When the attorney general of Alabama was cross-examining a Negro witness and called the Negro by his given name, this lawyer for the defendant rebuked the attorney general by saying in a loud voice: "Why don't you call him mister?" and Judge Horton sat there, and said nothing; suppose that you, Mr. Editor, had been in the place of the attorney general—would you then be willing to reiterate that Judge Horton is "the brave and veteran judge, whose behavior in the last trial won the praise of all thoughtful observers?"

The truth is, Mr. Editor, to many who have observed that trial, and who know Judge Horton, it seemed that he was lacking in courage, that he was seeking notoriety, and that while his political ability is well recognized, that he has no more backbone than an angle worm. You seem to regret in that editorial that Judge Callahan is to try these cases. I have known Judge Callahan for many years and I venture the prediction that when the trial is had that it will be tried right, that the court proceedings will be conducted with decorum, that the lawyers engaged in the case will not cast side bar remarks to each other, that a circus will not be made of the courtroom, and when it is over, the people of Morgan County will not be humiliated by thinking that their Circuit Court has been made a political forum.

Respectfully,
WILLIAM MOSELEY.

Decatur, Ala., Oct. 25, 1933.

* * *

Editor's Note—Mr. Moseley's views and those of The Age-Herald are so far apart that comment on this letter would serve no discernible purpose.

Lynchings-1933

Legal Punishment for Rape.

Alabama

4291

PHILADELPHIA, PA
RECORD

NOV 1 2 1933

Lynch Law

Editor of The Record:

Sir—Americans, while protesting to the German Government against the mistreatment of the minority race of Jews in Germany, should give their very serious attention to the unparalleled mistreatment of Negroes in America.

Until our country does give such attention to this universal mistreatment of its own Negro citizens and attempt to stop same, it will weaken its position to make protest to the Hitler or any other Government against their mistreatment of minorities in their respective countries.

I refer particularly to the most dastardly, bestial, and gruesome lynching that has ever disgraced the already stained banner of America, the Armwood lynching of Princess Anne, Md. A lynching that has not only disgraced Princess Anne and the State of which it is a part, but the whole United States.

It is needless to dwell on the details of such a horrible lynching. This has already been done adequately by an aroused and protesting press. Their word picture of the lynching of George Armwood by an infuriated mob, estimated at between two thousand and five thousand people, must have caused every law-abiding and peace-loving American to shudder in righteous horror and indignation.

Newspapers and individuals have speculated as to the cause of the lynching. Some have attributed it to the naturally slow process of the administration of justice, but they all seem to forget in the forming of such a conclusion that it is the Constitutional right of every citizen of these United States who is charged with a crime to be tried according to the due process of law. Also, that this Constitutional clause has always been interpreted to mean that any citizen charged with crime, irrespective of its nature, is entitled to every legal means to prove his innocence before the courts of our land, even if his case must be taken to the highest tribunal, the United States Supreme Court.

Therefore, even though I bemoan with others this apparent slowing down of the administration of justice, yet I think that in many cases it has served the useful end of the meting out of fuller justice to the citizen charged with crime.

And, certainly, when such a process of administering justice is used for the purpose of giving the accused every Constitutional privilege of proving his innocence, it should be upheld by all of us who profess love for our Constitution and its decree of a fair trial for any citizen accused of crime.

According to lynching statistics that were released by the Commission of Church and Race Relations in 1921 there were 1028 white persons and 3069 Negroes lynched during the period of 1885 to 1921, inclusive.

In the years 1929 and 1930, 37 more were added to that number, making a total of 4134 whites and Negroes lynched during those years, with the Negroes in the great majority. As to the number that occurred during other intervening and succeeding years, I have no figures to tell, but I do know that during the year 1933, at least 33 lynchings have occurred.

In citing these figures on lynching statistics, my sole object is to show the white and Negro citizens of the United States the seriousness of the lynching evil.

Then, as a representative of the Negro race and an American citizen, I hereby fervently appeal to our white fellow citizens to join with us in abolishing the lynching evil once and for all time. Let us, white and Negro citizens, organize ourselves into a band of anti-lynching crusaders, first, to wage a vigorous campaign of education of our people of the danger of lynching to established government, and then to bring about the enactment of an anti-lynching law.

My sincere hope is that many favorable responses to this challenge may be forthcoming from our friends of law and order of the white race.

FLOYD L. LOGAN,
President, Educational
Equality League.

SIOUX FALLS, S. D.
PRESS
Argus

NOV 7 1933

A CHECK ON LYNCHINGS

Kansas City Call

Washington.—The federal government has the power to punish officials in any state who permit lynchings of prisoners in their care, and the president of the United States may call out the land and naval forces of the nation to see that the guilty ones are punished.

These are the contentions in a brief filed with Attorney General Cummings this week by Charles H. Houston, Leon Ransom and Edward P. Lovett, three attorneys of this city.

The brief cites a federal law first passed by congress May 31, 1870 and since amended to make it still stronger. It says in substance that any person who under color of any law..... ordinance..... or custom shall be subject or cause to be subjected any inhabitant of any state .... to the deprivation of any rights, privileges, immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains or penalties on account of such inhabitant being an alien or by reason of his color, or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding $1,000 or imprisonment not exceeding one year or both. . . . The name of the law is Section 52, Chapter 3, Title 8, U. S. C. A. (R. S. 5510).

Going further, the brief recites from Section 55 of the same chapter and title (R. S. 1989): "It shall be lawful for the president of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States or of the militia, as may be necessary to aid in the execution of the judicial process issued under any of the preceding sections, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title."

The brief is an attempt to get the federal government to act to punish Sheriff R. L. Shamblin of Tuscaloosa county, Alabama, from whose custody Dan Pippen and A. T. Harden were taken on August 12 and lynched. The three lawyers prepared and submitted the brief for the National Association for the Advancement of Colored People, the International Labor Defense and the American Civil Liberties Union. They contend Sheriff Shamplin caused Pippen and Harden to be deprived of their rights as United States citizens, that the sheriff acted under color of law or custom of Alabama, that the victims suffered the deprivation of the rights by reason of their color and race, and that federal prosecution is the only means by which the deprivation can or will be punished.

The brief covers 24 full typewritten pages and recites the facts of the lynching as well as arguments to support the contention under the law. In conclusion it points out that despite the admitted "shock and outrage" of the "best citizens" and the state officials, Alabama did nothing and a grand jury found no grounds for action. The conclusion is that the Negro has no hope of getting action through state and local authorities and must depend on federal intervention and punishment.

PHILADELPHIA, PA
INQUIRER

NOV 1 2 1933

Lynching Did Not Always Imply Mob Violence

Editor Everybody's Corner: What is the origin of the term lynching and is it only found in the United States?

N. M. B.

THE origin of the word "lynching" is doubtful and is said by some to have originated in Virginia, where a farmer named Charles Lynch took the law into his own hands after a theft, caught the culprit, tied him to a tree and flogged him. Another theory is that the term came from James Lynch Fitz-Stephen of Galway, Ireland, who about 1526 sentenced his own son to death for murder and, to prevent his rescue by a mob, executed him with his own hands. Still another theory is that a Charles Lynch, who lived in Virginia from 1736 to 1796, flogged Tories during the Revolution and gave his name to the practice. He was a justice of the peace in Bedford county, Virginia. Although he overstepped his authority in flogging the Tories, the State Legislature passed a law which exonerated him.

A farmer named James Lynch, of Piedmont, Virginia, was selected by his neighbors in 1688 to try offenses on the frontier summarily because there were no law courts for miles around.

Nevertheless, although lynching connotes a peculiarly American institution, the practice has been common in all countries when unsettled conditions existed or in threatened anarchy. In Europe early examples of such a practice are found in the proceedings of the Vehmgerichte in medieval Germany, and of Lydford law, gibbet law, or Halifax law, Cowper justice and Jeddert justice in the sparsely settled border districts of Great Britain. In later years it is found mainly in Russia, and in southeastern Europe besides the United States.

Lynching in its earliest history in the United States was not mob law, as it is now understood, but it was orderly, methodical and fair in its practices, and was strongly opposed to violence or mob rule. Its decrees and findings were executed sternly and swiftly in places where territory had extended faster than effective government organization for the punishment of offenders could follow. But in the East in the early history of the country lynching was found: (1) in the mistreatment of Indians in New England and the middle Colonies in disregarding laws protecting them: (2) in the custom found in various Colonies of administering summary justice to wife-beaters and other obnoxious persons; (3) in the acts of the regulators of North Carolina (1767-71); (4) in the popular tribunals of the Revolutionary period when the popular feeling towards Great Britain weakened the authority of civil governments.

From 1870 on it became an unwritten law in the South to lynch by mob rule every negro charged with rape or assault, or with the murder of a white person and it is still in the Southern States that the number of lynchings is greatest. Other causes of lynchings are homicide, felonious assault, robbery and theft, insult to white persons, etc. Rarely has there been a conviction of persons who participated in lynchings, owing largely to the sympathy of the jurors for the accused, or, as in the recent Maryland lynching case, where evidence or identification is lacking in bringing the accused to trial.

BALTIMORE, MD.
EVENING SUN

NOV 1 4 1933

REPORT ON PROPOSED LEGAL CHANGES DUE

Subcommittees Will Review Plans For Alteration On Criminal Procedure Thursday

Reports of three subcommittees on the advisibility of making drastic changes in the State judicial system pertaining to criminal cases are scheduled to be received Thursday — the date of the first full meeting of the Judicial Commission of Maryland, recently appointed by Gov. Albert C. Ritchie. The meeting will be at the Courthouse.

State's Attorney Herbert R. O'Conor, chairman of the commission, announced today that the group had been called to be in session Thursday to receive reports of subcommittees and begin consideration of proposed changes designed to prevent delays in criminal cases.

Meetings Held

The three subcommittees, which already have held meetings to study suggested changes in procedual laws, are headed by Chief Judge Carroll T. Bond, of the Court of Appeals; Chief Judge Samuel K. Dennis, of the Supreme Bench, and Edgar Allan Poe.

The Governor's commission was appointed after the recent lynching in Somerset county and declarations from some sources that lynch feeling was promoted by the fact that some cases, notably the Euel Lee murder case, could be delayed through the courts for years before completion.

BALTIMORE, MD.
MORNING SUN
NOV 19 1933

A GRAVE ISSUE

No graver reflection has been cast upon the decent citizenship of a county in Maryland than State's Attorney John B. Robins casts upon the people of Somerset. He asserts that effort to arrest and hold in jail men whom the Attorney-General of the State says are under suspicion of participating in the Armwood lynching would lead to a riotous outbreak that could not be controlled.

If this means anything, it means that mob violence, engendered not in a moment of passion but determined upon with calm deliberation, would prevent an orderly attempt to enforce the law. This, Mr. Robins says, would occur despite the Attorney-General's plain and direct statement that proof of guilt against the nine men whose arrests he has advised is so definite that no magistrate could legally refuse to hold them for the grand jury and no grand jury would be justified in refusing to indict.

The Attorney-General shows his faith in his case by requesting that the men be taken before a magistrate, so that the preliminary hearing may be had in the open and the public may learn the substantiality of the charges. Mr. Robins prefers the other way around. He would move first into the grand jury room, where secrecy would prevail. After State's Attorney Robins' general procedure in the matter, the public will not agree that he knows better than Attorney-General Lane which procedure in this particular instance is best calculated to promote justice, and to preserve the integrity of Maryland law.

The court of the First circuit has opportunity now to demonstrate that law can be and shall be carried out. It has authority to eliminate Mr. Robins from the case. And in view of his entire conduct in the matter, special counsel should be chosen to supplant him and to give the Attorney-General the cooperation that is necessary.

BALTIMORE, MD.
MORNING SUN
NOV 14 1933

PUBLICITY

A few weeks ago the Maryland Free State was given a national advertisement when a popular radio broadcast was devoted to a dramatic rendition of the Princess Anne lynching. Shrieks, howls, curses and yells, all subordinated to a rhythmic chant, "This is what we do on the Eastern Shore!" gave Maryland an evening of publicity from coast to coast.

This week it is the marrying parsons of Elkton who provide the Free State's nation-wide claque. The theme of the piece, which appears in the *New Yorker*, is that "it is not always wise to announce in a courtroom that you were married in Elkton, Md." One New York jurist, upon hearing that an applicant for alimony was married in Elkton, said "I don't think much of that marriage." Thereupon follows a description of Elkton and a recital of the strange reason why that sleepy Maryland town should play so large a part in the union of elopers and bigamists. The marrying parsons, with their runners and their splits with taxicab companies, are fully accounted for.

Still, marrying is better than lynching and if it is true that Elkton in 1930 has 3,464 marriages to 260 for Gretna Green, that is less distressing than to have Maryland overtake Georgia as a lynching center. But a perusal of this article would have a sobering effect upon those opponents of the civil marriage bill who believe that an Elkton wedding at the home of a marrying parson in cahoots with a taxi driver has any relation to religious experience.

BALTIMORE, MD.
EVENING SUN
NOV 30 1933

The Mob Rules

Law, as embodied in two of the three judges of the First judicial district of Maryland, formally abdicated to the mob yesterday. The scene in the Princess Anne courtroom, where the prisoners and the mob, rather than the judges, conducted the proceedings, marked the end of orderly government in that section of the State.

Save in so far as they suffer when the reputation of the State suffers, the people of Baltimore and of the rest of the State have little to fear. But the people of the First judicial district may well tremble at the future.

This is no idle threat. Careful statistics show that a community in which lynching is not challenged reverts more and more often to this type of orgy. Moreover, the people of the First judicial district are living in a false security if they think that their mobs will confine themselves to lynching an occasional unpopular Negro. The records show that lynchers next proceed to Negro women, then to white men and finally to white women. Eleven white women have been lynched by mobs in the last few years.

Moreover, mobs are not only killers, they are also destroyers. The Salisbury mob, in its exuberance, destroyed the automobiles of three innocent persons on Tuesday. No effort has been made and none will be made to punish the perpetrators of this vandalism. Destruction of property is condoned by authority in the First judicial district.

The judges, the State's Attorney and the mobs may think themselves pretty much heroes today. But they have set in motion forces which will plague and harass them for years to come. It is not unlikely that before long the decent people of the community, if any have the courage to remain there, will be calling upon the Governor to send troops to protect them from their neighbors.

New York Times
DEC 3 1933

SKELETON IN THE CLOSET.

From The St. Paul Pioneer Press.

The statement made by Governor Rolph of California in approval of the San José lynchings must rank among the most shocking ever made by a Governor of an American State.

In no country in the world is a recrudescence of mob justice more to be feared than in the United States. It is the skeleton in the family closet of this country. There is a fearsome background. At one time lynching exceeded 200 a year in the United States. It has required more than fifty years of progress in the extermination of this dangerous attitude toward justice to reduce the number of annual lynchings to the present almost negligible or at any rate comparatively slight total.

Crime will not be stamped out in America until all who would commit deliberate crime know that the force of police and of the courts will certainly overcome them if they break the law. Nothing short of the regular and increasingly successful victories of law over crime will burn home the lesson that Governor Rolph desires

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WILMINGTON, DEL.
NEWS
NOV 29 1933

TWO GOVERNORS CONTRASTED

CONSIDER the contrast in the conduct of Governor Rolph, of California, and Governor Albert C. Ritchie, of Maryland, with regard to lynching. The California Governor has defended the lynching in his state. And that raises a serious question. Is the country, or any part of it, to be ruled by law and order and the authorities, or are mobs of lynchers, law-breakers, to take command whenever it suits the frenzied fancy? Under the latter rule we should soon have chaos and practical anarchy.

No matter what the provocation may be, the law should take its course. And if the law delays the people should exert their influence in the proper way for the prompt administration of justice. We cannot afford to go back to the rule of lynchers. That really would be barbarous.

It is stated that Governor Rolph has been condemned by some and praised by others, but it is difficult to see why there should be praise. Disapproval has been expressed by a number of Governors of other states, large states at that.

On the other hand, Governor Albert C. Ritchie, of Maryland, has from the start manifested his high and complete conception of his duties. The Governor of Maryland promptly sent troops to the disturbed regions, heavily armed National Guardsmen, in an effort to apprehend the leaders of the mob who did the lynching. They succeeded.

Apart from other reasons the Governor was carrying out his sworn duty. And after it is all over and there is time for reflection some of those who have been condemning Governor Ritchie will conclude unemotionally that he was merely performing his sworn duty, which is that the law must be sustained and disorder discountenanced in every way, shape and form.

BALTIMORE, MD.
EVENING SUN
NOV 27 1933

Political Method

When Governor Rolph, the erstwhile hero of the California liberals, was told of the lynching of two men at San Jose, he was delighted. Said he:

> This is the best lesson that California has ever given the country. We show the country that the State is not going to tolerate kidnapping.

This method of greeting news of the breakdown of government has obvious advantages and can be applied to many governmental problems. Thus if word should come to Governor Rolph that the chairman of his road commission has stolen ten millions, he could say:

> This is the best lesson California has ever given the country. We show the country that we have another millionaire.

Or, if the police of San Francisco were proven to be in cahoots with bank robbers, he could say:

> This is the best lesson California has ever given the country. We show the country that our police know how to deal with bank robbers.

Readers will see at once the political advantages of the method. And in no place, we are sure, will it be better understood than in the regions of Maryland on the other side of the Choptank river.

Lynchings - 1933
Legal Punishment for Rape.

I

Alabama

4292

Scottsboro Protest Actions On Increase Throughout Whole Country

Form Anti-Lynching Committee in St. Louis

NEW YORK.—A call for the loan of trucks and automobiles to help bring Harlem workers to Saturday's Scottsboro protest demonstration in Union Sq. was issued yesterday by the district office of the International Labor Defense, 87[illegible] Broadway, phone Gramercy 7[illegible]9219. Members of the I.L.D. and sympathetic workers were also urged to report to help in the distribution of leaflets for the demonstration.

• • •

NEW YORK.—The Young Communist League of Harlem is holding a Scottsboro protest meeting this afternoon at the I.W.O. Hall, 415 Lenox Ave., as part of the city-wide drive to mobilize the workers of New York for a tremendous protest demonstration this Saturday in Union Sq. against the infamous Decatur lynch verdict and the release of the nine innocent Scottsboro boys.

In the Bronx, the Ronald Edwards Branch of the League of Struggle for Negro Rights is holding a protest meeting this Wednesday night at their headquarters, 3958 Bronxwood Ave.

In Mineola, L. I., the local International Labor Defense branch will hold a meeting this Friday evening at 80 Main St., Mineola, L. I.

Yesterday 600 workers in the Hotel Commodore pledged their support to Saturday's giant demonstration and unanimously adopted the following protest resolution to be sent to Judge Callahan, presiding at the Decatur lynch trials:

"In the name of 600 workers, Hotel Commodore, New York, we protest lynch sentence of death for Haywood Patterson. Scottsboro boys are innocent. We demand immediate, unconditional release of all Scottsboro boys and protection for them, counsel, and defense witnesses. Hold you responsible for any attempt at legal or other lynching."

Needle trades workers also held a militant protest demonstration on 36th St., and pledged full support to Saturday's demonstration.

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St. Louis Demonstration Dec. 16

ST. LOUIS, Mo., Dec. 5.—A Missouri Committee Against Lynching was organized here Saturday with delegates from many organizations, including the local National Association for the Advancement of Colored People, the local Socialist Party, Urban League and a number of ministers, newspaper men and other prominent citizens.

The committee adopted plans for a mammoth protest parade for Dec. 6 against the lynching of Lloyd Warner in St. Joseph, the rising wave of lynchings and the Decatur lynch verdict.

After the parade a mass meeting will be held, at which will be presented a resolution and petition to Gov. Park of Missouri demanding real investigation of the lynching and the indictment of the mob leaders. White and Negro citizens of St. Louis, enraged at the lynching in St. Joseph, attribute the crime to the statement of Gov. Rolph of California, given wide publicity in the capitalist press endorsing the double lynching in his state.

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"Scottsboro Sunday" In Phila.

PHILADELPHIA, Dec. 5.—Negro churches in this city have named next Sunday as Scottsboro protest day. Speakers from the League of Struggle for Negro Rights and the International Labor Defense will address the church organizations. Many protest meetings are being held throughout the city.

• • •

TOLEDO, Dec. 5.—A Scottsboro protest demonstration will be held here this Thursday afternoon at 4:30 o'clock in the County Courthouse Park. An open letter was issued today by the International Labor Defense to all churches in the city urging their paraticipation. A special appeal was also made to the 10,000 workers on the C. W. A. jobs to participate. Speakers will include William L. Patterson, National Secretary of the I. L. D.: Eugene Stoll, Section Organizer of the Communist Party, and James Wilson, local Negro leader of the unemployed.

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HARTFORD, Conn., Dec. 5.—Two outdoor anti-lynching meetings held here last night were attended by large numbers of Negro workers, despite the attacks by local preachers on the anti-lynching movement.

• • •

Chicago Conference Thursday

CHICAGO, Dec. 5.—Many organizations are responding to the call for a Scottsboro anti-lynching conference Thursday at 5 o'clock at the Lincoln Center, 700 E. Oakwood Blvd. The conference will help prepare a giant protest parade and demonstration this Saturday, which will begin at 43rd and Indiana Ave., on the South Side, and will wind up with an indoor meeting. The Communist Party has issued 50,000 leaflets in support of this action.

• • •

CLEVELAND, Dec. 5.—The Hayford-Jackson Branch of the I. L. D. organized a Scottsboro defense group last Tuesday, with 14 Negro and white workers. Similar groups are being organized throughout the city.

SCOTTSBORO NEGRO IS CONVICTED AGAIN

Samuel Leibowitz Files Appeals to Stay Execution of Two Youths.

LEAVES COURT UNDER GUARD

Prisoners Sent to Death Cells Despite Own Pleas to Remain in County Jail.

New York

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, [illegible] Dec. 6.—Another trial in the Scottsboro case ended today with a conviction and a sentence of death after prolonged deliberation by the jury had aroused defense hopes of a disagreement. Thus another chapter of the South's cause celebre came to a close, with the next one to be written in the Supreme Court of Alabama.

Clarence Norris, one of the nine Negroes accused of attacking Victoria Price and Ruby Bates on a Southern Railway freight train nearly three years ago, was the one found guilty this morning. A few minutes after the verdict was rendered against him Norris and Heywood Patterson, convicted last Friday, received the formal sentence of death from Judge W. W. Callahan with broad grins after protesting that they were innocent of any crime.

The jury in the second and last of the cases to be tried now had been out forty-one hours and three minutes. It had spent exactly fourteen hours in the jury room. According to report, the point of disagreement was the same as in all the other cases—whether the defendant, who was adjudged guilty at once, should be electrocuted or imprisoned.

Leibowitz Alarmed.

Trouble was in the air of the court room this morning. Only a handful of spectators was present, but the deputy sheriffs were jumpy and nervous. Even after the sentence was imposed, Samuel S. Leibowitz of New York, the only one of the defense attorneys present when the verdict was returned, asked and received the court's permission to leave before any of the spectators. He had been warned, he said afterward, that several men in the court room were waiting with loaded guns for him to leave the building.

Arch Daley, former New York State trooper, and Harold Fox of the New York homicide squad, escorted Mr. Leibowitz from the court room, their 250 pounds almost hiding him from view. Under their arms they clutched brief cases in which were loaded guns. Three special Alabama deputies were ordered to accompany Mr. Leibowitz, other defense attorneys and New York newspaper men past the Alabama State line to Chattanooga, Tenn., because of fear that there might be trouble at Paint Rock, Scottsboro or Huntsville, through which their train passed.

Prisoners Are Confident.

Aside from the reiteration of their innocence, the Negroes took their sentences as a matter of course, confident that the International Labor Defense, a Communist organization, will save them from paying the extreme penalty. Their only complaint was that they were to be taken to the death cells at Kilby prison instead of the "soft" jail at Birmingham, where the other seven defendants are to be confined pending the outcome of the appeals in the two cases just tried.

Patterson, after sentence had been imposed upon him, went before the bench and pleaded that the judge reconsider his order transferring him and Norris to the State penitentiary at Montgomery. He had been mistreated there, he said, and the white guards had threatened to kill him if he returned. Judge Callahan told him he had no authority to rewrite the law and Attorney General Thomas E. Knight said he would see that the two condemned Negroes received the same treatment as any other prisoners.

Within an hour after Judge Callahan ordered that the Negroes be put to death on Feb. 2, 1934, and Mr. Leibowitz had filed notice of appeal, acting as an automatic stay of execution, the seven Negroes who have been in jail here for nearly three weeks were on their way back to the Birmingham jail to rejoin the two juveniles indicted with them. They were escorted by a dozen armed deputies riding before and behind the patrol wagon in which they were transported over the ninety-two miles of country road.

It was 11:20 when the jury rapped on the door signaling that it was ready to report. At that moment Mr. Leibowitz was preparing to ask the court to dismiss the jurors on the ground that an agreement appeared impossible and that further detention of the jurors amounted to coercion. Orders had come fifteen minutes before to send the patrol wagon back to Birmingham and the judge had told newspaper men that unless the jury reported by 9 P. M. he would lock them up for another try tomorrow.

Both Negroes Smiling.

Ten minutes after the jury knocked on the door behind which they had argued, wrangled and debated all day yesterday, Norris and Patterson were brought into court, handcuffed together. Each held his cap in his hand. Each was smiling, Patterson cynically and Norris with a trace of hope.

Patterson has been convicted and condemned to die three times. Once the United States Supreme Court saved him from death, the second time he was saved from electrocution by Judge James E. Horton, who presided at his trial here last Spring and after pronouncing a death sentence upon him, reversed the jury's verdict on the ground that it was against the weight of evidence. The uncorroborated testimony of Victoria Price, he held, was unreliable.

For Norris, it was his second trial. He was convicted and sentenced to death at Scottsboro at a trial which the United States Supreme Court held was unfair because he was inadequately represented by counsel. Unlike Patterson, he was not retried last Spring. The other seven Negroes are still waiting for the new trials, to which they are entitled according to the highest tribunal in the country.

Inside the railed enclosure before Judge Callahan's bench the two Negroes, dressed in overalls, were unshackled and they sat down together. To a newspaper man, Patterson confided that he wanted to be "married at once" to Mattie Johnson, a Decatur Mulatto, with whom he has been friendly. "I'm going to the death house," he said, "but I don't care. I want to marry her before some one else does."

Norris Would Marry, Too.

Norris said that he, too, had "a girl in Decatur" whom he wanted to marry. Her name, he said, was Sadie Westmoland. Before anything more was said Judge Callahan cut the conversation short, declaring that he did not approve of "interviews" under such conditions as this.

In the meanwhile the jury had lined up before the bench, a solemn-faced group of men with tightly drawn lips. One of their number handed the judge a slip of paper and stepped back into the line with his fellow jurors. Judge Callahan read the verdict himself:

"We, the jury, find the defendant guilty as charged in the indictment and fix his punishment at death."

The jurors then took their places in the jury box. One of them picked up a newspaper and began to read it as the judge started to dismiss them from further service at this term of court. Mr. Leibowitz interrupted: "I want to know whether the record shows that this jury ever was sworn." Judge Callahan looked up over his spectacles, a startled expression on his face. "Sworn," he repeated. "Why, I have a distinct recollection of ordering the clerk to swear the jury and hearing him do it."

Mr. Leibowitz then asked the court to sentence both defendants, explaining that he was starting home this afternoon. To this Judge Callahan agreed. While Norris stared like a man who has seen a ghost, Patterson stepped before the judge, his hands clasped behind him.

He gave his pedigree to a clerk. He was 21, single and his mother, Janie, lived at 910 West Nineteenth Street, Chattanooga, he said. "What is your occupation?" "I haven't any regular occupation," he said.

"Where did you work last?" prompted Mr. Leibowitz.

"The American Brake Shoe and Foundry Company," he said.

Again Denies His Guilt.

"Heywood," Judge Callahan began, "the jury has found you guilty and fixed your punishment at death. It becomes my duty to impose that sentence upon you. Have you anything to say about why the sentence should not be passed upon you."

"Yes, sir," said the defendant.

"I mean anything except to repeat what you have testified to about not being guilty of this charge."

"Yes, sir," said Patterson. "I would like for the court to know that I'm not guilty of this charge. I've been sentenced to death in the electric chair now three times on the same charge that I'm not guilty of."

"Very well, Heywood," said Judge Callahan. "That's for the jury to decide. I have nothing to do with that."

Notice of Appeal Given.

Judge Callahan then repeated the legal formula of death—a formula which specifies that "a current of electricity, of sufficient intensity to cause death," shall be passed through the body of the condemned man until he is dead. "May God have mercy on your soul," Judge Callahan concluded.

Mr. Leibowitz asked that notice of appeal be noted on the record, and when that was done, Norris was summoned before the bench. He said he was 20 years old, that he was single, and that his mother, Ida, lived in Moenia, Ga. He never had had a regular occupation, he said, but he recalled that he once had held a "construction job." Asked if he had anything to say before sentence was imposed, he answered affirmatively and said:

"I'm not guilty of this charge. The whole case has been framed up against me."

"Well," said Judge Callahan, "of course I have nothing to do with that. The jury has passed on all that."

Judge Callahan then proceeded to recite the legal formula once more but this time he did not ask the mercy of God upon the soul of the defendant.

A moment later the two prisoners shackled together again, were being escorted from the court room by the deputies. Upon their heads they wore caps, tilted at a jaunty angle. Upon their faces were smiles that were really sneers. Joseph R. Brodsky, one of the Communist lawyers in the case, received the news of what had happened from Mr. Leibowitz. G. W. Chamblee, of Chattanooga, was at home defending a client of his own.

Two hours after the court proceedings ended Mr. Leibowitz and the other defense attorneys were at the railroad station, surrounded by their bodyguards and a handful of curious bystanders. As the train pulled out they were singing "Take Me Back to New York Town."

NEGRO'S CASE GOES TO ALABAMA JURY

Times

Second Scottsboro Trial Ends With Judge Amending Charge on Demand of Defense.

New York.

COLOR LINE DISAVOWED

But Calahan Cites New York Law in Barring Evidence About Woman Accuser.

12-5-33

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., Dec. 4.—The second of the Scottsboro cases went to the jury tonight after a dramatic scene in which Judge W. W. Callahan, at the insistence of Samuel S. Leibowitz, chief of defense counsel, amended and emended the charge he had just delivered.

Informed that the general exception entered to Judge Callahan's charge to the jury which convicted Heywood Patterson would be valueless on appeal under Alabama law, Mr. Leibowitz entered thirteen specific exceptions to the charge delivered in the trial of Clarence Norris.

It was 6:17 P. M. when the long session ended, and, at the request of the jurors, consideration of the evidence on which Attorney General Thomas E. Knight Jr. asked the death penalty for the Negro defendant accused of attacking Victoria Price was deferred until tomorrow morning.

At that time also, the sentence of death which the jury's verdict against Patterson makes mandatory upon the trial judge will be pronounced, and the trials of the five other Negroes now in the jail here will be postponed until another term of court. Both sides are understood to feel that further trials pending appeals would be a needless expense.

Judge Disavows Color Line.

Judge Callahan's charge to the jury today differed in only one important respect from the one which he gave to the Patterson jury on Thursday. This afternoon he failed to tell the twelve white jurors that where a white woman charges she has been ravished by a Negro "the presumption is great" that she did not yield willingly. Instead he said:

"The law forbids rape, and the law is made for all and intended to protect all, and it will protect all womankind, regardless of their standing in society or their past acts or station in life or their race or color. And I'm not raising the color line either; I'm telling you the law."

As he said this Judge Callahan peered over his spectacles at the representatives of Northern newspapers.

He proceeded to explain to the jury the forms of the verdict they might return—guilty with a sentence of death or guilty with a term in prison of not less than ten years. He paused a moment and added:

"Gentlemen, that is about all on the law."

Mr. Leibowitz arose from his chair and it seemed for a moment that Judge Callahan again was going to forget to instruct the jury on the form of their verdict if they should decide to acquit.

But Judge Callahan explained that he had merely finished giving "the State's side of it" and that if the jurors were not convinced of the Negro's guilt "beyond a reasonable doubt" they should write the following words on a piece of paper and sign it:

"We, the jury, find the defendant not guilty."

Tilt of Judge and Defense.

It was after this that Mr. Leibowitz announced that he intended to offer several specific exceptions to the charge. Judge Callahan, who earlier in the day had sent the jury out while he reprimanded the New York attorney for what he termed disrespectful conduct, left the bench and sat in the witness chair.

Then began in the almost empty courtroom a battle of wits which lasted nearly half an hour with Mr. Leibowitz pressing the judge almost as though he were a hostile witness. Some of the lawyer's demands the court granted. Others he declined to grant and some he granted in such manner that Mr. Leibowitz took exceptions.

The first four of the defense attorney's exceptions were directed to that part of the charge in which Judge Callahan had told the jury that the past conduct and character of the complaining witness, in this case Victoria Price, was immaterial and irrelevant when "consent was not the defense."

"What I said was that it was wholly out of place in establishing or tending to establish her consent," the judge declared. "Of course her conduct may shed light on what credence is to be given to her testimony."

Mr. Leibowitz then asked the judge to qualify his statement that the mere presence of the defendant while the alleged crime was being committed made him as guilty as though he had been a participant.

Judge Callahan said he had not "said it just that way," and explained that the presence of the defendant must have added to the assurance of the person who committed the crime and contributed to the fear of the women.

Accuser "An Interested Witness."

Judge Callahan, who had charged the jury that the defendant, who in this trial did not take the stand was "an interested party," then was asked to inform the jury that the status of Victoria Price was also that of an interested witness.

"That's not the way to make that request," replied the judge. "It's not a legal request, but I will say regardless of the way in which you tried to get it done, that the fact that she is the prosecutrix does make her an interested witness."

Mr. Leibowitz then asked Judge Callahan to revise his charge and instruct the jurors that in the case of a witness, who has been shown to have testified falsely about any material fact, the jury may disregard all his testimony.

"I decline to do that in the manner in which it is put," replied the judge, who had instructed the jury that they might decide for themselves which parts of a witness's testimony they would believe and which they would cast aside.

"Exception!" snapped Mr. Leibowitz.

As to "Reasonable Doubt."

"I now ask you to explain to the jury the meaning of reasonable doubt," said Mr. Leibowitz to the white-haired jurist, whose cheeks were flushed. "It may be that you stated the meaning of the words negatively, but I would like to have you charge the jury specifically on the meaning of reasonable doubt."

"It's like the pronoun 'it.' We all know what it means, but its hard to explain," said Judge Callahan. "It means more than mere doubt. It means a reasonable doubt. If the law meant just doubt there wouldnt be any sense in that extra word. It is doubt for which you can find a reason in the evidence."

Mr. Leibowitz proceeded to his next exception:

"I now ask your honor to charge this jury that if any among them have a reasonable doubt after a consideration of the evidence, it is his duty under the law to stand his ground until and unless that doubt can be removed by logical reasonable argument based on evidence."

"The law doesn't require me to do it," the judge said. "However, there can't be a verdict unless all twelve agree. Each man has a right to his own honest convictions."

Judge Callahan went on to say that he did not mean that any juror should enter the jury room with 'any pride of opinion" or that he should refuse "to listen to his fellow-jurors," because the law expected them to "reason together."

Urged by Mr. Leibowitz to direct the jury that they were "under no legal duty to agree" if the honest opinion of even one man was arrayed against the other eleven, the judge responded: "I think I have already done that." Mr. Leibowitz noted another exception.

In his charge Judge Callahan reminded the jurors that the case was not a suit between Victoria Price and Clarence Norris but an action between the State of Alabama and a defendant charged with a crime "against the peace and dignity" of the Commonwealth.

Asserting that, as the defense had raised no claim of "consent" by the prosecuting witness, the issue of her reputation could not be brought up, the Judge said:

"The rule is that prior unchastity is inadmissible as a defense. The question of chastity or unchastity is a wholly immaterial issue in the case.

"That, gentlemen, is the law of Alabama. It is also the law of Cnnecticut, Massachusetts, Michigan, Ohio, Vermont and New York."

As he pronounced the name of the Empire State, from which come all the lawyers associated with the defense, except G. W. Chamlee of Chattanooga, Tenn., Judge Callahan allowed his voice to rise and he cast a challenging look at Mr. Leibowitz.

Regardless of his race or color, or condition in life, Judge Callahan said, the defendant was entitled to a fair trial.

Bates Deposition Admitted.

Mr. Leibowitz made the closing argument for the defense after Wade Wright, the Circuit Solicitor, and Attorney General Knight had demanded the death penalty for Norris. The summations began after Lester Carter, a white hobo who was thrown off the train before the alleged attack took place, had testified and after the deposition of Ruby Bates had been read to the jury.

The Bates girl's assertion that the Negroes did not molest her or the twice-married Price woman was allowed to go into the record along with her admission that at the first trial in Scottsboro she had testified they had.

All details of what went on in the hobo jungle in Chattanooga, where the defense contends the two girls spent the night with Orville Gilley, a State witness, and Carter, were bared.

In his charge Judge Callahan said that the deposition of Miss Bates, taken in a New York hospital, must be given the same weight as though she had appeared in court as she did last Spring at Patterson's second trial.

Mr. Wright, opening the argument for the prosecution, urged the jury to "have in mind that this crime could have happened to any woman ,even though she were riding in a parlor car instead of a box car."

Declaring that the only way to "stop such crimes," was to inflict sufficient punishment, he asserted that the law had not yet made hoboing on freight trains a defense against a charge of criminal attack.

Plea of Mr. Leibowitz.

Mr. Leibowitz spent about an hour trying to convince the jury that his client should be acquitted on the evidence, citing the points on which Mrs. Price had been trapped in untruths and in variances from the testimony of other State witnesses.

Lynchings-1933
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Alabama

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He spent most of his time, however, trying to overcome the bitter local prejudice against him and the International Labor Defense, / a Communist organization, which brought him, a Democrat, into the case.

It was his duty under the law, he pointed out, to fight every witness the State produced against his client, to raise every point of law every technicality he could find for the benefit of his client.

He sometimes wondered, he said, why the whole country should be aroused over "a contemptible frame-up by two bums," and he declared that was all that was left of the State's case with the "blah-blah," the "hurrahs for Jackson County and Morgan County," eliminated.

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"Aren't we all American citizens?" he asked.

Referring to the occupants of the press seats, Mr. Leibowitz told the jurors that the "eyes of the world" were upon them. Then he concluded:

New York

"If you have a reasonable doubt, hold out. Stand your ground, show you are a man, a red-blooded he-man—a Southern gentleman, ready to do justice even to this lowly, insignficant worm of a Negro boy If the State had showed his guilt I'd be the first to say hang him. But the State has failed to do this. Its case smells to heaven. We've had enough of this expense, enough opprobrium upon this State of Alabama. Let's end it now."

The high point of the morning came while Mr. Leibowitz was examining Golley, a tramp minstrel who testified at this trial and at Patterson's third trial, that he had seen the Negroes do all the things Mrs. Price said they had done. Gilley was inclined to spar with the New York attorney, and at one point Mr. Leibowitz asked:

"What are you trying to do—get smart with me?"

Judge Callahan directed the bailiffs to escort the jury from the courtroom. Then he said:

"Gentlemen, I am doing all in my power to see that the State of Alabama and this defendant get a fair trial under our laws and on the evidence in this case and I will continue to do so if I can get the proper assistance from counsel for both sides.

"I have tried to be respectful to everybody in this trial. Time after time the attorney for the defense has made improper statements to see if I could not be nagged into saying something that's improper. So far I have not done so, and I am not going to do so."

Emergency Conference Issues Ringing Call For Fight on Lynching

Calls Nation-Wide Demonstrations for Next Saturday; All Organizations Urged to Adopt Similar Resolutions

NEW YORK.—The Emergency Scottsboro anti-lynching conference held in Harlem last Sunday afternoon unanimously [illegible] a resolution against the [illegible] lynch verdict and [illegible] furious [illegible] of lynchings [illegible] raging throughout the country. The Conference called on all organizations to adopt similar resolutions to be sent to President Roosevelt, Gov. Miller of Alabama, and Judge Callahan at Decatur, Ala.

The resolution carries a ringing call to the Negro and white toilers of the country for immediate nation-wide protest actions to save the Scottsboro boys and beat back the rising wave of fascist lynch terror. It sets Saturday, Dec. 9, as a National Day of Struggle against Lynching and for the Scottsboro boys, and calls on the workers to pour into the streets in mighty protest demonstrations in every city and town of the United States. In New York, the main demonstration will be held in Union Square. The resolution follows:

• • •

This emergency conference, composed of 185 delegates, representing 58 organizations of Negro and white, notes with alarm and intense indignation the wave of lynch and fascist terror spreading over the country.

For the third time, the lynch lords of Alabama have flungs their challenge of brutal terror into the faces of the Negro people and the whole of America's laboring population.

Decatur Verdict a Declaration of War

The death verdict against Heywood Patterson, innocent Negro youth, is a grim declaration of war by the white masters of the South against the nation of 13,000,000 Negro people held in bondage, and sweated under conditions of slavery.

This death verdict is a manifesto, an open declaration that the Negro people shall not dare to aspire to the status of a free people, shall not dare to question the superiority of the masters, shall not dare to win for itself even the right to sit upon a jury.

The white ruling class of the South has not been unaided in its attempts to maintain its dominant position.

Lynch Terror Rising All Over Country

Its death verdict against Patterson comes naturally upon the scene of a national wave of lynchings spurred and stimulated by the official pronouncements of governmental spokesmen, who condone, who sanction, who organize and direct lynch mobs against the Negro and against his white brother in struggle.

St. Joseph, Maryland, Decatur, San Jose: The thread of deliberate ruling class policy runs through them all, links them up, converts them into a crystallized program of ruthless, fascist terror against the white and Negro toiling masses, that they might take heed, and not resist the onslaughts of those who live by their sweat and blood.

But the sweated and tortured people of America, white and Negro together, will resist, will organize and will unite to fight back this wave of fascist terrorism.

The fight against lynch teror is also the fight against fascism in Germany and elsewhere.

Only Mass Action Can Save Boys

Immediate, organized, united mass action is the need of the hour. There is no other weapon at the disposal of the toiling masses. It must be strengthened and used with full force.

United mass action has stayed the hand of the Scottsboro lynchers for over two years. Many times they have placed the innocent boys in the shadow of the noose and as many times we have saved them through swift and effective action. We must act more swiftly and more effectively today than eevr before.

We, who have come together in this time of emergency, address ourselves to the oppressed of the whole nation:

Free the nine innocent Scottsboro boys!

Send telegrams and resolutions to Gov. Miller of Alabama and President Roosevelt demanding the **immediate and safe release of the innocent Scottsboro boys!**

Fight against rising fascist lynch terror!

Jim-Crowism breeds lynchings!

Organize mass violation of Jim-Crow laws and practices everywhere!

Call mass protest meetings immediately, organize street parades, marches in protest against lynch and fascist terror! Circulate petitions for the freedom of the Scottsboro boys and the enforcement of the constitutional rights of the Negro people and white toilers and all oppressed masses!

Into the Streets Next Saturday!

For a common fighting front of all oppressed, Negro and white, against the reign of fascist lynch terror and starvation!

Make December 9th a nation-wide day of struggle and resistance against lynching and growing fascism!

All out on December 9 into the streets! Organize in united mass protest! Organizations, unions, churches, lodges, fraternal societies, anti-fascist organizations, mobilize your membership for action! Women and youth organizations, carry through protest actions, strikes in the neighborhoods, schools, colleges, against lynch terror!

Demand:

Impeachment of Governor Rolph, Governor Ritchie!

Death penalty for the lynchers!

Free Tom Mooney and all political prisoners!

Defend the victims of Hitler terror!

Smash the Scottsboro frame-up and lynch verdict!

Scottsboro-Decatur

AFTER deliberating for 24 hours the jury that heard the evidence in the third trial of HEYWARD PATTERSON in the now famous Scottsboro Boys case, transferred to Decatur, in Alabama, returned a verdict of guilty and recommended the death penalty. Press reports said the jury appeared tired, haggard, solemn. Our humble lay-judgment and strong conviction is that the jury had a terrible attack of stricken conscience. Judge CALLAHAN had confused matters by overruling all the decisions of Judge HORTON; by refusing to delay the trial a day to receive the deposition of RUBY BATES, ill in a New York hospital, who swore at the first trial that she had been attacked and at the second trial that neither she nor VICTORIA PRICE had been attacked; by refusing to allow any testimony that tended to establish the character of VICTORIA PRICE as a lewd woman of the underworld. The jury had heard DR. BRIDGES, white, of Scottsboro, testify that he had examined both the women two hours after the alleged mass attack and found their pulse and respiration normal, and that they bore no bruises on their bodies. Naturally it was difficult for this jury to comprehend how nine men could criminally assault two women without a Southern physician being able to find any physical evidences of the assault two hours afterwards.

Journal and Guide
12-9-33
Norfolk

But this had happened: These boys had ridden in the same freight car with white boys, and possibly white girls, all hoboes. The inviolable law of racial separation had been flaunted. There had been a fracas between the white and black boys, and the latter had come out ahead. In Alabama, before a rural jury with the State's attorney general and two county solicitors bellowing racial fear and hatred, what had happened was sufficient to send nine boys to their death at the hands of the State. So the jury rendered a verdict accordingly.

4,000 Cheer Call for Fight on Lynchers at Harlem Meeting

Adopt Resolution Denouncing Decatur Verdict

NEW YORK—For the third time in two days, thousands of [illegible] and white workers [illegible] in a Scottsboro [illegible] demonstration in Harlem hurled back their answer to the De-

New York

catur lynch verdict against Heywood Patterson, held last Sunday night, over 4,000 anti-lynching fighters packed the huge Rockland Palace, 155th St. and 8th Ave.

A few hours before, there had been an overflow meeting in front of the I.W.O. Hall, 415 Lenox Ave., in support of an Emergency Scottsboro anti-lynching conference in which, despite the brief notice, 149 delegates representing 46 organizations took part.

Sunday's meeting was militant. The assembled workers responded with thunderous applause as Richard B. Moore, General Secretary of the League for Negro Rights, raised the demands of the recent Baltimore anti-lynching conference.

Moore Calls For Militant Struggle

"We are seeing the rise of fascism in the United States," Moore declared. "The Negro people must rise to the occasion. With correct leadership they will answer the brutal challenge of the lynch lords". And they will not have to fight alone. The white toilers will fight by their side.

Jack Stachel, Assistant National Secretary of the Trade Union Unity League, pledged the support of the revolutionary unions and the opposition groups in the A. F. of L. in mobilizing the workers for the Scottsboro mass defense. The white workers, he declared, must be as much concerned as any Negro worker over the Decatur verdict. The T.U.U.L. looks on the question not only as a challenge to the Negro masses but to the whole working class. He drew a parallel with the rise of Hitlerism in Germany, pointing out how the ruling class and the Social Democratic leaders paved the way for fascism. Lynch terror will be used not only against the Negroes, but against the white workers. Already, under the N.R.A. the attack has been begun to destroy the revolutionary unions, to deny the worker the right to organize and strike against wage cuts.

Alabama Cropper Tells of Struggles

John Moore, Tallapoosa cropper leader, told of the heroic fight of Alabama croppers to organize against starvation and the bloody terror of the landlords and their police.

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Mrs. Williams, of the Universal Negro Improvement Association pointed out that Negroes were trapped into the World War under the deceptive slogan of a fight for democracy, but got Jim Crowism and lynching on their return from the battlefields. She praised the International Labor Defense for its fight for the Scottsboro boys, and pledged full support to the nation-wide fight against lynching.

Other speakers were Lincoln Steffens of the National Committee for the Defense of Political Prisoners, Sadie Van Veen, William L. Patterson, National Secretary of the International Labor Defense, James W. Ford, section organizer of the Communist Party in Harlem, Sam Speed, William Fitzgerald, Harlem Organizer of the I.L.D., and Schwarzman, I.L.D. attorney just returned from the Decatur trial.

STANDARD UNION

Bklyn. N.Y.

DEC 1 1933

SCOTTSBORO JURY FAILS TO AGREE; AGAIN LOCKED UP

Returns to Court Today and Notifies Judge No Decision Has Been Reached.

By BEN COTHRAN

(United Press Staff Correspondent)

Decatur, Ala., Dec. 1.—Alabama justice today was to record its third verdict in the celebrated Scottsoro case. A jury that yesterday deliberated the fate of Heywood Patterson, one of nine Negroes charged with assaulting ~~two white~~ women near Scottsboro, and was locked up for the nght without agreement, failed to bring in its verdict when court convened today.

The jury plunged into further deliberations at 8:30 A. M.

An Appeal Certain

A new verdict of guilty will mean another appeal to the United States Supreme Court which reversed the verdict of the Scottsboro jury that found six of the negroes guilty and prescribed the death penalty. Patterson was found guilty at a second trial, but the verdist was thrown out by the then presiding judge.

Judge William W. Callahan in charging the jury yesterday failed to tell the jury how it could bring in a verdict of not guilty until the omission was called to his attention by defense attorneys. He said Patterson could be found guilty and given death or found guilty and given a prison term.

Leibowitz Overruled

Samuel Leibowitz, chief defense attorney, took numerous exceptions, particularly to the closing argument of Attorney General Thomas E. Knight, jr. He protest Knight's language, saying it was an appeal to passion and prejudice. Knight acknowledged that it was and Leibowitz asked for a mistrial. He was overruled.

Callahan, in explaining the rules by which the cerdibility of witnesses could be impeached, glowered at Leibowitz, who had hought to show the past of Mrs. Victoria Price, one of the women alleged to have been assaulted.

Ruby Bates, the other, repudiated at Patterson's second trial the story she told at the first. The law, Callahan said, protected all "womankind."

Twelve names were added today to the venire from which attorneys were attempting to select another jury for the new trial of Clarence Morris, one of the negroes convicted with Patterson at the first trial.

The Patterson Verdict

Planet

12-9-33

Richmond Va

The lynch verdict rendered against Heywood Patterson at Decatur, Ala., last Friday occasions no surprise. It was plainly apparent from the beginning of the mock trial that a verdict dictated by racial hate and prejudice rather than by common justice would be returned.

What other verdict could be expected from such a set-up? A judge notoriously and openly hostile to the defense, a prosecution which balked neither at forgery nor perjury to accomplish its ends, and jurymen whose minds were made up when they entered the jury box and who were doubtless instructed to take deliberation for ten (10) hours and 33 minutes in order to give this premeditated and infamous lynch verdict a measure of respectability.

The lynch barons of heathen Alabama are determined to preserve their system of persecution, oppression and frightfulness at any cost and are coldly indifferent to the opinions of the civilized world. The whole affair is nauseating to decent people.

When this is read it is almost a certainty that another one of the Scottsboro defendants will have been railroaded to the electric chair and so on down the line as this farce continues until seven human beings have been condemned to death upon a character of evidence which would not convict a white man of an alleged traffic violation.

What difference does the massacre of seven Negroes make if it is necessary to maintain the prestige and infallability of white supremacy in the South?

The truth might as well be told. It is next to impossible for Negroes to get justice in the vast majority of Southern courts when any kind of white person is arrayed on the other side.

FAIR TRIAL IMPOSSIBLE

Argus

12-8-33

St. Louis Mo

The conviction of Heywood Patterson by a Morgan County jury will be appealed to the United States Supreme Court. Samuel Leibowitz, chief counsel employed by the International Labor Defense, who will affect the appeal, will set forth many reasons why Patterson did not receive a fair and unprejudiced trial. But we think all that will be necessary is for the eminent attorney to merely make the statement before the members of the United States Supreme Court to the effect that it was impossible for his client to have and enjoy a fair trial, as contemplated by the Constitution of the United States, in an atmosphere like that which surrounded the Morgan County court house with Judge Callahan presiding and no Negroes on the jury.

Get a picture, if you please, of the courtroom. Judge Callahan had been selected to preside because of his known prejudice against people of color. Attorney-General Thomas E. Knight, Jr., was still ranting like a hyena under the lashing he received at the hand of Attorney Leibowitz in the former trial which made him more determined to avenge himself on the defendants. Every juror had read of and was familiar with the case. The determination to "hang the Negroes" was written on their foreheads when they filed into the jury box. These boys were made an "example" of outside interference with the so-called Alabama justice, not justice but vengence! Characterize every ruling of Judge Callahan. The part he played throughout the trial was not that of a referee but that of one who was determined to punish someone. Most assuredly this, in itself, shows that he was unqualified to sit in this case. Just think of how he rushed the cases. He assumed the attitude of a slave driver, everything being done in the crack-o'-the-whip style. Oh, well, the cases before him were inconsequential so far as he was concerned. The mere fact that these boys were on trial for their lives had no more effect upon this learned jurist than a peace disturbance charge down in "Happy Hollow." Every effort on the part of the attorney for the defense to call the court's attention to the seriousness of the case before him reminded one of the story of "pouring water on a duck's back."

The whole show indicated, from start to finish, that the judge, the prosecutor and the jurors knew that these boys had been "framed." But, for all that, they must die as an expression of resentment on the part of the people of Alabama against what they call "outside interference."

With these facts before the United States Supreme Court, we believe that the boys will be freed.

Alabama

4293

Lynchings-1933
Legal Punishment for Rape

RALEIGH, N. C.
TIMES
NOV 27 1933

CURTAILING SCOTTSBORO TRIALS MOVE IN DIRECTION OF DIGNITY

As great a mess as the Scottsboro case turned out to be, Judge W. W. Callahan, before whom two of the original defendants will again be put on trial this week, has made a good start toward sanity by announcing that he will speed up the cases so that a verdict of the jury may be had in each instance within three days.

Such a ruling naturally was distasteful to Samuel S. Leibowitz, the professional defender for a society organized to rush to the assistance of Communists, Radicals, negroes and all in general whose indictment for crime may be twisted into the charge of "persecution." The New York attorney received priceless publicity for his early championship of the Scottsboro negroes, and since the Supreme Court of the United States reversed Alabama justice has been "as big as Old Grant" in the estimation of all Reds, pinks and lighter shades, to say nothing of becoming the hero of the High Yallers of Harlem. Reception of such a check as a shortened trial on the eve of staging a second show was naturally about the greatest disappointment that could have happened to a lawyer of the attitudinizing type.

No half-way equitable mind justified the manner in which these helpless negroes were railroaded to the point of execution in the first instance. The evidence against them was of the flimsiest character and was given by members of a profession to which perjury is as instinctive as drawing a breath or "rolling a drunk." There is scarcely a doubt that they were convicted and put in dire peril of execution by the force of the lynch spirit and the jealous prejudice the low order of whites holds against the negro.

The high court of the country prevented murder in the name of law when it took the unusual course of reversing the solemn conclusions and decisions of a State's courts, and for helping on this rescue of justice Leibowitz deserved applause. That success, however, in no way entitles him to the right to be stage director of another long-drawn-out criminal court melodrama. In each case, he must manage to speed up his defense and condense his oratory—something to cause him tears, but to work relief to a public tired with and ashamed of the whole Scottsboro matter.

Suggesting that while North Carolina has not had anything like a Tom Heflin for many years, there is lacking to our courts the power reasonably to restrict the time consumed in trials of capital cases. Where the sensation has been great enough to bring forward a battery of attorneys, these trials go along to lengths that seem endless, in the manner of a Chinese play that takes a week for presentation. And the judge with us is helpless, because of a lack of power to limit the duration of the argument. Rising to such opportunity, Tar Heel attorneys who would faint under the necessity of a modicum of physical exercise with an axe or on the hoof reach heights of enduance by orating for many hours at a stretch, and drinking gallons of ice water during the exercise.

In the next few months the State must suffer a half a dozen trials of ladies who have eradicated husbands who carried no last suggestion of the aura of romance. Everybody knows in advance what the verdicts will be. But it is conservative to estimate that before these familiar old dramas come to the final curtain, lawyers for the defense will spill, spout sigh, cry and coruscate to the extent of many million useless but costly words.

In this one respect of judicial control of a trial even Alabama is able to look at North Carolina practice with a nose in the air in scorn.

PROGRESS
Jacksonville-Tex.
NOV 27 1933

SCOTTSBORO AGAIN.

The tragic farce of Scottsboro begins again. Attorneys already guilty of villifying the state in which the trial of the accused negroes is being held, guilty of asserting before the court, confidence in the fairness of the court and jury and people, while filling the Northern newspapers with vitriolic denunciation of every one concerned, are now in the act of spectacularly appealing to the President to send troops to prevent their massacre. They are not present to serve the ignorant blacks, but to use their tragedy as a picture of atrocity to stir up other negroes, and people generally, against the American social system, to head them toward that acclaimed Utopia of mercy and goodness, communism.

Already thousands of people over the country, people who have never heard one-tenth of the evidence in the case, are talking of a miscarriage of justice, and will so talk regardless of what evidence is produced. Just as they talked in the Sacco-Vanzetti and the Mooney cases. Persons who never read a line of testimony in either case, who never read a review of it except as it was put out by paid partisans of the accused men, are today intensely convinced that they know that cruel injustice has been done, that American honor has been sullied.

This is not to say that the Scottsboro negroes are guilty, or that Mooney or Sacco and Vanzetti were guilty, but it is to protest against the rendering of public verdicts on the basis of ex parte propaganda circulated by the paid agents of social revolution.
—Houston Chronicle.

Knoxville. Tenn., Journal
December 5, 1933

In Decatur

For the third time, the accused Negro of the Scottsboro case has been convicted of the crime laid to his account, with the scene in the Decatur court room when the jury's decision was read one of tense and dramatic suggestion, yet wholly quiet and restrained.

In a nearby column to The Journal's story of the new chapter thus brought to a close in this famous case, is an account of the sentencing of Waxey Gordon, New Jersey beer baron, as we say, to ten years in prison and fines amounting to $80,000, with his wife standing near him with streaming eyes in the dingy, old-fashioned Federal court room and the Judge stating his opinion that the evidence showed Gordon to have been a gang leader of the worst kind for a number of years, with every proof that nothing except actual imprisonment would ever wean him away from the criminal courts.

In another column, a story of Lonnie Taylor's brother, and his opinion as to this outlaw's lack of mental balance, is given as a sort of foot note to the recently published accounts of the brief and decisive trial which sent Taylor back to the penitentiary at Nashville to serve out his original sentence together with the added years his recent outbreak had brought.

These three stories grouped closely, as they were, together, and bearing much of question and inference right now of great moment to the public mind, all are witnesses in proof of the sense of good citizenship and swift justice for which the true spirit of America stands.

In Decatur, where the case is taken by the entire country as a test case of its kind, the tension was great, but the trial passed without outward disturbance as if in testimony that the country has had enough of citizen savagery and will hesitate before again joining the ranks of lawless justice.

Greensboro, Ga., Herald-Journal
December 8, 1933

The continued delay of the law in the Scottsboro case is liabe to result in something similar to the San Jose lynching.

Athens, Ala., Courier
December 7, 1933

Judge Callahan gave the defense lawyers all the rope they needed but held them to the line of duty in representing the negro Patterson, one of seven Scottsboro negroes. He allowed no foolishness, no beating about the bush but made the state and defense lawyers hew to the legal line and as a result it only required about half the time to try the first negro that was used in the previous trial of the same negro. He was not playing to the gallery, he was trying a man for a crime that is punishable in this country by death. Callahan is a great trial judge and a great lawyer and a fine citizen. Leibowitz found a great judge before whom he wilted in his buldozing methods. The jury gave Patterson the death sentence.

Daily Worker
12-12-33

PROTEST STRIKE AGAINST DECATUR VERDICT CALLED BY PHILA. DYERS UNION

Protest Parade in Pittsburgh This Saturday

Anti-Lynching Meets In Canton, Other Cities

New York

PHILADELPHIA, Dec. 11.—A half hour protest strike against the Decatur lynch verdicts was voted by a meeting of 500 dyers, members of several A. F. of L. locals, at the Garrick Hall, 507 South 8th Street, last night.

The strike is set for tomorrow (Tuesday) and will take place between 1:30 and 2 o'clock. The strike vote is the first of its kind in the history of the long Scottsboro struggle and is a gauge of the furious indignation aroused among the workers, black and white, by the farcical Decatur trials and new lynch verdicts against Heywood Patterson and Clarence Norris.

The strike call was sent to 2,000 members of the Dyers' and Cleaners' Union, by the Executive Committee after William L. Patterson, National Secretary of the International Labor Defense, had stressed the need for unity of white and Negro workers in militant action for the release of the Scottsboro boys, Tom Mooney and other class war prisoners.

Scottsboro protest meetings will be held in all the shops controlled by the union, for the adoption of resolutions to be sent to President Roosevelt and Governor Miller of Alabama demanding the release of the Scottsboro boys. The union will also send a letter to other A. F. of L. unions, urging their support for the struggle.

Preparations are being completed for a one-day strike in two schools. Two hundred pupils attended a meeting last night and unanimously endorsed the proposal.

The strike action by the union was made possible by the sharp turn of the Philadelphia I. L. D. to the shops, defending the workers in their day-to-day struggles.

Patterson, speaking here today, declared the strike action creates the basis for broadening out and intensifying the struggle for the Scottsboro boys and the oppressed Negro people and sets the example for the entire I. L. D. of the tremendous possibilities in this period for raising the struggle for class-war prisoners to a new level.

* * *

NEW YORK.—Brooklyn workers are following up recent Scottsboro protest actions with a mass meeting tonight at the New Born Church, 35 Osborn Street, Brooklyn.

The New York District of the International Labor Defense issued an urgent appeal yesterday to all Tag Day collectors to immediately return the boxes and lists to the district office, 870 Broadway. Receipts for collections will be issued and the organizations issuing the boxes credited.

Bronx workers should return their boxes and lists to 699 Prospect Avenue, which will be open from 8 to 10 every night during the week.

* * *

100 Delegates at Chicago Conference

CHICAGO, Dec. 11.—Over 100 delegates and scores of workers filled the Lincoln Centre yesterday for the emergency Scottsboro anti-lynching conference. The conference formulated plans for immediate protest actions and adopted a resolution to be sent to President Roosevelt and Gov. Miller of Alabama.

* * *

Detroit Conference Supports Call for Demonstration Wednesday

DETROIT, Mich., Dec. 11.—The emergency Scottsboro Anti-Lynching conference at Ferry Hall last night was attended by 100 delegates, who planned protest actions against the legal murder of the Scottsboro boys and the threatened execution of the four heroic Communist defendants in the monstrous Nazi Reichstag arson trial.

The conference supported the call for a huge demonstration this Wednesday at 3 o'clock in the Grand Circus Park. Thousands of leaflets are being distributed, and open air protest meetings held in all working class neighborhoods today. The demonstration will be held under the joint auspices of the Detroit League Against War and Fascism, the International Labor Defense, the League of Struggle for Negro Rights and the Communist Party.

Tomorrow, workers will picket the German Consulate in this city, while many organizations will send committees to the Consulate with demands for the release of Dimitroff, Torgler, Popoff and Taneff and the thousands of German revolutionaries held in the concentration camps.

Last Wednesday night 400 workers attended a protest meeting in the Mt. Olive Baptist Church, Brush and Willis.

* * *

700 at Cleveland Protest Despite Snowstorm

CLEVELAND, Dec. 11.—Despite a snowstorm last Friday night, over 700 workers, the majority of them Negroes, attended the protest meeting at Woodland Center. The chairman of the meeting, a member of the National Association for the Advancement of Colored People, stated that the local N.A.A.C.P., disregarding the disruptive tactics of the national officials, would continue to actively participate in the mass fight for the Scottsboro boys.

* * *

Anti-Lynch Meet in Canton Thursday

CANTON, Ohio, Dec. 11.—A provisional committee of the League of Struggle for Negro Rights has been set up here and is preparing for a huge anti-lynching meeting to be held at the German Hall, 806 Tuscarawas St., East, on Thursday night.

* * *

PITTSBURGH, Pa., Dec. 11.—**Plans were being completed today for a huge Scottsboro parade and demonstration in this city on Saturday, Dec. 16.**

* * *

Pastor Backs Protest Meet

CHESTER, Pa., Dec. 11. — Under police intimidation, the pastor of the Temple Baptist Church, corner of 6th and Parker Streets, denied the church auditorium for a Scottsboro protest meeting, atfer promising its use to the I.L.D. and declaring that he himself would speak at the meeting.

* * *

600 in Oakland Protest

OAKLAND, Calif., Dec. 11.—Six hundred workers, half of them colored, attended a protest meeting in this city last Saturday night.

A Scottsboro Exhibition, exposing the frame-up of the nine boys and the farcial trials in the lynch courts, has been opened in West Oakland, the largest Negro section west of Chicago. The Exhibition includes many copies of the "Daily Worker" and pages from the "Labor Defender."

* * *

CONFERENCE IN MINNEAPOLIS DEC. 17

MINNEAPOLIS, Minn., Dec. 11.—**An emergency Scottsboro anti-lynching conference will be held in this city on Dec. 17 at Camels Hall, 12 E. Superior Street, for the defense of the Scottsboro boys and James Johnson and Wilbur Hardiman, two Negro youths facing legal murder for daring to defend themselves against a lynch mob.**

* * *

PATERSON, N. J., Dec. 11.—Richard B. Moore, General Secretary of the League of Struggle for Negro Rights, will speak at a Scottsboro protest meeting at Oakley Hall, 201 Market St. Other speakers include Jack Rose, organizer of the Communist Party of Paterson.

Columbia, S. C. Record
December 5, 1933

Scottsboro Again.

Heywood Patterson, one of the seven Scottsboro defendants, has been convicted again by an Alabama jury and sentenced again to death.

And the verdict, based on contradicted and conflicting evidence, is hardly satisfying. There seems to the unprejudiced bystander many reasonable doubts of the defendants' guilt. But the case apparently isn't being tried on its merits and never has been since outsiders first intervened to make it a cause celebre. For always, the rule is, there must be victims in these causes celebres, sacrificed to make a protestors' holiday. Alabama juries, like judges in Massachusetts, tend to think that they are called upon to defend the state from outside attack by doing simply the opposite of what the outsiders suggest.

What complicates the case, and other cases like it, is that the defendants lose either way. Except for the ntervention of outsiders the Scottsboro negroes would have been executed as a result of the first trial, long since now declared an unfair trial by the surpreme court.

Alabama.

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Lynchings-1933

Legal Punishment for Rape.

Save the Scottsboro Boys from This Fate!

The charred corpse of Lloyd Warner, 19-year-old Negro, who was lynched and burned to death by a frenzied lynch mob at St. Joseph, Mo., last Tuesday night. Note the leer on the face of one of the "spectators" at the left.

Death in the electric chair—

This is what an all-white jury in Decatur, Ala., ordered for Haywood Patterson last night.

Judge Callahan, steeped in the traditions of the Ku Klux Klan, threw the noose around the neck of Haywood Patterson in his charge to the jury.

He left it to the jury to draw the noose tight.

WORKERS OF NEW YORK! Stop the imminent lynchings of the Scottsboro boys—whether judicial or otherwise!

Flood the streets of Harlem today at 2 o'clock in the mightiest demonstration in the history of this city!

Communists, militant trade unionists — all those who for more than two years have fought to save the lives of the innocent Negro boys—

DEMONSTRATE! PROTEST! RALLY TO THE DEFENSE OF THE VICTIMS OF SOUTHERN RULING CLASS JUSTICE!

Daily Worker 4-10-33 New York

Scottsboro Boy Declared 'Guilty' by Lynch Jury; Only Mass Protests Can Halt Electrocution

Daily Worker New York

12-2-33

By JOHN L. SPIVAK

(Special Correspondent of the Daily Worker)

DECATUR, Ala., Dec. 1.—After "deliberating" for 20 hours and 33 minutes, the all-white jury trying Heywood Patterson, brought in a verdict of guilty, with the recommendation that the innocent Negro boy be put to death in the electric chair.

12-2-33

Judge Callahan, whose charge to the jury was a clear order to convict, deferred passing sentence until a date to be fixed later.

The jury reported about 5 p. m. (central time) that it was ready to give a verdict, and Patterson was ordered brought into the courtroom from the flimsy Morgan county jail nearby.

The Negro boy, handcuffed, was brought into the courtroom, a few minutes later by six deputies. Patterson's eyes were fixed on the floor as entered, and he licked his lips nervously.

Lining up before Judge Callahan, whose outrageous charge was a virtual instruction to convict, the jurors handed their verdict to J. H. Greene, the Circuit Court Clerk, who read from it:

"We find the defendant guilty as charged and fix the penalty as death."

When the verdict of guilty was brought in, Patterson's face was immobile. Defense attorney Leibowitz said he had nothing to say.

Leibowitz asked for one month in which to make a motion to set aside the verdict in the Patterson case, that is, one month after the stenographer transcribes his minutes, which covers about 2,000 pages.

The verdict was brought in in the presence of Clarence Norris, for whom a jury was picked today, and who goes on trial Saturday morning. Eight of the jury are farmers. It was necessary to call additional prospective jurors continually, in view of the large numbers who admitted they had fixed opinions on the case. Attorney Leibowitz's motion for a change of venue on the ground that this proved that a fair trial was impossible, was brusquely denied by Judge Callahan.

The routine picking of a jury for the Norris case was resumed while ten feet from the jury box the Patterson jury was deliberating the case. Norris sat directly alongside the jury room door in a red sweater and overalls, watching Leibowitz examine prospective jurors. From where he sat he could hear through the door the muffled voices of the Patterson jury debating whether to send the first Scottsboro boy to be tried, to death.

Within two days—by Saturday night—according to Judge Callahan's plans, the jury now being picked will be in the same room deciding whether he lives or dies.

Through the early morning hours in an almost filled courtroom the droning examination dragged on. Out of the first panel called, five out of seven said they had fixed opinions. Out of a dozen, only two were left willing to serve. When Leibowitz questions deeply into their opinions, Callahan, following his procedure all through the Patterson trial, interrupts, "I think you've questioned him from a to z. Isn't that enough?"

A venire panel of 100 was exhausted without getting jurors for Norris Case.

Another panel was drawn at 9.40 a.m., just as loud, indistinguishable sounds of heated argument issue from jury room.

Last night when court adjourned Callahan instructed the bailiff to return the Patterson jury at 8:30. The bailiff actually brought the jury in about 7:30, while the courthouse grounds and court were deserted. While the jury was deliberating on his life, Patterson was with the other Scottsboro boys in the ancient, condemned Morgan county jail.

After several hours yesterday afternoon and two hours this morning, 25 prospective jurors had been picked out of a panel of 112, and these prospective jurors included men who admitted having fixed opinions on the case but thought evidence to contrary would make them change opinions.

Thought no one actually knows what is going on in the jury room a rumor spread through the courtroom that the jury stood at that time 5 for death, 4 for life imprisonment and 3 for less than life. There was no intimation of acquittal.

Out of the new batch of prospective jurors sent for by the court two were found available as possible jurors even though Leibowitz objected to one because of his opinions. The court adjourned again while the sheriff went hunting additional citizens for prospective jurors.

At 1:30 the total of prospective jurors was 27. The law requires a minimum of 30 so as to give the state and defense the proper number of "strikes" to leave 12 which will make the Norris jury.

At 12:05 p.m., with 21 hours passed since the Patterson jury got the case, of which seven and a half hours were actual deliberations, Callahan adjourned court for one hour. Both defense and prosecution counsel watched the jurors' faces anxiously as they were led to dinner.

Their faces were hard to read. All looked tired, several with grim, determined sets to their faces; one or two smiled slightly at the stares of the attorneys and the spectators.

Memphis, Tenn., Com'rcial Appeal
December 9, 1933

Same Verdict—Same Delay

Another guilty verdict has been returned in the Scottsboro case and a sentence of death imposed. The specific defendant had previously been convicted and condemned.

Sentence in the case, and in that of another defendant convicted last week for a third time, will be automatically stayed while appeals are taken to the supreme court.

In pleading for delay for five other defendants until after the supreme court acts, the chief defense attorney called the court's attention to the fact that the defendants are paupers, and that the trials have already "cost a fortune."

The paradox in that statement is explained by the fact that agencies outside of Alabama have provided the funds for defense, and that the entire world has been ballyhooed for the purpose.

Not only has the defense cost a fortune, but the delays and retrials are costing the taxpayers of Alabama a fortune merely because the whims of outside agencies refuse to be satisfied.

With the records of the Scottsboro case before them it is small wonder that Americans are exasperated by the present system of justice.

Birmingham, Ala., News
December 10, 1933

Decatur Citizens Commended

Tribute was paid citizens of Decatur and Morgan County for the orderly way in which they conducted themselves during the recent trial of the Scottsboro Negroes by Jefferson County deputies who aided officers there in guarding the Negroes. "The people were very orderly and gave us no trouble," said Chief Deputy T. M. Gilbert, in charge of the Jefferson deputies. "We were treated cordially and, all in all, the 15 days we spent in Decatur were quiet and enjoyable."

Miami, Fla. Herald
December 7, 1933

MIAMI jury last night was given case of Leo Zalutsky, charged with murder in slaying of Detective Jester November 18. Quick judgment here. At times.—Alabama jury convicted Clarence Norris, second negro, in second trial of famous Scottsboro assault case. He and Heywood Patterson sentenced to chair February 2, 1934, for the alleged crime committed March 25, 1931. But are just as apt to die of old age. As defense takes appeal to state and then United States Supreme courts.

Lynchings-1933

Legal Punishment for Rape.

Alabama

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New Republic

11-29-33

New York

GOVERNOR Miller of Alabama has taken on himself a terrible responsibility in regard to the third trial of the Scottsboro defendants, which opened Monday in the town of Decatur, in Morgan County. The Governor has refused to send troops of the National Guard to protect the defendants and their counsel from possible mob violence, as was done at the second trial, also held in Decatur. Governor Miller says he will not call out the guardsmen unless the county authorities ask him to do so, or unless he is independently convinced of a sudden change in the public feeling in Morgan County. But obviously, county officials will give themselves every benefit of the doubt before admitting that their friends and neighbors are in a lynching mood. And how is the Governor, many miles away, to know of a sudden shift in public opinion? Is there any reason to suppose that the lives of the defendants and their attorneys are actually in danger? Some weeks ago, a number of men employed by friends of the defense traveled through Morgan County, representing themselves to be salesmen of soap or brushes. They called at hundreds of homes and in the course of their "sales talk" they brought the subject around to the Scottsboro case. The result is a mass of several hundred affidavits which the defense has presented to Presiding Judge W. W. Callahan, showing that this number of persons expressed themselves in favor of lynching the Scottsboro defendants. Many of those interviewed added that they thought it would be a good idea to do away with "the Jew lawyers from New York" who are acting for the defense.

IT IS possible, of course, to argue that these persons were just indulging in loose talk, which they would never translate into action. The prosecution, evidently having got wind of these affidavits in advance, has introduced a similar large mass of sworn statements by Morgan County residents testifying that they believe in a fair trial and the orderly processes of law. But everyone knows that a lynching party does not consist of the total population, and usually excludes the "better element" to whom the prosecuting attorney would naturally go for evidence of the sort he wished. There is no reason to believe that the bitter prejudice which existed in Morgan County at the time of the previous trial, and then justified calling out the National Guard, has abated in the slightest degree. That there is some danger the authorities have admitted by swearing in nineteen special deputies from Birmingham to guard the defendants and their attorneys. If even these deputies are necessary, there is great doubt whether a fair trial is possible in Morgan County and it seems clear that despite the Alabama law to the contrary, a change of venue to Birmingham is desirable in the interest of justice.

ADDITIONAL testimony regarding feeling in the South is shown in the letters received by Ruby Bates, one of the two young women who were supposed to have been raped by the defendants two and a half years ago. Miss Bates, at the last trial, repudiated her previous statement implicating the Negroes, charged that it was made under duress, and testified to the innocence of all the accused. As a result, she says, she has received numerous letters from Alabama threatening her life if she returns and again gives her testimony. These letters have had sufficient effect so that she is extremely reluctant to go to Decatur, and her testimony will probably be available only as a deposition. Everyone knows that a written statement has far less effect upon the average jury than the same facts given by a witness in person. It is quite possible that the failure of Governor Miller to give an immediate and adequate promise of safety to Miss Bates may already have been the deciding factor in causing another verdict of guilty, although all intelligent persons everywhere must by now agree with Judge Horton, who presided at the last trial, that such a verdict is completely out of accord with the facts. And if harm should come to the defendants through mob action, the Governor—and all the decent people of the state of Alabama—must live under the shadow of the tragedy to the ends of their lives.

Argus

St. Louis

11-24-33

THE SCOTTSBORO BOYS

It appears to us as though the stage is all set at Decatur, Alabama for a wholesale lynching of the nine innocent Scottsboro boys. Slow, but what seems to be sure, are the grindings of the mills which point to crushing the life out of these nine Negro youths for an alleged crime of which the State of Alabama has strong evidence that they are innocent.

In any court, which is surrounded by a more civilized atmosphere, there isn't a shadow of a doubt but that the judge would have sustained a demur to quash the indictment against these boys in the face of the evidence. In more congenial surroundings, we would feel free to ask, "Eventually, why not now?" Eventually these boys must be acquitted. There is no legal procedure, so far as we know, which can possibly be used to convict these boys of a charge of rape upon two women, one of whom has repudiated her former testimony and when the character of the other woman in the case is said to be "loose" by the judge who heard the evidence. Everybody knows, by this time, that these boys were "framed," but the State of Alabama, through its prosecuting and judicial officers, is bent on having these boys lynched. All indications at Decatur this week show that, if it seems too ridiculous to legally lynch these boys, then they will be turned over into the hands of the mob for the "dirty work."

Judge Callahan, who is to preside over the trial of these boys, says that there is no need for troops to protect them. This statement coming from a judge who should know something about the sentiment of a community appears to us to be just a bit suspicious. If these men are lynched or if any attempt is made on their lives by the mob, then we can say that Judge Callahan must be branded as a part of the mob. He can at least be charged with "accessory before the fact."

If we are to assume that these boys are to receive a fair trial, then we repeat, "why not now?" Why shouldn't the judge sustain a demur to the evidence, dismiss these boys and let them get out of Alabama, even if under heavy guard and at the midnight hour?—Two wrongs do not make one right.

CHARLOTTE, N. C.
NEWS

OCT 13 1933

Unhappy Revival.

Up steps Louisiana with a lynching bee, making, according to an inexact compilation, seven executions by peremptory measures in Southern states within the last three months. There were only ten in the entire United States during the whole of 1932, and only 14 in 1931.

Prior to the turn of the century it was a year of moderation which produced less than a hundred mob murders. In 1892, for example, there were 255, which figure includes both blacks and whites. Almost with the beginning of the 1900's, however, substantial decreases began to manifest themselves as the result of crusades and the generally increasing enlightenment of the population. Even Georgia, which had averaged more than ten a year between 1890 and 1930, permitted the law occasionally to take its course.

Apparently it is time to turn to crusading again. The electrocution of a few mobsters would help.

Save Heywood Patterson!

ONLY three swift days—and then the lynch verdict!

Such is the latest decision of Judge Callahan down in Decatur who has just ruled that the life of Heywood Patterson, first of the nine Scottsboro boys to be re-tried in Decatur, must be decided in not more than three days.

Daily Worker

This is nothing more nor less than a gruesome attempt of this lynch judge to railroad Heywood Patterson swiftly to his execution without any delay! The "impartial" judge can hardly restrain his impatience!

It is the attempt of the whole judicial lynch machinery of the Southern masters to send Heywood Patterson to his doom before the world protest that has kept him from the lynch executioners can be sufficently mobilized to save him.

11-25-33

Only three days! In this time, every moment, every hour, must be filled with unceasing feverish activity to arouse the masses of the country and the world to the danger that faces Patterson and the Scottsboro boys.

If we fail to leap to the defense of Patterson and the other Scottsboro boys, they will go quickly to the lynch execution!

Meetings, demonstrations, protests must be immediately organized!

In every locality, in every working-class group, wherever haters of oppression gather, telegrams of anger and protest must pour like a storm upon the ruling class lynchers of Decatur!

New York N.Y.

Only three days! Workers, toiling masses of the world! Save the nine innocent Scottsboro boys!

Today's demonstration in Harlem must be the signal for the widest mobilization to save the Scottsboro boys!

Columbia, S. C. Record
October 24, 1933

NO SHOTS WERE FIRED.

There are divers explanations of Maryland's lynching at Princess Anne.

The judge and state's attorney didn't think there would be a lynching and the prisoner was taken back to Princess Anne after once being removed to Baltimore and safety. There was no need the negro back and no need to attempt to keep him there after taking him back. But the judge and the state's attorney took a chance and made a mistake. And this mistake is even understandable. Judges and prosecuting officers have made mistakes before.

Governor Albert C. Ritchie made a mistake in depending too much upon the judgment of the judge and state's attorney. He should have known that judges and state's attorneys can be wrong. But this error is also understandable; governors make a habit of depending upon judges' and state's attorneys.

The mob gathered as mobs will despite the governor's hopes and the judge's and state's attorney's promises. And the lynchers carried out their purpose, breaking down the jail door, taking out the negro prisoner, dragging him through the streets, hanging him from a tree, attempting the cremation of the body. And all this was done despite the presence at Princess Anne of a captain of state police and 21 men. It is explained in part by the police captain, himself one of 13 officers injured in the fight that preceded in the capture of the jail.

"No shots wero fired," he said. "Our men have standing orders not to use their firearms except as a last resort."

It is possible of course that 21 policemen and a captain could not have prevented the lynching under any circumstances; they were, as the police captain explained, hopelessly outnumbered. But lynchings have been prevented by one man with a gun and the courage to use it, whatever the consequences. Lynchers seem to enjoy their reversion to brutish instincts, but few of them care to pay for the privilege of murder with their lives. And mobs, sometimes although not always, tend to disappear when the shooting begins. But the Maryland state police didn't shoot. They were saving their guns for a last resort and their efforts at preventing lynching apparently never reached that stage.

Nothing, of course, can be done now by Maryland to prevent the lynching. Maryland's problem and obligation is to arrest and punish the lynchers. But Maryland—and other states—may however learn something from its experience at Princess Anne. It can learn that lynchings may occur when judges and state's attorneys do not expect them. And it can learn that lynchings when they may be threatened can be prevented only by the use of every resort available to the officers charged with the enforcement of the law and the defense of otherwise defenseless prisoners.

The pity is that it had to learn its lesson in this way. So many other states—South Carolina among them—have demonstrated it before.

◆

Nature usually balances things, and so it has been as wet a year alcoholically as it has been dry meteorologically.

NORRIS BREAKS UNDER STRAIN OF YEARS IN JAIL

Afro-American

Second Convicted Scottsboro Boy Growing Melancholy under Pressure of Incarceration

12-16-33

By CLARENCE M. MITCHELL
(AFRO Staff Correspondent)

Baltimore Md.

DECATUR, Ala.—Tall, with a stolid expression that seemed to indicate resignation to whatever might come his way, Clarence Norris, second of the Scottsboro defendants accused of raping Victoria Price, white. listened to his death sentence from the lips of Judge W. W. Callahan this week.

Norris, who is apparently less sure of his speech than Haywood Patterson, the first defendant convicted by the jury on Friday, informed the jurist with a low but penetrating voice that he was not guilty and the whole case was a frame-up.

Native of Georgia

As a native of the State of Georgia, seeking fortune in Alabama, he has suffered great hardship from life in general, according to his own statement.

"The only thing about this," he said through the bars of his cell on Sunday, "is you lose so much time and this jail is killing me." He does not believe that he will be electrocuted and likes to try his hand at writing to friends.

"Have you any stamps on you pal?" he whispered, after having drawn me out of the earshot of his cell-mates. A negative reply caused his expression to change ever so slightly but he brightened up when a coin touched his hand and mumbled a colorless "thank you."

"What did you have for your Thanksgiving dinner?" I asked. "Nothing," he replied, and was about to lapse into silence when I prodded him again with an additional query of the same nature.

"Oh, we had chicken," he said, "a little chicken and some cake." His tone indicated that memories of the meal aroused no gustatory sensations, "It was better," he said, "than the usual stuff we get."

His good-bye was not bouyant like that of Ozie Powell, one the boys whose face is as yet untouched by a razor, nor was it cheerful like that of Haywood Patterson, whose chatter could be heard throughout the tier of cells.

Norris is the single member of the group who is showing his years of experience in the jails of Alabama with a vengeance. His lone appearance on the stand during the Patterson trial left one with the impression that here was a man of a retiring nature accused of a sordid crime which no student of human nature would ever believe him to be guilty of.

New York Evening Post

DEC 4 1933

ALABAMA "JUSTICE"

Justice is not blind in Alabama—she can see the color line. For the third time Heywood Patterson is convicted by an Alabama jury. The evidence is contradictory. One of the two girls who testified in the first trial has confessed that she swore to what was untrue. In the third trial the State's Attorney, challenged by counsel for the defense, frankly admits that his speech to the jury is "an appeal to passion." As a climax, the Judge forgets to tell the jury the form to use in announcing an acquittal and has to be reminded of his inexcusable oversight by one of the lawyers for the defense.

Between such "justice" and mob violence there is little to choose—the mob, at least, makes no ghastly pretense of deliberation. Once more the only hope of averting a tragic injustice lies in the Supreme Court.

Lynchings-1933

Legal Punishment for Rape

Alabama

4296

SCOTTSBORO AND LEESBURG

By KELLY MILLER

Recorder 12-30-33

Journal & Guide

The famous tragic incidents focussing about Scottsboro and Leesburg suggest certain contrasts. The world woke of a morning and found itself shocked at the news that nine Negro boys had been summarily condemned to death on the alleged charge of rape upon two hobo white girls. There was scarcely less shock on the announcement that a Massachusetts judge had refused to return to Virginia a Negro charged with coldblooded murder of two white women, on the score that the Virginia courts did not admit Negroes to the jury. The world did not believe that the Scottsboro boys were guilty—certainly not guilty as indicted. On the other hand, the guilt of Crawford was generally assumed on the face of the statement of the case. The Scottsboro incident elicited the interest and sympathy of the entire Negro race, and indeed aroused friendly response throughout the civilized world. The audacity of Judge Lowell in the Parker case struck us with amazement for its audacity rather than with sympathy for the culprit. Judge Lowell's extraordinary contention was swiftly overruled by the higher courts. The same fundamental principle was involved in both cases—a fair trial for the accused and the constitution right of the Negro race to recognition or at least consideration in the constitution and make up of the indicting and the trial juries. After three attempts the world is still unconvinced that the Scottsboro boys have had a fair trial. That Crawford has been fairly convicted is conceded on all sides.

The N. A. A. C. P. and the I. L. D. were rival contendants for the defense of the Scottsboro boys and won that glorious privilege. The N. A. A. C. P. undertook the defense of Crawford at Leesburg. The I. L. D. engaged white (Jewish) counsel. The N. A. A. C. P. employed colored counsel. Colored counsel could probably not have succeeded at all at Scottsboro; white counsel could not have done better at Leesburg. There were certain delicate features involving sex intimacies across the color line, into which colored counsel could hardly inquire without inflaming the jury and local sentiment beyond the point of endurance. It is noticeable that the inculpation of a rumored white accomplice of Crawford was passed over with salutary deftness. For the first time the N. A. A. C. P. engaged colored counsel in a case of vital importance. I sat in the Supreme Court when the segregation cases were argued and keenly regretted that certain able colored lawyers, like Lewis of Boston or Morris of Chicago, did not share in the presentation. A race pleading its own cause in its own voice is apt to prove more convincing than the voice of the stranger to its sufferings, especially where racial and social sensibilities are not involved, as they were at Scottsboro. The race still needs white counsel in certain type of cases.

The Negro was interested in the Crawford case mainly on account of the jury issue. It was perfectly willing to let Crawford follow the fate his heinous crime deserved. Negroes on the jury would have made no difference. An all-Negro Jury could have reached no other decision as the case was presented. It might have been Cracker cunning that the verdict was so shaped that Crawford's attorneys dared not appeal without jeopardizing the neck of their client. The jury issue, the only feature of the case in which the race was genuinely concerned, was allowed to drop out of the picture. The only advantage which the race as such derives from the Crawford case is that a Negro lawyer was given a chance to make an enviable reputation for himself by means of the courage, ability, courtesy and tact with which he safeguarded the welfare of his client.

But the Scottsboro case sends its roots deeper into the soil of our judicial structure. The right of the Negro to a fair and unintimidated trial even when charged with the most heinous crime in the heart of the most impassioned South is here tested. The I. L. D. has already reaffirmed the right of the Negro to jury representation. As many cases as possible should be brought to the attention of the public and the higher courts till every jurisdiction in the land shall recognize and act upon this principle. The Scottsboro case, since the elimination of the jury issue from Leesburg, becomes the more significant and critical and calls upon the whole arce to rally to the support of the defense. Unlike Scottsboro, Leesburg is located in Northern Virginia where there has always prevailed a more liberal and tolerant attitude. The state of Virginia is accustomed to Negro lawyers, (expecially South-side Virginia) who inform me that the courts in that state are uniformly fair to colored litigants. If the Negro, then, when charged with the most flagrant crime, can secure a fair trial in Alabama and force recognition of jury rights in that intolerant southern state, then there will be less difficulty in maintaining this principle elsewhere under any and all circumstances. Leesburg and Scottsboro will stand out vital to racial welfare in the future as red letter marks in the history of judicial procedure. Only Scottsboro will stand out in bigger and redder letters. This is the classic call in the history of Negro rights.

POMEROY, O.
TRIBUNE

NOV 24 1933

THE SCOTTSBORO CASE

ONCE MORE the negroes accused in Alabama of assaulting two white girls, are being brought to trial in the southern state. The defense attorneys from New York are making a strong, although losing stand, for their clients relative to the place of holding the trial.

One does not have to be a negro lover nor a particular friend of the dusky skinned individual to know that it is unusually hard for him to get a fair trial, especially on charges of this kind, in a southern state.

As a matter of fact any one who has followed this particular case, other than a violently prejudiced person, is convinced that the defendants are not guilty of the charges. Furthermore it is equally apparent that as surely as they are tried, so surely will they again be convicted and if the same tactics are used, and it seems they have already been begun, as were used in the last trial, the case will again be thrown out by the United States Supreme Court and another trial ordered.

As a matter of fact, the case should be tried where the defendants are assured of a fair trial and thus brought to a close. No one except a violently prejudiced person would ask that these men be convicted of such a serious crime or any other for that matter, if they are as innocent as the last trial led many unbiased people to think they are.

NEW BRITAIN, CONN
HERALD

DEC 2 1933

THE SCOTTSBORO "VERDICT"

In Alabama the state is attempting to teach another lesson to its Negro population. Thus the Negro, Heywood Patterson, 21, again has been found guilty of having participated in an attack by freight-car roustabouts upon some white girls, who were female freight-car roustabouts, after some male white roustabouts were bested in a physical encounter with the blacks.

Evidence on hand that the two white girls involved had spent the previous evening in a hobo camp was not permitted to be placed in the record; so was other evidence the defense had ready. The judge made a charge to the jury that left little doubt in the minds of anybody hearing or reading it that the verdict would be one of guilty.

Thus the case most likely will once more be appealed to the U. S. Supreme Court.

Girls who travel on freight trains in company with youths are not likely to be of the Class 1 social type. Negroes on freights are of the same type. It is amazing that a cause celebre should be possible over an incident of this nature, with the death penalty involved.

But in Alabama it is deemed an unalterable code that Negroes must not traffic with white women under any circumstances.

NEWARK, N. J.
EVENING NEWS

DEC 1 1933

He Didn't Fail

WHEN Benjamin F. Davidson, Negro, was made night jailer at the Shawnee (Kan.) County Jail, he gave a promise that a prisoner would kill him before he got away. Tuesday night he kept that promise and the prisoner, white, a bank and post office robber, didn't get away either. The faithful jailer, after being slugged and shot twice, summoned enough strength to throw the robber down stairs, where he struck his head on a stone step and became unconscious. Officers found the pair with the jailer, who died on his way to a hospital, across the robber's body. In an adjoining state a sheriff turned a Negro over to a mob to be lynched and the superintendent of the state police told the sheriff he had done a good job, "under the circumstances." One prisoner was entitled to as much protection as the other, regardless of any difference there may be in the heinousness of their crimes. If the Shawnee jailer had been true to his responsibilities at St. Joseph, Mo., he would have risked his life before the mob got the prisoner. It might have been only a moral gesture and Quixotic; but, with the mob spirit rampant in various parts of the nation, such gestures are needed.

MILWAUKEE, WIS.
LEADER

DEC 4 1933

Lynch Law in Alabama

It is hard to tell which is worse—legal lynching or illegal lynching.

The third trial of Heywood Patterson, one of the seven Scottsboro defendants, took place at Decatur, Alabama, in the midst of hysterical prejudice. There was no possibility of a fair trial among people who have race prejudice in their hearts. There was even danger that the defendant and the defense attorneys might be illegally lynched before the trial was over. Many of the surrounding residents had openly expressed themselves to the effect that this ought to be done. Many southern mobs have done that. The Maryland, California and Missouri mobs gave the cue. Any little incident might have touched off the emotional explosion.

That, at least, was avoided. The trial went on to a close, and the jury, after an absence of 25 hours, brought in a verdict of guilty and set the punishment at death, as had been done in each of the two preceding trials.

The mere fact that the jury staid out 25 hours, instead of bringing in a quick verdict, showed that there were persons on the jury who had some qualms about bringing in the death verdict; also that their objections were overcome.

The defendant and the other six young Negroes are innocent. This statement may be made flatly, on the strength of the fact that the trial judge in the former case granted a new trial, and on the strength of the testimony of Ruby Bates in the former trial. Miss Bates was one of the two young women whom the seven were accused of assaulting. She testified against them at the first trial. But her conscience hurt her about it. She consulted a preacher, Harry Emerson Fosdick, in New York, and others, who advised her to tell the truth. She did so, at the second trial. This time, however, she was ill and unable to go to Alabama for the third trial. The defense was not permitted to take her deposition and use it in place of her personal testimony.

The case will be appealed. The other cases will in the meantime come on for trial. One of them has already begun.

It is a shame that some Alabama court will not dismiss the cases and turn the boys loose and save all this waste of energy and money and the denial of justice. Should any of them be executed, it would be a legal lynching. Lawlessness is not confined to mobs and criminals. It often happens in court rooms of high and low degree.

Scottsboro and Leesburg

By KELLY MILLER

Courier 12-30-33 Pittsburgh, Pa.

WASHINGTON, Dec. 28 — The famous tragic incidents focussing about Scottsboro and Leesburg suggest certain contrasts. The world woke of a morning and found itself shocked at the news that nine Negro boys had been summarily condemned to death on the alleged charge of rape upon two hobo white girls. There was scarcely less shock on the announcement that a Massachusetts judge had refused to return to Virginia a Negro charged with cold-blooded murder of two white women, on the score that the Virginia courts did not admit Negroes to the jury. The world did not believe that the Scottsboro boys were guilty—certainly not guilty as indicted. On the other hand, the guilt of Crawford was generally assumed on the face of the statement of the case. The Scottsboro incident elicited the interest and sympathy of the entire Negro race, and indeed aroused friendly response throughout the civilized world. The audacity of Judge Lowell in the Parker case struck us with amazement for its audacity rather than with sympathy for the culprit. Judge Lowell's extraordinary contention was swiftly overruled by the higher courts. The same fundamental principle was involved in both cases—a fair trial for the accused and the constitutional right of the Negro race to recognition or at least consideration in the constitution and make up of the indicting and the trial juries. After three attemps the world is still unconvinced that the Scottsboro boys have had a fair trial. That Crawford has been fairly convicted is conceded on all sides.

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Scottsboro Verses

[illegible]

CITRONELLA, Alabama.—

In lynch infected Decatur,
In the jail there you will see
Nine innocent Scottsboro boys,
That ought to have been free.
Only mass protest of millions
Of workers like you and me
Will keep these boys from burning
And cause them to be free.
So workers join in union
Let the bosses hear our cry,
The Scottsboro boys are innocent,
Those boys they Shall not Die.
Hurray for the I.L.D.
They are fighting days and nights,
Not only for the Scottsboro boys,
But for the workers' rights.

J. H.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4297

Communist Party Calls For Sharpening of Fight For Nine Scottsboro Boys

Daily Worker
12-9-33

Hathaway, Reporting at Membership Meeting, Declares Case Is Interwoven with General Trend to Fascism

NEW YORK.—A clarion call for the greatest mobilization of workers this city has ever seen for the Scottsboro protest demonstration this noon in Union Square was made to all members of the Communist Party, revolutionary unions and sympathetic mass organizations at a membership meeting of the Communist Party of District 2 in the St. Nicholas Arena Thursday night.

New York, N.Y.

Reporting for the Central Committee of the Communist Party on the rising wave of lynchings and the fascist trend of Roosevelt's "New Deal" government, Clarence Hathaway, editor of the Daily Worker declared that the struggle for the release of the Scottsboro boys and against the monstrous national oppression of the Negro People must become a central point in the struggles of the working class against fascism here and abroad.

Fight Assumes Greatest Importance

The fight to [illegible] boys is more important at this period than ever before, [illegible] out. This case is today interwoven with the general trend toward fascism, with the new wave of lynchings, with the shooting, gasing and clubbing of workers, with general resort to terror. It has become not only a part of the broader fight for national liberation of the Negro People, but an essential part of the struggles of the whole working class against the growing attacks on their living standards, against wage cuts and worsening conditions for the employed, against the drastic cuts in relief for the unemployed and against the impoverishment of the farming masses against the destruction of workers' rights. It is the fight of the whole working class against the fascist trends of the N. R. A. and the American bourgeoisie and their reformist allies in the leadership of the Socialist Party and the bureaucracy of the American Federation of Labor.

Daily Worker
12-9-33
New York, N.Y.

Carefully analysing the fascist trends of the "New Deal" and the demagogic promises of "prosperity" to all sections of the population, Hathaway compared these trends and demagogic promises, to the similar methods used by the German Nazis to deceive broad sections of the German masses. He clearly showed that the victory of the German Nazis had not only increased the misery of the German toilers, but had likewise sharpened the bourgeois crisis. **The fight for the Scottsboro boys cannot today be separated from the fight against the murder of our heroic German comrades Torgler, Dimitroff, Taneff and Popoff, and against fascism in general.**

He declared it was now a race to decide which "way out" of the crisis would be followed in this country:—the capitalist "way out" of brutal fascist terror against the workers against the Negro People and against the poor farmers, or the revolutionary way out, which would emancipate the toiling masses and win unconditional equality for the Negro People with the right to determine their own future.

The victory of the workers, he said, is dependent on the effectiveness of the work of the Communist Party, the revolutionary unions and mass organizations at the present time. Activities in the first place in the shops and factories, and also in the neighborhoods, among the Negro masses and among the farming and petty-bourgeois masses must be pushed with the greatest energy.

The concentration program of the Open Letter of the extraordinary Party Conference must be put into effect immediately.

At the same time the effort to win the Negro People and farming masses as powerful allies in the revolutionary struggle must be increased tenfold. The Negro People are already strongly sympathetic to the revolutionary movement, but they can be won as allies only if the workers particularly the white workers, prove at all times their willingness to carry on the fiercest struggle against the lynchers, for the release of the Scottsboro boys, for the national liberation of the Negro People. All remnants of chauvinism within the ranks of the revolutionary workers must be ruthlessly rooted out, he declared.

Hathaway was followed by Richard B. Moore, General Secretary of the League of Struggle for Negro Rights who outlined the program for the mobilization of the workers for Saturday's demonstration in Union Square and for further actions against the Decatur lynch verdicts and for the defense of the Negro masses.

Charles Krumbein, District Organizer of the Communist Party, acted as chairman of the meeting

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Workers Music League, 5 East 19th St.

NEW YORK.—A youth Scottsboro anti-lynching conference and Open Forum will be held this Sunday evening, 8 o'clock, at 866 Tremont Ave., Bronx.

Last Sunday the workers and guests of Camp Nitgedaiget held a meeting to protest the Decatur verdict, and collected $25.75 for the Scottsboro defense. Many Negro workers from Dutchess Junction were present. A protest telegram was sent to Judge Callahan.

Further work for the Scottsboro defense is being carried on at the camp and vicinity, including the sending of speakers to Negro churches in Beacon and Dutchess.

Jury in Norris Case Out for Hours; I.L.D. To Fight Convictions

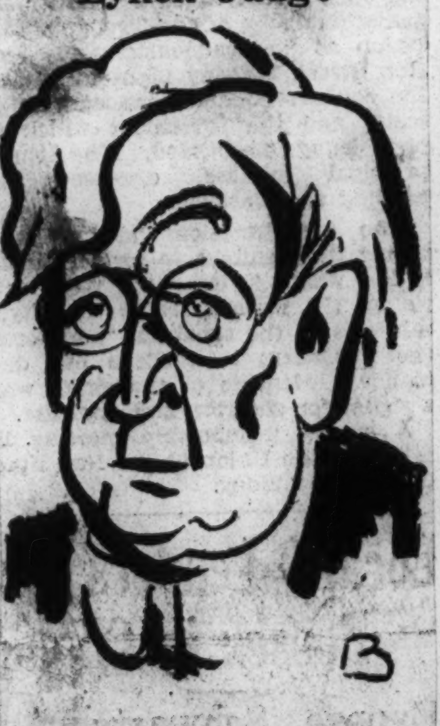
Defense Gets Delay Despite Judge's Previous Threat to "Make Speed" on All Trials

Callahan Denies Application for Bail for Olen Montgomery and Willie Robertson

Daily Worker
12-6-33
New York

DECATUR, Ala., Dec. 6.—Trials of the remaining Scottsboro boys were postponed indefinitely late today by Judge W. W. Callahan, while the jury which went out last night to consider their verdict in the case of Clarence Norris was still out. . . . Callahan called for the trial of Charles Weems, when court opened this morning, but Samuel S. Leibowitz, attorney, retained by the International Labor Defense protested vigorously, on the ground that it was his understanding that the remaining trials were to be postponed pending appeal of the Heywood Patterson case, as well as of Clarence Norris in the event of a guilty verdict against him.

Lynch Judge



W. W. "SPEED" CALLAHAN

After argument by Attorney-General Thomas E. Knight, who wanted to go on with the trial, the I.L.D. won its point.

When Leibowitz demanded that bond be set for Olen Montgomery and Willie Robertson, Callahan refused. Habeas corpus proceedings to force setting of bond will be taken, the lawyer announced.

Judge Callahan today assigned two more deputy sheriffs to guard Leibowitz. He gave no reason for this action.

Callahan's charge to the jury yesterday in the Norris case, as he delivered it, differed in only one or two details from the lynch-inciting charge he made in the Patterson case. Instead of forgetting completely to instruct the jury on how to render a verdict of "not guilty" he paused after he had presented what he himself termed "the state's side of the case." Then he addd just one sentence, to conform with the law, telling the jury it was possible also to bring in a verdict of "not guilty."

Informed that under Alabama law a general exception to the judge's

charge such as he made in the Patterson case was not valid, Leibowitz in this case took 13 specific exceptions demanding that he amend his charge on these specific points. In most cases Callahan refused to do so, or re-formulated the point in a manner scarcely different from what he had used in the first place.

Callahan omitted from his charge the expression he had used in his instructions in the Patterson case, to the effect that if a Negro was charged with rape the presumption must be that he was guilty. He emphasized this omission with the comment that "I'm not drawing the color line either."

Dr. Bridges, who was the first witness yesterday, testified he found no bruises, cuts, or wounds on Victoria Price other than a scratch on wrist and forearm, when the Negro boys were arrested. Her pulse and respiration was normal, one hour and a half after the alleged rape, he said.

The second witness, Gilley, answered a series of leading questions put him by Prosecutor Knight. After an absence of nearly three years, he said, he came to Hunstville to see how Victoria and her mother, whom he never knew, were getting along. Although he described himself as an entertainer in hotel lobbies, he could not name a single hotel where he recited.

Later, Lester Carter corroborated the deposition of Ruby Bates. He said he was held 18 days in Scottsboro jail and never called as a witness by the State.

The testimony of Luther Morris that he saw the girls being attacked in the gondola after the fight were proved improbable by photographs introduced by the defense.

Elias Schwarzbart, of defense counsel, testified that when they took pictures, they could not see into the car

Scottsboro Protest News on Page Two

News of mass protest actions in many cities throughout the country against the Decatur lynch verdict will be found on page two of today's issue. Turn to this page to see what is being done in your city.

Scottsboro--Leipzig!

Daily Worker
12-9-33
New York, N.Y.

LEIPZIG and SCOTTSBORO!

Two hideous capitalist frame-ups of the ruling class against the exploited and oppressed, against the rising revolutionary actions of the toiling masses!

In Fascist Germany, it is the heads of our heroic comrades, Dimitroff, Torgler, Taneff and Popoff, that are in danger of the Fascist axe.

In capitalist America, it is the bodies of nine innocent Negro boys, which are in danger of the lynch rope, the legal murder of the electric chair.

Brutality, violence, and savage murder—these are the challenge flung into the faces of the rising masses by the reactionary ruling class oppressors everywhere.

• • •

WE MUST answer! We against whom this violence, against whom this murder and brutality are aimed,—we cannot bow our heads meekly!

Workers of New York! Negro and white, brothers and comrades in the common fight against the Wall Street masters! Into the streets! Demonstrate fighting solidarity! Fight for the release of the condemned Scottsboro boys! Save Patterson and Norris!

By the thousands, by the hundreds of thousands, into Union Square today at noon! Let us raise hundreds of thousands of fists, Negro and white, that the Scottsboro boys SHALL NOT DIE! THAT DIMITROFF, TORGLER and their comrades SHALL NOT DIE!

Today! At Union Square! Rally Against Lynching and Fascist Terror!

Man Who Induced Leibowitz To Defend Boys Helps Poor

Brooklyn Court Clerk Has Long Interested Self in Negro Welfare

Amsterdam News
12-20-33
New York, N.Y.

By WESLEY McD. HOLDER

While thousands cheer the work and courage of Samuel S. Leibowitz, noted criminal lawyer and chief defense counsel in the now famous Scottsboro case, many lose sight of the man who, more than any other individual, was responsible for Mr. Leibowitz's decision to enter the case and fight for the freedom of the nine unfortunate youths, it was Harry Wolkof, chief clerk in the second district Municipal Court of Brooklyn, who brought this about.

With Harry Wolkof, standard bearer and guiding spirit of the Wolkof Tolerance Society of Brooklyn, there is no time for quibbling when danger is near. His first concern when confronted with human suffering is to have it alleviated, then ascertain the whys and wherefores. The Scottsboro case was no exception to this rule. It was while debating the Communist tendencies of the International Labor Defense that Wolkof startled a group including Mr. Leibowitz with the following remark which in but few words sums up the character of the man, "Nine human beings' lives are at stake and that is the question for the moment."

Leibowitz Accepts Challenge.

The discussion promptly ended. Attorney Lennie L. George, member of the International Labor Defense and a friend of Wolkof's, was then delegated to convey to his organization the willingness of Mr. Leibowitz to enter the case. A few conferences followed, then with the announcement that Mr. Leibowitz had joined the defense staff Wolkof, generally known for his ability to stick to the end, slipped out of the picture.

Harry Wolkof is a direct actionist. When he recognizes a genuine case of misery, one that calls for immediate help, he does not evade it and send the victim with a card or letter to the Home Relief or other agencies. His hand goes down in his pocket and comes up with enough change to relieve immediate distress, a spirit he radiates among his subordinates.

Friend of the Destitute.

The second district court, known as the poor man's court, is in the heart of the Negro section of Brooklyn and the greater percentage of cases tried thore are between landlords and tenants. These have increased immeasurably during the last three or four years. Dispossessed tenants have thronged the court daily with scenes of misery, sometimes leading to revelations of abject want and stark hunger. Wolkof recognizes these cases as soon as they reach the window of the complaint clerk. He knows the signs and soon diaguoses the trouble.

Always a fighter in the cause of the poor and destitute, Wolkof received considerable newspaper publicity a few years ago when he caused the arrest of a white lawyer, Nathaniel N. Holzer, for altering a court record in an attempt to dispossess the family of Sager Graves, who resided at 380 Lexington avenue at the time. Wolkof at first pleaded with the lawyer to save the tenants and not throw them out on the street on a Saturday afternoon. The lawyer was insistent and Wolkof was equally determined that he should not succeed. The clerk checked Holzer in every move he made that day until in desperation Holzer changed a record.

Causes Attorney's Arrest.

Holzer is alleged to have exclaimed when the clerk found that the dispossess order was incorrectly dated, "What's the difference? He is colored." This remark so angered Wolkof it is said that he nearly came to blows with the attorney. However, he caused his arrest and conviction. The conviction was reversed by the Appellate Courts, which ruled that there was no criminal intent. Wolkof has also convinced many a housewife that it would be much better and vastly cheaper to get together with her maid or cook and settle between them the question of the wage in dispute.

Despite the fact that he is a Jew, several other religious bodies have seen fit to honor him. A testimonial was held in his honor at Holy Trinitsy Baptist Church, of which the Rev. Dr. Thomas S. Harten is pastor, in recognition of his service to the Negro. A private audience was also granted him by the Pope in Rome for his unselfish devotion to the work of St. Peter Claver Church, the only Negro Roman Catholic congregation in Brooklyn. His other charitable activities include the distribution of baskets to the needy regardless of race during Thanksgiving and Christmas. Hot meals are served daily at the headquarters of his society located at 305 Kingston avenue.

Lynchings - 1933
Legal Punishment for Rape

Alabama

4298

Scottsboro "Limited"

A Radio Drama of a Famous Freight Train Episode

HEARD BY THOUSANDS

Editor's Note—The following dramatization of the now famous Scottsboro case was broadcast last Thursday morning by Station WLS in Chicago over the Dr. Herman N. Bundesen Hour. Dr. Bundesen, president of the Chicago Board of Health, speaks every morning in the week over this station at 9 o'clock. It was under his personal indorsement that the act, edited by Hayden Roberts, was broadcast. Herbert Futran is director of the [illegible]. Reproduction of this drama is forbidden without the permission of the copyright owners. Persons interested may write to the Dr. Bundesen hour, care Station WLS, Chicago.

Defender 12-16-33
Chicago

CAST

VOICE 1	KELLY
SHERIFF	AL
HEYWOOD	
GIRL	GARNER
VOICE 2	DWYER
VOICE 3	LES
VOICE 4	KALAR
JUDGE	HOLDEN
JURYMAN	AL
LEIBOWITZ	EUTRAN
LAWYER	BENTLEY
STENOGRAPHER	HOLDEN
JUDGE 2	CLINE

ROBERTS (Scottsboro, Ala.)—The second defendant in the famous case is sentenced to death for the third time. The third time justice is pleading for eight Negro boys, justice on her knees, imploring the whole South to be fair, to keep her scales evenly balanced. We look back at the very beginning on a day in March, 1931.

MUSIC—ORGAN UP AND FADE AS B. G.

EFFECT—TELEGRAPH KEY.

VOICE 1 (Sheriff at Paint Rock, Ala.)—Some black boys threw some whites off a fast fregiht coming out of Chattanooga tonight. They are alone on that train with two white girls and another white boy. Hold those boys.

EFFECT—TELEGRAPH KEY.

MUSIC—ORGAN UP AND FADE AS B. G.

SHERIFF — Come out o' there, nigger!

HEYWOOD—What you-all want?

SHERIFF—What did you do with those white girls?

HEYWOOD—They's back in another car. We ain't been ridin' with em.

SHERIFF—You're a liar!

VOICE 2—Sheriff, heah the girls.

GIRL (WHISPERS)—Gosh, maybe they'll arrest us for riding in a freight train. I know what I'll do . . . I'll tell 'em the niggers done. . . . (WHISPERS) That'll get me out all right.

MUSIC—ORGAN UP AND FADE AS B. G.

ROBERTS—Thus started the famous Scottsboro case. The Negro boys were removed to jail at Paint Rock, Ala. Threats by the crowd made it necessary to remove the boys to another town. Finally there was the trial day at Scottsboro, Ala.

MUSIC—ORGAN UP AND FADE AS B. G.

EFFECT—HAPPY CHATTER OF VOICES.

VOICE 3—Downright shame. . . . The jury's still out. . . Never thought it would take 'em more'n hour to see those niggers were plum guilty.

VOICE 4—No self-respectin' white man would say a black man's innocent, 'specially when it comes to a charge of attackin' a white girl.

VOICE 3—They shouldn't have trials for these blacks. . . . Should just let us take care of 'em. . . . Throw a rope around a limb of a tree and string 'em up, sez I.

MUSIC—ORGAN UP AND FADE AS B. G.

ROBERTS—The day for the first trial was treated as a festival. Bands were held in readiness, awaiting the verdict of the jury. Then—

MUSIC—ORGAN, FADE AS B. G.

EFFECT—GAVEL.

JUDGE—Gentlemen of the jury, have you reached a verdict?

JURYMAN—We have. We, the jury, find the defendants guilty!

MUSIC—ORGAN UP, FADE AS B. G.

JUDGE—And I sentence you to die in the electric chair!

EFFECT—CHEERS, YELLS.

VOICE 3—Boy, lets' go out and raise Ned. . . . At last those blacks got what was coming to them.

MUSIC—ORGAN UP AND FADE AS B. G.

ROBERTS—To the supreme court of the United States went the decision of the judges. There the case was reviewed and sent back for a new trial, as three points were raised by the justices of this highest tribunal.

JUSTICE—There was not a fair and impartial and deliberate trial. The defendants were denied the right of counsel. Qualified Negroes were systematically excluded from the jury.

MUSIC—ORGAN UP AND FADE AS B. G.

ROBERTS—And again when the case went to trial in April of this year, this last point of issue, the exclusion of Negroes from the jury was again raised by Lawyer Leibowitz, counsel for the defense.

LEIBOWITZ—I ask that the indictment against these boys be voided on the grounds that Negroes were systematically excluded from the jury rolls.

LAWYER—That's not so.

LEIBOWITZ—Have Negroes ever been allowed to serve on the jury rolls? I'll ask the court reporter. Did you ever see a Negro on a jury in this county?

STENO.—I've been serving in this county 24 years and I've never yet seen a Negro as a juryman. They wouldn't let them on!

LEIBOWITZ—And you tell me that these boys are getting a fair trial when you won't permit their own people to judge them? If it hadn't been for some people who desired to see that justice was done, these boys would have been executed—murdered by you—long ago—murdered by your hypocrisy and your hatred!

MUSIC—ORGAN UP AND FADE AS B. G.

ROBERTS—Judge James E. Horton of Decatur, Ala., unprejudiced, fearless, representing the law in every just meaning of the word, allowed the complete presentation of all phases of the case. Ruby Bates swore that no Negro had touched her—thus repudiating her testimony of the first trial. Victoria Price, the other girl, full of hate and venom, her tragic misspent life, and with a long police record, discredited completely, persisted in accusing Heywood Patterson. Judge Horton charged the jury, he begged for fairness, he begged for consideration of all the evidence. If there is a reasonable doubt, but in Decatur, Ala., a white man's jury . . . a Negro accused means only one verdict, guilty! The punishment, death! Before the other men were tried, Judge Horton, verifying that the defense counsel had made statements concerning the case which would make the verdict of death certain for the other seven defendants, postponed the trial indefinitely.

MUSIC—ORGAN UP AND FADE AS B. G.

ROBERTS (Scottsboro, Ala.)—The third trial. The whole world is watching. Threats of violence are heard.

EFFECT—ANGRY CROWD, MURMUR.

VOICE 3—Ain't no cal, foolin' around longer. . . . Us southerners don't need no smart lawyers or law books to tell us what to do.

EFFECT—CROWD, NOISES.

VOICE 4—That jury in there better bring in a verdict of guilty and send those niggers to the chair.

EFFECT—CROWD INCREASING.

VOICE 3—That's the only thing any self-respectin' southerner can do. And if the jury won't do it, I guess we know what we'll do, don't we?

EFFECT—CROWD INCREASING.

VOICE 3—And soldiers or no soldiers, we'll do it!

EFFECT—CROWD.

MUSIC—ORGAN UP AND FADE AS B. G.

ROBERTS — Meanwhile, in the courthouse, the trial opens. Ruby Bates, one of the girls who accused the Negroes, is ill. Her testimony hinges the case of the boys. Attorney Leibowitz pleads for time.

MUSIC—ORGAN UP AND FADE AS B. G.

LEIBOWITZ—Your honor, I ask for time to secure the deposition of Ruby Bates, whose testimony is necessary for our case.

JUDGE 2—I won't give you any time. Get it in right away. I want speed. I'm going to get done with this case in three days.

LEIBOWITZ—But, your honor, justice demands.

JUDGE 2—I said I'm going to get done with this case in three days:

MUSIC—ORGAN UP AND FADE AS B. G.

ROBERTS—And the judge keeps his promise. Last week one defendant was sentenced to death for the third time. Yesterday the second defendant was sentenced to death. Tomorrow or the next day the third, until eight men are to be sentenced to death. The defense has submitted proof of prejudice. Judge Callahan says "no." The defense submits evidence that Negroes are excluded from the jury rolls. Judge Callahan says "no." Is this another Sacco and Vanzetti, more horrible, more fearful in its consequences that is in the making at Scottsboro today?

DECATUR MAN FIRED ON BY ANGRY WHITE

Defender
12-16-33

Shot After Leaving Lawyer's Apartment

Chicago, Ill.

DECATUR, Ala., Dec. 15.—Tension which has marked the Scottsboro attack trials here reached a new pitch Wednesday with the disclosure of the wounding of a Race millworker by an unidentified white man.

The Race man, Sam Townsend, a box factory employee and one of a quartet of spiritual singers, was shot Sunday night as the singers left the apartment of Samuel Leibowitz, chief defense counsel, where they had entertained the New York attorney and a group of his friends who came here from New York.

A short distance from the apartment, Townsend said, they were accosted by a white man, who opened fire without warning. In the darkness most of the fusillade of shots went wild, but one of the bullets struck Townsend on the hand as he attempted to flee.

Revelation of the incident was not made until Wednesday, when police stated they were "making a full investigation of the affair."

Two additional deputies, meantime, were assigned by Judge W. W. Callahan to safeguard Leibowitz, who has received numerous anonymous letters threatening his life for defending the Scottsboro boys.

This doubled the bodyguard provided the New York attorney by the state when he arrived here for the trials nearly three weeks ago. The deputies were selected from a group of special sheriff's men from Birmingham. In addition, Leibowitz has his own personal bodyguard.

Daily Worker
12-16-33
New York N.Y.

Parades, Meetings Demand Release of 9 Scottsboro Boys

Sailors and Norwegian Ships Send Funds

NEW YORK.—A children's parade in protest against the lynch verdicts of Decatur will be held in Brooklyn Saturday, it was announced by the Williamsburg and Crown Heights Pioneer Troops.

The parade, in two sections, will start from Lexington Ave., at the corner of Nostrand, and from Fulton St. and Troy Ave., at 2 p.m., ending in an indoor demonstration at the New Workers Center, 777 Gates Ave.

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Parade in Pittsburgh Today

PITTSBURGH, Pa., Dec. 15.—A Scottsboro protest parade will be held here Saturday, under the auspices of the International Labor Defense and the League of Struggle for Negro Rights.

The parade will form at noon at Francis Ave. and Centre Ave., at 1 o'clock it will march to Greenlee Field, and will end up in a mass meeting there at 2 o'clock.

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Mass Meet in Scotts Run

SCOTTS RUN, W. Va., Dec. 15.—Despite threats and intimidation by Van Bittner, U.M.W.A. organizer here, Carl Hacker, district secretary of the International Labor Defense, will speak at a Scottsboro protest meeting to be held in Laslo Hall, Osage, W. Va., at 2 o'clock Sunday afternoon, it was announced today.

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Youngstown Conference

YOUNGSTOWN, O., Dec. 15.—A united front anti-lynch and Scottsboro Defense Conference will be held here Monday, Dec. 18, in the A.M.E. Zion Church, 620 Mahoning Ave., it was announced today.

The conference is being called as a result of a mass-meeting under the auspices of the International Labor Defense and the League of Struggle for Negro Rights, at which a provisional conference committee was elected. The members of the committee are Rev. W. O. Harper of the Third Baptist Church, Rev. A. C. Bell of the Mahoning Church, and Hannah R. Blumenthal of the I.L.D.

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Norwegian Sailors Contribute

NEW YORK.—Sailors aboard the Norwegian ship "Angara," of Oslo, sent a contribution of $2 for the defense of the Scottsboro boys. A member of the crew had learned about Scottsboro from a member of the International Labor Defense of the Soviet Union in the rooms of the International Seamen's Club in Leningrad.

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Rock Island Protest

ROCK ISLAND, Ill.—Seventy-five Negro and white workers meeting in Workers Hall yesterday protested against "the attempt of the Alabama ruling class to legally lynch the nine innocent Scottsboro boys" and demanded their immediate safe release.

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Brooklyn Meet Announced

NEW YORK. — Joseph Brodsky, chief International Labor Defense counsel; Richard B. Moore, secretary of the League of Struggle for Negro Rights; Rabbi Ben Goldstein and Sadie Van Veen, will speak at a mass Scottsboro meeting Friday, Dec. 22, at 8 p.m. at the Boro Park Manor, 4116 Thirteenth Ave., Brooklyn.

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Brodsky to Speak

NEW YORK. — Joseph Brodsky, chief counsel of the International Labor Defense in the trial of the nine Scottsboro boys, will speak at a mass meeting arranged by the Brownsville I.L.D. at the A.M.E. Church, 250 Ralph Ave., Brownsville, on Dec. 18, at 8 p.m.

Spartanburg, S. C., Herald
December 8, 1933

Unfair Comment

Two of the defendants in the Scottsboro cases have been tried and convicted the third time for attacking a white woman on an Alabama train. The crime upon which indictments were secured caused much excitement in Alabama and much interest throughout the nation. The trials of the defendants have been reported by newspapers in all the states. Some of the metropolitan papers have considered the trials of such importance that special reporters were detailed to cover them.

The defense lawyers, hired by a New York society, have done all they could to prejudice the people of northern states against the community in which the trials were held, and last week the chief counsel for the defense heard the trial judge deliver a severe reprimand for conduct unbecoming a respectable lawyer. The judge took care to send the jury from the court room before expressing his disapproval of the attorney's conduct.

Notwithstanding the three convictions and the patience of the people in the Alabama community, we read in a Western paper the following editorial comment on the case:

> Because of the evident unfairness with which the first trial was conducted nearly two years ago, the Scottsboro case has attracted national attention. The result of the second trial, which was conducted with conspicuous fairness by Judge James E. Horton, naturally did not end public interest in the case. Unfortunately, race prejudice in Alabama and the attempt of Communist organizations outside the state to make political capital out of it have both tended to obscure the fundamental issue in the case, which is one of simple justice. The third trial now has been completed and counsel for the defense has served notice of its intention again to challenge the verdict. Once more the question is being asked, has Patterson been justly convicted?

There have been few signs of race prejudice in the trial of these cases. White jurors have returned the verdicts after long and patient deliberation. Judge Horton won nation-wide commendation for what the critic herein quoted calls, "conspicuous fairness" and, through all the trials, the people have remained calm. They have been patient in spite of the Communist interference and unfair comment by editors who know little about the Southern people and who themselves are often the victims of prejudice.

The people of Scottsboro and the surrounding territory in Alabama deserve the greatest sympathy, respect and praise for their patience There should be no question of the justice of the Patterson conviction.

Chattanooga, Tenn. News
December 13, 1933

Negro Students Strike As Scottsboro Protest

Philadelphia, Dec. 13.—(UP)—Police were summoned to the Reynolds Public School yesterday when 200 Negro students, 10 to 16 years old, walked out on strike as a protest against the verdict in the Scottsboro (Ala.) case.

Order was restored after the police arrived. Two of the strikers were arrested. Detectives said the strike was planned by the International Labor Defense.

Albany-Decatur, Ala. Daily
December 9, 1933

J. T. Graves

John Temple Graves takes occasion to express some more views opon the Sottsboro trials, held at Decatur, taking to task Editor Grover Hall of the Montgomery Advertiser.

Mr. Graves, for no apparent reason, has taken occasion several times to tell the people of Decatur and Morgan county how they should conduct themselves. Mr Graves has attempted to tell the people of Decatur and Morgan county many things of this section.

May we humbly suggest to the columnist that he desist from further column chatter until he learns more of his subject. If he cares to learn the people of this section, we are very happy to extend an invitation. Meanwhile may we suggest that he keep quiet until he knows the facts.

Alabama

Lynchings-1933
Legal Punishment for Rape.

4299

TAMPERING WITH JURY ROLL TO BE AIRED AT DECATUR

Finding Of Negroes' Names Bring Charges That Hint Sensation

LAWYERS FOR DEFENSE SEEK TO SHOW FRAUD

Handwriting Specialist Called From New York For Expert Testimony

BY RALPH E. HURST
The Birmingham News Staff Writer

DECATUR—A sensation is promised in defense plans for Saturday when James Haring, New York handwriting expert, is due to appear for the Scottsboro defendants in an effort to prove that Jackson County's 1931 jury roll has been illegally tampered with and names of at least six Negroes irregularly written in. The six Negroes are also due to testify Saturday.

A formal charge of fraud in preparing the Jackson jury roll was filed in court late Friday by Defense Atty. Samuel S. Leibowitz.

In spite of this, Judge W. W. Callahan proceeded in Circuit Court with a view to taking up the actual trial Monday. Heywood Patterson is docketed for trial Monday and Clarence Norris' trial was set for Thursday although defense attorneys protested that three days was far too short a time for each trial.

The Scottsboro defendants were indicted in March, 1931, for attacking Victoria Price and Ruby Bates on a freight train in Jackson County. Defense attorneys moved to quash the indictments on the contention that the Grand Jury was drawn from a jury roll from which Negroes had been excluded because of race and color.

As Jackson County officials, subpoenaed by the defense, went through the jury roll which had been offered in evidence, the names of six Negroes were found. The defense had the Negroes subpoenaed.

Delaying tactics were employed by the defense Friday, awaiting arrival of Haring and the Negroes from Jackson County. A study of names on the jury roll was continued in an effort to determine if other Negroes were listed, and questions were put to the witnesses as to authorship of handwriting in the book.

Hunt Stuart, Jackson jury board member from 1927 to 1931, took the stand at 3:15 after it had been occupied by Moody since 9:30 a.m. He testified he had "not noticed" any Negroes on Jackson juries. Kelly Morgan, he said, prepared all the lists.

"If the name of Mark Taylor is on that roll and was not put on through forgery or fraud, it would have been put on through your order, wouldn't it?" Leibowitz asked.

Knight's objection was sustained. The court went further and told Leibowitz he could not ask the witness if the Negroes on the roll were qualified.

Subsequently Judge Callahan and Leibowitz had a verbal clash and the jurist, pointing his finger close to the attorney's face, ordered him to "stop right there."

It grew out of Leibowitz's complaint against being "shut off."

It was the first clash of the proceedings and Leibowitz hushed without finishing his protest.

Stuart said he knew some of the Negroes listed. On cross-examination Knight asked him if he was a member of the board that compiled the roll from which the Grand Jury was drawn in March, 1931.

The last roll his board prepared, he answered, was on Aug. 18, 1930, from a list submitted by Kelly Morgan, clerk.

"Did that list contain both whites and Negroes?" Knight asked.

"I couldn't say," Stuart answered over defense objections.

Knight asked Stuart if any person had been left off because of race or color. Over defense objections Stuart declared "Race, color, creed or religion" was never discussed.

When court opened at 8:30 a.m., following a night session, Hamlin Caldwell, Circuit Court reporter of Jackson County, was started through the jury roll to see if he could find the names of any Negroes.

Caldwell failed to find any Negroes and J. E. Moody, Jackson jury board member, was recalled to resume studying the roll.

Those identified on the roll as Negroes and for whom subpoenaes were issued were Hugh Sanford, Ples Larkin, Travis Moseley, K. D. Snodgrass, Cam Rudder and Mark Taylor.

The word "colored" was written after the name on each subpoena.

Judge Callahan, as well as attorneys, questioned Moody as to the handwriting of various names, most of it being attributed to Kelly Morgan and some to himself. The relation of the names to the red line also featured in the questioning.

A sample of Moody's handwriting was obtained by the defense in having him copy some names from the book.

Moody was still on the stand when the lunch recess was taken from noon to 1:15 p.m., examination being a predicate for offering expert testimony on authorship of handwriting in the 1931 Jackson jury book.

Knight told The News that he was not trying to prove or disapprove that Negroes were on the jury roll and pointed out that the state had not introduced any rolls. His attitude indicated he held the opinion that proof of tampering with the roll would not be grounds for quashing the indictments.

"My contention is and has been that, under the law, it is entirely up to the jury board as to who is put on the rolls and that you cannot go behind the judgment of the board when it is not shown that they deliberately excluded a person because of race or color."

Heywood Patterson, scheduled to go on trial Monday as the first of the defendants, was in court but for the time being, became an almost forgotten man as the jury system of the state became predominant in the proceedings.

Atty. Gen. Knight, questioned about the development, admitted it would have been possible for the state to have reindicted all nine defendants within the last month without it becoming known and to have the new indictments ready for the basis of prosecution in event the 1931 indictments should be quashed. He did not say, however, that this had been done.

It was also pointed out that a special session of the Jackson County Grand Jury could be called between now and Monday and secretly return new indictments. If this has been done, or should be done, it would provide the state with a legal "ace in the hole" to meet any proof of jury roll tampering and to proceed with prosecution of the cases.

Indictments are not made public until they are served and if any recent action has been taken it would not be generally known as service would be withheld pending necessity created by some development such as has come to light here.

Discovery of the names of six Negroes on the 1931 jury roll of Jackson County was perhaps the most significant development since the inception of the Scottsboro cases nearly three years ago.

With the names having been identified as those of Negroes by C. A. Wann, circuit court clerk of Jackson, and J. E. Moody, Jackson Jury Board member, the defense launched a vigorous effort to show irregularity and tampering with the roll.

During the Thursday night session, ordered by Judge Callahan because of the "peculiar circumstances," Kelly Morgan, jury board clerk of Jackson County from 1927 to 1931, testified that the names of the Negroes on the roll appeared to be in his handwriting.

He testified that no one but himself wrote in the big red book during his term of office and that he had not written in it since his term expired Jan. 19, 1931.

Defense attorneys had Morgan give them a sample of his handwriting by copying the names of the six Negroes, and this sample was offered in evidence as Exhibit A on this witness.

Defense Atty. Leibowitz had indicated through his examination of the witness that a handwriting expert would be called and later in the night it was announced that he had summoned from New York James Haring, a handwriting expert who figured in the famous Halls-Mills murder case.

The jury roll of Jackson County is kept in an alphabetically-indexed ledger with various numbers of names on each page. In 1931, when a state law requiring a new jury list was put into effect, a red ink line was drawn across each page of the book just beneath the last name entered.

The names of the six Negroes appearing on their respective initial pages, each are the last entry made and part of the writing is across the red line without any space between. In all other instances, there is space between the last name and the red line.

Defense's Plan

Defense efforts will be to show that the names, written in green ink are super-imposed over the red marginal line and therefore were written in after that part of the list had been closed and the red line drawn. A chemical analysis of the two colors of ink, to determine the age of the writing, is also expected to be employed.

Some of the Negroes listed on the roll were persons who had been called as defense witnesses here last April when they were presented to show that Jackson County had Negro residents qualified for jury service but who had been excluded because of race and color. The proceedings then, as now, were in a motion to quash the indictments on the contention that the Grand Jury that returned them was drawn from a roll from which Negroes had been systematically excluded.

Discovery of the names late in the day after the two Jackson officials had spent hours going through the book, threw an obvious surprise into Atty. Gen. Knight and his assistant, Thomas S. Lawson, as it did the newspaper men and meager courtroom audience.

The Jackson County jury roll had been barred from evidence in the proceedings last Spring, but the Morgan County roll had been accepted then, as it was the first part of this week in the defense motion to quash the venires. Names of no Negroes were found in the Morgan document.

It would have been entirely legal, however, for the Morgan jury board to have placed the names of Negroes on its roll any time prior to the drawing of the venire here and achieved as effective a stroke as by having them on the 1931 jury roll of Morgan County, even though the defense and the court knew that they had only recently been added.

If it should be proved that the Jackson jury roll has been tampered with or suffered any irregularities, it would be incumbent upon the attorney general to make a vigorous prosecution.

In event such possible proof should result in a quashing of the indictments, the state would still have recourse to forming another Grand Jury in Jackson County and again taking up the cases.

Permitting introduction of the Jackson jury roll followed Judge Callahan's differing with Judge James E. Horton, who presided here last Spring, on a question put to J. A. Tidwell, Morgan jury board member.

Tidwell had been asked why J. J. Sykes, Decatur Negro, was not on the jury roll and Judge Horton sustained the state's objection. Judge Callahan had Tidwell answer the question, Tidwell stating that Sykes was crippled and of questionable character.

Judge Callahan's third finesse against a reversible error was his ignoring the state statute that provides for only one change of venue, his denial of such a motion for the defense dealing only with cause.

Court was recessed at 9:30 p.m. with Wann, who had been recalled to the witness stand for the third time, still poring through the tome in search of Negroes' names.

Judge Callahan has overruled two previous defense motions seeking to halt the retrial of the Negroes who are charged with attacking Mrs. Victoria Price and Ruby Bates in March, 1931, on a freight train moving through Jackson County.

One motion was for a change of venue, based on a contention that a fair trial could not be had here, and the other to quash the venire drawn for the third trial of Heywood Patterson, scheduled to start Monday, on the same grounds used in the plea to quash the indictments.

The Negroes were convicted following their first trial at Scottsboro, seat of Jackson County, and sentenced to the electric chair. They were granted a new trial by the United States Supreme Court, and Patterson, tried here under a change of venue, was again convicted and sentenced to death. But Judge James E. Horton, who presided, set this verdict aside.

LYNCH BOOKLET INCITES HATE IN ALABAMA

Journal and Guide
11-23-33
Norfolk, Va.

Thinly Veiled Threats of Lynching Made; Issued by Lawyer

By JOHN L. SPIVAK
(The Associated Negro Press)

DECATUR, Ala.—A brazen call to lynch the International Labor Defense attorneys in the Scottsboro case, Samuel Leibowitz and Joseph Brodsky, is being circulated here in a 54-page pamphlet written and published by one Woodford Mabry, a lawyer of Grave Hill, Ala. Neither the legal nor police authorities of Morgan County are doing anything to stop it.

"Why does the law give you the right to expel the trespasser with just such force as you find necessary?" Counselor Mabry asks in his "brief and argument," as he terms his pamphlet. "It is because the law is too slow to save you and you must save yourself," the booklet says, and continues:

"In like manner, the law may be too slow and uncertain to save a menaced community, because of outside lawyers . . . then that community must exercise its inherent right to defend itself.

"THE INTERNATIONAL LABOR DEFENSE AND ITS METHODS ARE DESPISED HERE IN ALABAMA." (Capitals for emphasis are Mabry's).

Being Avidly Read

This crude call and other similar expressions in the pamphlet for a lynching is directed to the people of Alabama and is being widely distributed here and avidly read. Around the yellow brick courthouse where the Scottsboro boys are to go on trial again for their lives, this reporter saw two in the hands of grim-faced, overalled men who were showing them to others on the courthouse steps. In the center of the town the blue covered pamphlet is in evidence. Those who do not have it have seen it and are discussing its contents.

Just how many of these pamphlets are in Decatur and Morgan County there is no way of telling. A similar pamphlet was confiscated at the trial last spring by Judge James E. Horton, who presided then.

Journal and Guide
11-25-33
Norfolk, Va.

Not only does it contain this bald invitation to a lynching but the tenor of the whole pamphlet is that of fury against the International Labor Defense and "Northerners" who are trying to "put Negroes on juries" (Nowhere in the pamphlet is the word Negro spelled with a capital N). The pamphlet is a bitter invective against those who try to get the Negro "social and political equality."

In Hysterical Vein

Counselor Mabry's "brief and argument" is entitled: "A Reply to Southern Slanderes—In Re: The 'Negro Question,' 'Lynch Law,' etc.—Being an invitation to 'the International Labor Defense' and all other associations advocating social and political equality to 'GET OUT OF' and 'REMAIN AWAY FROM' the State of Alabama. We regard your teachings as dangerous and a MENACE to our state."

The pamphlet is marked by an hysterical tenor, bad grammar and capitalized words for emphasis.

"UNTIL THE ADVENT of the INTERNATIONAL LABOR DEFENSE and similar organizations into the South with their dangerous teaching of Social Equality, Socialism, etc., never since emancipation have the relations between the white men and the law abiding Negroes of the South been so cordial, or the confidence of the Negroes in their white neighbors and employers so strong," Attorney Mabry states in his foreword. "THE SOUTHERN WHITE MAN KNOWS THE NEGRO and the NEGRO KNOWS THE SOUTHERN WHITE MAN.

Would Restrict Education

"The BEST HOPE of the Negro of the South lies in the continuance and cultivation of these relations and the education of his children on PURELY PRACTICAL LINES."

Throughout its pages Attorney Mabry calls the white men's attention to the absurdity of paying taxes to educate colored people in Alabama and urges that "Negro education" be restricted to reading, writing and arithmetic."

"A Negro crammed on Latin, Greek, or on physiology and geometry, is a ruined nigger," the learned counsel states and continues:

"The taxing of poor white people to furnish "HIGHER EDUCATION" for Negro wenches and sassy bucks, is an OUTRAGE upon the WHITE and an injury to the Negroes."

Typical Excerpts

Following are a few excerpts from the pamphlet showing its spirit:

"In the South, the aggressions of the Socialist and the Anarchist, the Communists and the International Labor Defense are becoming bolder in spreading their dangerous teachings among the ignorant Negroes of the South, and more urgent becomes the question,—What are we going to do about it?"

"White supremacy should be established by law.

"I take the position that the Fourteenth and Fifteenth Amendments of the Constituion should be repealed."

"Don' you know that Holy writ expressly sanctions and regulates the system (of slavery); that Christ never uttered a word against it, and that ST. PAUL COMMANDED SLAVES TO OBEY THEIR MASTERS?"

Waves Red Shirt

"When these things happen (outsiders defending Negroes) it naturally arouses the indignation of the people and sometimes, they do what the law would have speedily done but for the SHYSTER interlopers.... who must have been sent to Alabama by organizations like the International Labor Defense, composed no doubt of a lot of half breeds, Negroes, Negro-petters, Negro lovers, and anarchists, imbued with the social equality rot and the very foolish idea that Negroes should sit in the jury box with WHITE PEOPLE."

"We will not permit ANY SHYSTER LAWYERS TO COME INTO OUR STATE and traduce its fair name, brand our jurors as being "ignorant, illiterate, jackasses' and our people "semi-barbarous' aflame with blood lust and race hatred,' 'bent on lawlessness,' and deserving of another desolation of invading armies.

Calls It "Good Advice"

"Speaking for myself alone, it is my deliberate opinion, that a recurrence of such conduct will bring about the invoking of the exception to the general rule of law (due legal procedure) above referred to it.

"This is not a threat BUT JUST GOOD ADVICE."

These excerpts would normally be funny. But here in Decatur where the tension is at the breaking point this pamphlet is pouring gasoline upon an already existing flame. And it may be noted again that neither legal nor police authorities are doing anything to stop it.

54-Page Pamphlet Urges Decatur to Mob Reds

Afro American
11-25-33
Baltimore, Md.

Negro Jury Service Termed Social Equality. Pamphlet Wants 13th and 14th Amendments Repealed and Slavery Restored.

DECATUR, Ala.—(ANP).—A brazen call to lynch the International Labor Defense attorneys in the Scottsboro case, Samuel Leibowitz and Joseph Brodsky, is being circulated here in a 54-page pamphlet written and published by one Woodford Mabry, a lawyer of Grewe Hill Ala. Neither the legal nor police authorities of Morgan County are doing anything to stop it.

Counselor Mabry's "brief and argument" is entitled: "A Reply to Southern Slanderers—In Re: 'The Negro Question,' 'Lynch Law,' etc.—Being an invitation to 'the International Labor Defense' and all other associations advocating social and political equality to 'GET OUT OF' and 'REMAIN AWAY FROM' the State of Alabama. We regard your teachings as dangerous and a MENACE to our state."

Throughout its pages Attorney Mabry calls the white man's attention to the absurdity of paying taxes to educate colored people in Alabama and urges that "Negro education" be restricted to reading, writing and arithmetic."

"A negro crammed on Latin, Greek, or on physiology and geometry, is a ruined n——," the learned counsel states and continues:

"The taxing of poor white people to furnish 'HIGHER EDUCATION' for Negro wenches and sassy bucks, is an OUTRAGE upon the WHITE and an injury to the Negroes."

"White supremacy should be established by law.

"I take the position that the Fourteenth and Fifteenth Amendments of the Constitution should be repealed."

"Don't you know that Holy writ expressly sanctions and regulates the system (of slavery) that Christ never uttered a word against it, and that ST. PAUL COMMANDED SLAVES TO OBEY THEIR MASTERS?"

"When these things happen (outsiders defending Negroes) it naturally arouses the indignation of the people and sometimes, they do what the law would have speedily done but for the SHYSTER interlopers . . . who must have been sent to Alabama by organizations like the International Labor Defense, composed of a lot of half breeds, negroes, negro-petters, negro lovers, and anarchists, imbued with the social equality rot and the very foolish idea that negroes should sit in the jury box with WHITE PEOPLE."

"We will not permit ANY SHYSTER LAWYERS TO COME INTO OUR STATE and traduce its fair name, brand our jurors as being 'ignorant, illiterate, jackasses' and our people 'semibarbarous', aflame with blood lust and race-hatred,' 'bent on lawlessness,' and deserving of another desolation of invading armies."

Dothan, Ala. Eagle
December 12, 1933

LEIBOWITZ RETURNS HOME

Without comment, and with a face as near straight as possible, we publish herewith a news story from The New York World Telegram:

"Samuel Leibowitz, defender of the Scottsboro Negroes, returned to his desk today at 225 Broadway.

"'I've got to start making a living again,' he said. 'I've spent four months on the case this year without even expense money.'

"Mr. Leibowitz said the conviction of the Negroes on charges of attacking two white girls and their death sentences were expected.

"'In the last case, the jury came to the realization I was not some devil with horns, he shrugged. 'But they live down there. If they had come in with a verdict of not guilty'—again he shrugged. 'Well, I'll let you guess where they would be.'

"'It wasn't a trial of the Negroes,' he continued. 'It was a trial of the whole system and a philosophy resulting from years of tradition.'

"He said that either Alabama must put Negroes on juries or go through the procedure of having each conviction overruled in higher courts interminably.

"'I'll stick to this case until hell freezes over, he said."

Lynchings-1933

Legal Punishment for Rape.

Alabama

4300

Civil Liberties to Aid Defense of 9

Will Raise Funds for Scottsboro Appeal

NEW YORK.—The preparations of the International Labor Defense to carry the fight for the Scottsboro boys once more to the U. S. Supreme Court will be supported by the Civil Liberties Union according to an announcement yesterday by that body.

"The appeal from the trials of the Scottsboro boys just convicted," the announcement said, "will be aided by the Civil Liberties Union through raising funds among its members and friends, to be used by the attorneys retained by the I. L. D. In doing so, the Union follows the policy of supporting the defense established after the first Scottsboro trial, when it became clear that every effort was being made by the state authorities in appeals to passion and prejudice to electrocute these Negroes."

Morgan County Jury Locked Up In Second Trial

Advertiser

Deliberations Begin Today In Clarence Norris Case; Veniremen Asked Delay

12-5-33

Leibowitz Rapped

Montgomery

Judge Callahan, Presiding, Reprimands Lawyer For 'Disrespectful' Conduct

Ala.

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., Dec. 4.—(AP)—A Morgan County jury tonight, at its own request, deferred deliberations until tomorrow morning in the case of Clarence Norris, second of seven negro defendants in the "Scottsboro case" to face retrial here on charges growing out of an alleged attack on Mrs. Victoria Price in Jackson County on March 25, 1931.

Judge W. W. Callahan admonished the jury that, under no circumstances, was the case to be discussed until it entered the jury room tomorrow and not to "receive any telephone calls, written or oral communications whatever."

12 Exceptions To Charge

Judge Callahan completed his hour and twenty-minute charge at 5:57 p.m. but before the jury could retire Samuel S. Leibowitz, chief of counsel for the negro, asked that 12 exceptions be noted and special charges be made.

Norris was tried on the same charge on which he was convicted and sentenced to death in Scottsboro in April, 1931, along with his six co-defendants, who were granted new trials by the United States Supreme Court.

He was the second to be given a retrial here, Heywood Patterson having been convicted of attacking Mrs. Price last Spring and sentenced to death. This judgment was set aside by Judge James E. Horton, who presided, on the grounds that the evidence did not warrant the verdict. Patterson was tried again last week and again was convicted and sentenced to death.

In his exhaustive charge, Judge Callahan went into all the phases of the law in instructing the jury of its requirements, and the weighing of evidence, and returning a verdict.

He held that chastity or unchastity of the prosecutrix was not admissible as evidence, as the defendant did not claim consent, but denied in toto the charge, adding "where there is no consent and where there is no claim of consent, then gentlemen of the jury the chastity or unchastity of the prosecutrix, is not an issue. That is the law in Alabama and it seems to be the law in Connecticut, Vermont, New York, Michigan, Ohio and other States as well.

"The law forbids rape," he said, "and it is intended to protect all, and will protect all, womankind, regardless of her past, her character, or her station in life. I'm not raising the color line either. I am telling you the law, if it was not a law to protect all, would not be a just law."

The Judge charged the jury that the defendant's plea of not guilty placed the burden of proof on the State, and "puts the duty on the State to prove the charge on the evidence beyond all reasonable doubt in your minds.

Advertiser

"The law protects the defendant who is hailed into court and guarantees him a fair and impartial trial. When it says that, it says it to all men, and it does not make any difference who he is, whether he is a citizen of Alabama or any other State. It does not matter what his station of life is, or his color. That is the law in Alabama."

12-5-33

Montgomery

Leibowitz took exceptions to the Judge's charge that the unchastity of the prosecutrix was not admissable, except where the defense consisted of consent, and that her character was not at issue because consent was not the defense.

Ala.

An exception was noted when Judge Callahan declined to charge the jury that the jury "may and must consider the reputation," of this and all other witnesses, in giving weight to their evidence.

Judge Callahan gave a special charge that Mrs. Price, as the prosecutrix, had a special interest and an exception was taken when Judge Callahan held that he had not charged the jury that they "must" accept portions of testimony where a witness has "willfully misrepresented" any of the facts.

"Reasonable Doubt" Explained

Leibowitz also asked for a special instruction that where any witness had wilfully misrepresented any material fact, all of the testimony of such witness might be discarded, and, at the attorney's request, the court explained "reasonable doubt."

Jury At Decatur Is Put To Bed Without Verdict

Advertiser

12-1-33

Three-Hour Deliberations Fail To Bring Finding; Resuming This Morning

Montgomery

New Venire Called

Ala.

Qualifying Of Jurymen For Second Trial Is Begun Shortly After First Ends

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., Nov. 30.—(AP)—Twelve Morgan County citizens, who, after three hours of deliberation, had not reached a verdict in the trial of Heywood Patterson, one of seven negro defendants in the Scottsboro case, were ordered locked up for the night at 6 p.m. by Judge W. W. Callahan, presiding.

Judge Callahan informed attorneys on both sides he was not inclined to keep the jury up until late at night trying to reach a verdict, and ordered the bailiff to return them to the jury room to resume deliberation at 8:30 a.m., tomorrow.

"Now, gentlemen," said Judge Callahan, in informing the jury that no further deliberation would be held tonight, "let me caution you again that you are not to discuss this case outside the jury room even among yourselves. I strictly warn you against talking with anyone. either over the telephone or personally, and against receiving any communication, verbal or written."

Norris Venire Drawn

Qualifying a jury for the trial of Clarence Norris, second of the defendants to be called to trial here on charges of attacking Mrs. Victoria Price, Huntsville, Ala., mill worker, the same charge on which Patterson was tried and has been convicted and sentenced to death twice was begun as soon as the Patterson jury begun its deliberation.

When the qualification of the venire was completed only 24 men were left on it and the law fixes a minimum of 30.

Judge Callahan sent for the jury box and drew 12 names from the City of Decatur. Should the necessary six not be qualified out of the additional names drawn, double the number missing will be drawn again.

Both negroes were in a group of nine arrested at Paint Rock, Ala., March 25, 1931, and charged with attacking Mrs Price and her companion, Ruby Bates, also a Huntsville mill worker, two of the negroes have been adjudged juveniles and are in custody of the Morgan County Juvenile Court.

Joseph R. Brodsky, of defense counsel, said this afternoon that the interrogatories of Ruby Bates, taken in a New York hospital had been delivered to Judge Callahan and would be used in Norris's trial.

In a lengthy charge to the Patterson jury, which took nearly an hour and a half, Judge Callahan went into the law governing the case, defining the crime and governing the weighing of evidence.

"You must be convinced beyond a reasonable doubt of the guilt of this defendant," said Judge Callahan, "or should return a verdict of acquittal. If, however, you are convinced beyond a reasonable doubt, your verdict should be one of guilty."

Sentences Revealed

The jurist instructed the jury that, in event of a verdict of guilty, the jury could fix the punishment at death, or from 10 years' imprisonment to life.

After he had completed his charge at 3:01 p.m., Judge Callahan held the jury for a few minutes to add to his charge, as Samuel S. Leibowitz, chief of defense counsel, retained by the International Labor Defense, called his attention to omission of the form of a verdict for acquittal. The jury retired at 3:05 p.m.

"Gentlemen," said the Judge in picking up his charge again, "I have cautioned you throughout my charge, to be sure beyond a reasonable doubt. . . I have told you if there isn't sufficient evidence to convict, then it is your duty to acquit."

In his charge, Judge Callahan said, "the situation in life of the woman, has nothing to do with the crime, as the law protects the woman of the streets, as well as the member of the prominent family who lives in luxury. . .

"The law guarantees the defendant a fair and impartial trial. . . . It is no respector of persons. The most humble, the most despicable, the confirmed criminal, has the protection of a fair and just trial. The defendant is clothed with the presumption of innocence until the evidence convinces you beyond the shadow of a doubt."

Advertiser

The two principal points for it to decide, the jury was told, was whether a crime had been committed and then whether the defendant committed it.

12-1-33

Just before the noon recess of three hours in observance of Thanksgiving Day, there was a flurry when Atty. Gen. Knight, in closing the argument for the State, said "you cannot avenge what has been done to Victoria Price, but you can stop it from being done to another woman."

Montgomery

Ala.

Leibowitz immediately was on his feet with an objection and asked that it be in the record. "I ask that the court have put into the record the Attorney-General's remarks as an appeal to passion and prejudice.

"It is a passion," Knight retorted. "we all have a passion to protect the womanhood of Alabama."

Another Mistrial Asked

Leibowitz then moved for a mistrial which Judge Callahan denied. Knight closed his argument a moment later and court was recessed unexpectedly.

"I think, gentlemen," said Judge Callahan, "that we should all go to our firesides and give thanks to a divine providence for the blessings of the past year."

Knight, in his argument, took issue with Leibowitz on the testimony of Dr. R. R. Bridges, of Scottsboro. Leibowitz contended that the physician's examination, showing no extensive marks of violence and only minor scratches on the arms, substantiated the defense contention that Mrs. Price had not been attacked.

The Attorney General argued before the jury that the testimony of the physician, who though subpoenaed by the State, was placed on the stand by the defense had showed evidence to substantiate the claim of an attack.

Patterson's third trial began Monday, after a week of preliminary arguments including a motion for a change of venue.

The defense sought unsuccessfully to quash the indictment returned in Jackson County, on March 31, 1931, and the venire drawn for this trial on grounds that negroes were "systematically excluded" from the juries in each county "solely because of race and

Callahan Snarls at Defense Witnesses; Creates Lynch Spirit

Daily Worker

Refuses to Wait for Deposition Made by Ruby Bates

11-30-33

By JOHN L. SPIVAK

(Special Correspondent of the Daily Worker.)

New York

BULLETIN

N.Y.

DECATUR, Ala., Nov. 29.—The jury trying Heywood Patterson will get the case tomorrow morning.

While waiting for Dr. Reisman of Chattanooga to arrive, Leibowitz got Solicitor Bailey of Jackson County, who originally prosecuted the Scottsboro boys, on the stand, over Knight's and Callahan's vociferous objections. The court finally agreed to permit the defense to ask Bailey one question. Leibowitz asked him if he paid any attention to Victoria Price's step-ins and whether he noticed any stains immediately after she claimed to be raped. Bailey replied that he paid no attention to them. Callahan after waiting an hour for Dr. Reisman decided not to wait any longer. He ordered the prosecution and the defense to start summations to the jury.

Bailey, who had sat quiet all during the trial, opened up for the state, bellowing as usual and demanding that the jury find Patterson guilty, and sentence him to death in the electric chair. Knight followed with a similar plea for death.

Leibowitz in a two-hour summation pointed out the lies of Victoria Price, Gilly and other witnesses, showing the contradictions in their testimony between this trial and the former trial. In a touching, ringing plea he asked the jury to set Patterson free.

* * *

DECATUR, Ala., Nov. 29.—Indifferent to the fact tha Heywood Patterson's life hun in the balance, Circuit Judg W.W. ("Speed") Callahan toda refused continuance of the trial unt tomorrow morning to give the defen time to get Ruby Bates' testimony.

Ruby's interrogatories (questio and answers regarding her origina story of being attacked by Scottsbor boys and subsequent confession tha whole thing was a frame-up) is th defense's most vital evidence.

Samuel Leibowitz, Internationa Labor Defense Counsel defending th first of seven Scottsboro boys bein rushed to trial by "Speed" Callahar explained that Ruby was in a hos pit[illegible] a major operation. A oon as physicians permitted, inter rogatories were [illegible] nov n the way [illegible] the de ense wanted was a continuance un il morning. Defense counsel offere s evidence telegrams [illegible] offic and physicians but Callahan i letermined to rush the case through.

Immediately after Callahan re fused to continue [illegible] giv Ruby's interrogatories time to ge here, the state put on Major Joseph Sterns, commander of the troops or guard during the [illegible] trial, in Scottsboro.

Since Sterns was to tell of hearing the boys "confess," Leibowitz demanded that the jury be excluded while the court determined if the evidence was to be permitted.

In a silent, tense courtroom Sterns swore hearing Roy Wright point out Charlie Weems as the boy who "had something to do with the girls." Roy's alleged confession was said to have been made to William Harris, reporter of the Chattanooga Times, owned by Ochs of the N. Y. Times. The defense contends that the boys were threatened with a mob outside if they did not confess.

Startling newspapermen and arousing murmurs of dissatisfaction among the spectators, Callahan for once ruled an important decision for the defense. He said:

"Those boys were scared. Soldiers were all around. I will not permit their confessions in evidence."

Persistent refusal to let the defense show that Victoria Price had relations with men the night before the alleged attack by the Scottsboro boys, marked Circuit Judge Callahan's rulings today.

Despite the plea of the International Labor Defense counsel defending the first of the Scottsboro boys on trial again, that it is essential to establish that from a medical viewpoint, Callahan refused to allow it.

The day was marked by amazing decisions from the bench. Time after time Callahan permitted Knight to ask questions of witnesses along the line he refused to permit Leibowitz to follow. A whole series of decisions by Judge Horton, who presided at the spring trial which allowed such testimony, was overruled by the present presiding judge. In many decisions Callahan sought refuge in legal technicalities.

In one instance Callahan's antagonism against the defense was so pronounced that he accused Leibowitz of trying to implant "vicious" ideas about Victoria Price's chastity in the minds of the jurors. When Leibowitz demanded a mistrial, Callahan apologized and ordered the word "vicious" struck from the record.

Carter Testifies for Defense

Lester Carter, Scottsboro defense witness, was the first witness called when the court resumed this morning. He testified he knew Victoria Price sixty days before the famous train ride. He said he met Victoria and Jack Tiller in the Huntsville jail.

Each time Leibowitz tried to show the sexual relations Victoria had with Lester, Callahan ordered the defense not to ask such questions and cautioned the jury to pay no attention to such questions.

When Leibowitz, rephrasing his question asked the same thing, Callahan said furiously to the jury: "Pay no attention to such questions. They can have only vicious desire to get something across to you that I have already ruled on."

Leibowitz paled with anger and in a quiet voice demanded a mistrial be called because of the judge's prejudicing the jury against the defense.

"Overrule motion for mistrial," snapped Callahan, "but if the word 'vicious' is offensive to you (Leibowitz) I will withdraw it. Jury, you will pay no attention to my use of that word."

All through the direct examination Callahan kept interrupting Leibowitz. When the defense counsel tried to establish fear of the Mann Act consequences in crossing the State line from Tennessee to Alabama as motives for attack accusation by Victoria, Callahan stopped him, saying "of course they crossed the State line. They had to get her. Nothing to that." When Callahan did not interrupt, Attorney General Knight did. It was almost impossible to ask Carter any questions.

The audience, which filled the court room, chuckled every time Leibowitz was blocked in his questioning by Callahan.

Although Callahan permitted Victoria and Gilley to tell about Chattanooga "jungles," he would not permit Carter to tell of being with the girls in the "jungle" the night before the train ride.

Carter finally managed to say he Gilley, Ruby and Victoria boarded the freight together. He told of the fight between colored and white boys, supporting Patterson's story. At Stevenson all got off, then got on again on a gondola.

"No other person got into that gondola during the ride to Stevenson," he testified. "After leaving Stevenson, some white boys on the freight came towards us. A fight started with a group of Negro boys.

Carter Jailed, But Was Not Called At First Trial

"I jumped off the train. I don't know what happened to Orville Gilley."

"In Stevenson I met several other white boys who were on train. There were five of us. We were taken to Scottsboro. Gleason, one of the boys, was there. Victoria was there, sitting in an automobile. She motioned to me and another boy."

Leibowitz brought out that Carter was locked up in the Scottsboro jail 18 days, kept in the witness room during the original Scottsboro trial as a material witness, but was never called because of his tory supporting the testimony of the Scottsboro boys.

When Leibowitz pointed to Solicitor Bailey, of Jackson County sitting at the prosecution table who prosecuted at Scottsboro and asked if he kept Carter in the witness room Callahan refuses to let Carter answer.

"I came to tell the truth," Carter began.

Callahan sarcastically interrupted "you're presumed to be here for that purpose." The audience and the jury chuckled their approval of Callahan's badgering tactics. Leibowitz protested the judge's sarcasm and Callahan apologized.

Under cross examination, Knight sought to show Carter's connection with radicals.

"Where did you come from?" Knight asked.

"New York City," Carter answered, naming his last place of residence.

Whispering murmurs and laughter ran through the court room.

Having achieved his effect, Knight started hammering at Carter's story. The audience showed its antagonism against the witness by significant murmurs and comments in undertones. One juror smirked.

Throughout the examination, Leibowitz, objections were regularly overruled, contrasting with Callahan's almost invariable sustaining of Knight's objections.

Knight kept pressing Carter for an explanation as to why he left the gondola the girls were in to another gondola, whereupon Carter gave Knight sound advice on what freigh

color," violating the Constitutional rights of the defendants.

Nine State Witnesses Called

The State called nine witnesses to the stand, including Mrs. Price and Orvel Gilley, of Albertville, Ala., both of whom identified Patterson as one of six negroes alleged to have attacked the woman. Gilley appeared on the witness stand only once in all the previous trials as a rebuttal witness.

During the Patterson trial last Spring Gilley's name was frequently mentioned as the only one of seven white youths who remained on the train after a fight just after the train left Stevenson. In the current trial, he testified that he witnessed the attacks on Mrs. Price and Ruby Bates.

The defense called 12 witnesses, including Dr. Bridges and read the testimony of E. L. Lewis, in the former trial, who since has died. Ruby Bates, who made a sensational appearance last April, and repudiated her testimony at Scottsboro in 1931, when she identified some of the defendants as having attacked her, was not a witness.

A delay was asked yesterday by Leibowitz to permit him time to receive interrogatories taken from the Bates girl who is ill in a New York hospital, following an operation last Monday, but Judge Callahan, declined to grant the delay.

Patterson and four of his co-defendants, took the stand to deny participation in any attacks and each testified he had not seen any women aboard the train. They admitted participating in the fight with the white boys, but placed the scene in a different car from that the State contended the attack occurred.

VERNON, TEX.
VERNON DAILY RECOR

DEC 2 1933

Enough Delay Has Been Tolerated.

Certain interests very obviously have chosen to make an example of the so-called Scottsboro case, apparently not so much because of interest in the principals as for the sake of the example itself. A group of negroes accused of attacking two white women have been found guilty and sentenced to die in two trials. Now one of them has been found guilty for the third time, and again given the supreme sentence.

After the former trials, the influence and legal talent employed by the national organization which has intervened in the case, managed to arrest judgment. By legal technicalities which the law provides they have found it possible to defeat the sentences of juries, and they are making much of it throughout the land of alleged prejudices and racial hatreds which they claim are responsible for the severe penalties. They have charged about everything from unfair trials to prejudiced juries, and it seems that in the interest of justice the time has arrived to disregard them.

Surely after three juries have found the accused guilty and assessed their punishment it is time to act in the interest of justice. To be sure, there is a certain amount of prejudice against negroes accused of an attack on a white woman in the South. However, the same severe sentence frequently is meted out to white man accused of similar crimes.

It is scarcely possible that every member of three different juries which have heard the cases of the negroes could be prejudiced and deliberately unfair. It should be remembered that if any one member of any jury should fail to agree with the verdict, it could never have been returned.

It is almost a reflection upon the integrity of the South to imply that there is such unanimity in alleged unfairness.

There is every reason to believe that the negroes have been given a fair trial, that they have had competent counsel and adequate opportunity to present their case. Unless the machinery of justice moves onward now disrespect for it will be encouraged. Our courts should not brook continued arrest of judgment.

Lynchings-1933
Legal Punishment for Rape.

Oklahoma City, Okla.
NEWS

APR 6 1933

Scottsboro Trial

By MARY HEATON VORSE

DECATUR, Ala., April 6. — The first phase of the trial of the nine Negroes accused of attacking two white girls near Scottsboro ended with what is everywhere considered a victory for the defense. More than the "Scottsboro boys" are on trial in the courtroom in Decatur. The defense has attacked the jury system of the south. It has attacked the white control of the courts and the legal machinery of the state. Between the opening of this famous trial March 27 and adjournment for a week-end recess March 31, the defense has proved that no Negroes appear on the jury lists of ~~Decatu~~ in direct defiance of the 14th amendment. The exclusion of Negroes from all jury lists admittedly lays the foundation for appeal to the supreme court of the United States in case the nine Negroes are found guilty.

The courthouse where this drama is being played is a roomy undistinguished building of yellow brick.

* * *

NATIONAL GUARDSMEN stand with fixed bayonets at the stairs. Once the courtroom is full—it holds 425—no one further is allowed in. A hundred or more spectators are awaiting admittance behind a barrier. They are mostly Negroes and they wait hours for admittance. People stand outside the courthouse as early as 5 in the morning. The audience of men is tense and absorbed, fascinated by the cleverness of the defense counsel and at the same time execrating him for it. To many in the audience the courtroom has been movie theater and lecture room in one. They are trained to appreciate the fine points of a great trial lawyer—and Samuel Leibowitz is more than a great trial lawyer; he is a supreme artist. His methods, his technique, are as far above those of the ordinary lawyer as a Paderewski is above an ordinary good pianist. The most routine question he asks in his beautifully modulated voice becomes eventful and living. He plays upon his audience with an incredible mastery. His methods are quiet, simple, unhistrionic. Whenever he opens his mouth there is the excitement of drama. He has a clever face, a fresh color, grayish hair and he is challenging the very essence of the southern system. No wonder the men bend forward in their seats. To well dressed old men behind me are saying:

"It'll be a wonder if ever he leaves town alive."

A fine looking young fellow next to me confides, "I'll be surprised if they let him finish the trial."

"Do you mean there's a movement on foot to railroad him out of town?"

"They do say there is. They ain't advertisin' or makin' speeches, but they'll know what to do when the time comes."

He has received many threatening letters. Friday night additional guardsmen were sent for to guard his apartment.

* * *

THIS hostility is as yet restrained and under the surface but a very real factor to be reckoned with. In contrast to the hostile audience is the urbanity of the court. The passages between Leibowitz and Attorney General Knight are conducted with spirit but with good manners and good temper. The district attorney has a long, sensitive, quivering nose. He is dark, quick, very intelligent. His pleasant southern voice contrasts with Liebowitz's clear precision, Gen. Chamlee of Scottsboro and Joseph Brodsky of the International Labor Defense and the other defense attorneys. When for a moment Gen. Chamlee takes Mr. Leibowitz's place the excitement dies. Things are dull.

Above the battle sits Judge Horton, tall, shambling, a strong nose, deep eye sockets, a face reminding one of Lincoln. He is truly judicial, truly anxious that this trial shall be conducted impartially. To one side sits Capt. Burleson in his dapper uniform and several other officers.

Next to the officers sits the black boy, Heywood Patterson. He is dressed in blue overalls and he is so black that there is a blue bloom on his wide face. It comes on one with almost a shock that all this array of legal talent, all this court full of intent people is about this boy, that he is the black core of the proceedings. He sits quiet listening sometimes, nodding his head softly as if to some inner rhythm. The Negroes in the courtroom filling the side seats appointed for them lean forward to get a glimpse of him.

Meantime all the prominent Negroes in the community are filing before the judge being questioned as to their fitness for jury duty and asked whether they have ever been called for such duty. There are doctors, ministers, professors, business men. Almost all have college degrees. Some more than one. They are grave men, of substance, and of course not one has ever been called to jury duty. All say they would be glad to serve. One of the most significant things of this trial is the rallying to the defense of the accused Negroes of other educated and well-to-do colored people. A company of 25 Negroes has come voluntarily from Scottsboro to testify on this jury question. They have come in many instances voluntarily without subpenaes. They are willing to serve on juries and to do these things is to face a real danger.

The questioning of the witnesses is over. Leibowitz asks for the jury files of the last three years. To the amazement of the courtroom the judge allows this. The district attorney looks absolutely deflated. The courtroom gasps. The imposing red book—doom's book it is nicknamed—is brought. Leibowitz goes up to the book and smacks it with the flat of his hand, a gesture of triumph. Commissioner Tidwell undergoes a long cross-questioning as to whether he has ever known of a colored juror. He hasn't. He is a vast, red-faced man and he sputters angrily under the relentless, suave questioning. It is over at last.

Leibowitz makes the motion with immense urgency that the venue be quashed on the ground that no Negroes have been included. The judge denies the motion. The first stage of the trial is over. The jury is empaneled. Leibowitz has challenged the white supremacy of the courts. He has laid the foundation for an appeal. He has done exactly and with precision what he set out to do. The black boy, Heywood Patterson, accused of attacking Virginia Price, sits like an obsidian image. People in the courtroom whisper, "It'll be a wonder if Leibowitz gets out alive."

Alabama

DEMOCRAT
Oneonta, Ala.

APR 6 1933

The Scottsboro Case

No case in recent years has attracted so much attention as that now in progress at Decatur in which eight negroes are being tried for assaulting two white women. The crime was committed in Jackson county and the case was first tried at Scottsboro where the negroes were convicted and given death sentence. The case was appealed to the Supreme Court of Alabama where it was affirmed. From this decision an appeal was taken to the Supreme Court of the United States where the decision of the lower court was reversed and the case sent back for a new trial. The trial was transferred to the Morgan county Circuit Court where it started about ten days ago.

The jury system of Alabama is being attacked by the defense. The defense demurred to the indictment because there were no negroes on th Grand Jury that found the indictment. They also objected to the petit jury summoned to try the case because the names of no negroes appeared in the jury box. The objections were overruled by the court and the case was allowed to proceed but it is expected that if the negroes are again convicted an appeal will be made to the United Supreme Court. If the court should hold that the defendants were entitled to a trial by a mixed jury then our jury system will have to be revised so as to permit negroes to serve on the jury.

The questions at issue in this trial are far-reaching and may cause further race troubles. It may cause the people to again resort to mob violence to protect the white women of this country.

NEW YORK TIMES

APR 12 1933

4301

Topics of The Times

Routine Along Broadway.

Down a side street off Times Square a 12-foot elephant, escorted by a 3-foot donkey and an ordinary 5-foot 7-inch circus attendant, approaches sedately. Coming to meet this procession slowly are three mounted policemen, one of the horses highly nervous at the sight of the elephant. The horse must be new to the city. Elephants in the vicinity of Times Square are more common than in some parts of Africa.

Two hundred feet away on Broadway proper a broken line of marchers trickles in and out among the sidewalk crowds. They are mostly colored youths. A couple of placards ~~denouncing~~ the Decatur verdict serve to mark off the procession from the movie throngs on the sidewalk. Only the next morning is it revealed in the papers that a few blocks further north there were clashes between the demonstrators and the police.

It thus appears that the three mounted policemen were concerned with law and order and not with the elephant from the circus. But not one in a hundred passers-by could tell. In other words, a normal Spring afternoon in New York

DOTHAN, ALA.
EAGLE

MAR 29 1933

LET'S TRY TO KEEP COOL

In discussing the retrial of the Scottsboro Negroes which opens today at Decatur, the Birmingham News concludes some thoughtful observations with a very timely warning. The News says:

> The state has an ordeal to go through with. But Alabamians can do much by their own demeanor to mitigate the unpleasantness of it—by exercising patience and forbearance, by remaining even-tempered and cool headed, by refraining, above all, from retaliating in kind to offensive words or acts. By such conduct we can best uphold the dignity and good name of Alabama, and by the same token manifest our desire for a fair trial and even-handed justice. It is the duty of Alabamians, both to their state and to the cause of justice, to be patient and tolerant in deportment, fair and unprejudiced in spirit.

These timely words of counsel and guidance are fitly spoken. Unfortunately the feeling and convictions of the people of Alabama regarding these cases and the dominant sentiments prevalent in the North and East about them, are poles apart. There the Negroes are looked upon as helpless victims of racial preudice who are about to be railroaded to the chair in defiance of the law and the evidence. Here, there is a widespread presumption of guilt, but it is coupled with a genuine hope that every constitutional guarantee will be invoked to see that evenhanded ustice is done. It is inevitable that these two radically divergent viewpoints should provoke unpleasant repercussions. As the News enjoins, it is a good time for Alabamians to keep their shirts on and their heads cool and their passions subdued while this balodorous trial, replete with so many explosive features, winds its way along. Therefore during this hectic ordeal let's try to practice that rare virtue, self-control, which all good men preach but which is so difficult to practice. We shall gain nothing and lose much in the esteem of the world by recriminations and onslaughts upon those who speak ill of us. We have been taught to be-

lieve that the right will ultimately prevail in this old world and we are interested in securing nothing more than a just verdict.
—Selma Times-Journal.

E. L. Lewis, Negro, Was Threatened By Ku Klux Klan

Daily Worker

Home Burned Down After He Testified at 'Decatur "Trial"

10-19-33

CHATTANOOGA, Tenn., Oct. 18.—E. L. Lewis, Negro defense witness in the Scottsboro trial, died yesterday of poisoning.

New York

An investigation is being conducted into his death by the International Labor Defense. The circumstances around the sudden death by poisoning of this important Scottsboro defense witness, who has been threatened with death by the Ku Klux Klan indicate that he was done away with in preparation for the new Scottsboro lynch trials.

Lewis' testimony at Decatur last April, that he saw Victoria Price and Ruby Bates in company with Lester Carter and Orville Gilley in the jungle at Chattanooga the day before the train-ride from which followed the arrest and frame-up of the nine Scottsboro boys, was very important in breaking down the perjured testimony of Victoria Price.

While he was in Decatur waiting for the trial of Charlie Weems, which was to follow that of Heywood Patterson, but which was indefinitely postponed, his home in Chattanooga was burned down by incendiaries.

Twice since then his life has been threatened by Ku Klux Klansmen and emissaries of Attorney-General Thomas E. Knight of Alabama and ex-Senator Thomas J. Heflin. Each time he succeeded in escaping from them. He had declared his willingness to brave the terror of the white landlord Klans of Northern Alabama to return at any time to repeat his testimony.

A demand is being raised by the International Labor Defense for an open, public investigation of the death of Lewis, which is seen as a development of the campaign of terror and intimidation against the Negro witnesses in the Scottsboro case.

This demand, it was pointed out, must be supported from every part of the country, by every sympathetic individual and organization, in letters, resolutions, and telegrams to the mayor of Chattanooga.

SCOTTSBORO CASES AGAIN SET FOR TRIAL

Special Session of the Alabama Court Will Be Held at Decatur Nov. 27.

Times

10-20-33

New York

DECATUR, Ala., Oct. 19 (AP).—Judge W. W. Callahan of Morgan County Circuit Court announced today after a conference with Attorney General Thomas E. Knight and Judge James E. Horton, that a special term of court would be called for Nov. 27 to try the "Scottsboro cases." He said the trial was set at their request and "the suggestion of the Chief Justice of the Supreme Court of Alabama."

Attorney General Knight, who directed the prosecution of Heywood Patterson, one of nine Negro defendants indicted in Jackson County in March, 1931, for an alleged attack on two white girls, arrived last night for the conference.

Patterson, first of the nine Negroes to face retrial, was convicted and sentenced to death last April on charges of attacking Mrs. Victoria Price, but Judge Horton on June 22 set aside the verdict for lack of sufficient evidence.

After the Patterson trial further hearings were postponed by Judge Horton because of feeling engendered by a statement of Samuel S. Leibowitz of New York, chief counsel for the Negro, reflecting on the jury, and the reply by Attorney General Knight.

Patterson and seven of the Negroes were convicted and sentenced to death in April, 1931, three weeks after the alleged attacks aboard a Southern Railway freight train.

The Alabama Supreme Court reversed the sentence of Eugene Williams, holding he was a juvenile and not in the jurisdiction of the circuit courts and the United States Supreme Court set aside the convictions of the other seven.

A mistrial resulted for Roy Wright, 14, in Jackson Circuit Court in April, 1931, when a jury could not agree on punishment.

Since the original trials, Ruby Bates, second of the alleged attack victims, has changed her story, denying that she was molested aboard the train.

Montgomery, Ala., Advertiser
October 19, 1933

SCOTTSBORO CASES MAY BE SET SOON

Knight Goes To Decatur For Conference With Judge Foster

Atty. Gen. Thomas E. Knight, Jr., left yesterday afternoon for Decatur where, it is understood, he will confer with Circuit Judge J. E. Horton, Jr., concerning the setting for retrial, of the cases of the seven negro "Scottsboro" defendants. It is Mr. Knight's wish, it is believed, that as early a date as possible be named for the trials to begin.

All seven of the negroes were convicted and sentenced to death for criminally assaulting two young white women near Scottsboro, Ala., early in 1931, and judgments of the Jackson Circuit Court were later affirmed by a majority of the Supreme Court of Alabama. Appeals were taken to the U. S. Supreme Court, however, resulting in reversals and the granting of new trials.

A change of venue applied for by defense counsel, from Jackson to Morgan County, was granted. Tried a second time, at Decatur, Heywood Patterson, one of the seven negro defendants, was again found guilty and sentenced to death. Motion for new trial thereafter filed by defense attorneys, was granted by Circuit Judge Horton whose ruling in doing so was, in effect, that the evidence presented by the State was not adequate for a conviction.

From time to time, it has been rumored that in view of this ruling, and the fact that evidence against all seven of the negroes follows practically identical lines, Judge Horton would probably recuse himself from sitting in further trials of the cases, and that another judge would be named to preside.

This rumor was revived yesterday, the report being that the probability of Judge Horton being succeeded on the circuit bench by another judge in trial of the "Scottsboro" cases, is much stronger than it has ever been.

Lynching s-1933
6
Legal Punishment for Rape
6

Alabama

4302

ALA. CASE HAS SHOWN WAY TO SUPREME COURT

Courier 12-16-33

Case Has Made Oppression Of Negro a Part Of The Social World Thought; Question Now Is Will Supreme Court Condone Alabama Injustice

By JOHN L. SPIVAK

(For the Associated Negro Press)

NEW YORK, Dec. 14—Seventeen more dramatic days—from November 20 to December 6—have become a part o the crazy quilt pattern of Scottsboro. I write crazy quilt but I know that that is not all, the full impression mad on one by the bizarre facets of social attitudes exposed i this temendously important contest between justice, as defined in law and ethics, and human nature as it is found in Alabama.

The primary objects in the trials have been simple, life and death. On the one side, the State of Alabama demands death of nine Negro boys for the alleged rape of two tramp white girls. On the other, Negroes and other justice-loving people ask that their lives be spared because they did not commit the crime charged against them.

Three times has Heywood Patterson been condemned to die. Twice has a like fate been pronounced against Clarence Norris. Once death stared six of the other seven boys in the face. For three years this coming April, these boys will have lived with death as a haunt and life as a hope, boys who had not yet learned the full meaning of life.

But although the primary objects of both the state and the defense in the trials are easily seen they are by no means the dominant forces actuating either the prosecution or the defense. It is doubtful now whether life or death either mean so much to the boys themselves as the secondary objectives toward which the state and the defense strive.

These secondary objectives make of the Scottsboro cases a cause celebre. The map of historic causes and effects is drawn with queer and irregular boundaries. A hundred years from today, Samuel Leibowitz will sleep with his fa

thers. Mother Earth also will have taken Prosecutor Tom Knight to her bosom, mayhap with a word of reproach. The Scottsboro boys will surely have done with life by then. All, nearly all, who now live, will sleep with their eyes toward heaven, and persons yet unborn will reconstruct these times in terms of the social forces which dominated them. What will that unborn historian think of Scottsboro? What will be his picture of Heywood Patterson and Clarence Norris, standing before Judge W. W. "Speed" Callahan, and saying again, "I'm not guilty"?

Will the reader pardon me if I speculate? Shall the future historian glance from Rousseau who wrote a message to feed the fires of liberty in one century to Marx in the next century depicting a new relation in society? Shall the Russian revolution be symbolical of the flowering of Marxian philosophy as the French revolution was of that of Rousseau? Shall the American Negro, thousands of miles from the birth of the New Idea, play the same role in the Spread of the New Order as did the Haitian Negro, a speck in the Atlantic, did to make liberty a fact in the New World?

Scottsboro is today a world theme, a part of the ideology of the new philosophy, held by some to be dangerous. How odd that out of the tribulations of the oppressed Negro in a strange land should be found the flint upon which to strike this new fire! How odd that Christianity should have come to the world through a subject race! Not the Romans, not the whites of Alabama. Pontius Pilate and "Speed" Callahan both wiped their hands. "I can't believe," said "Speed" "that any white citizens of Jackson county would be dishonest enough to forge the jury rolls."

By virtue of Scottsboro, the American Negro is today a part of active world thought, in the vortex of the clash of interest against interest, race against race. His interests merge with those of the poor everywhere. Leibowitz, the defender, and Patterson, the defended, look at each other with a light of understanding in their eyes. Each represents an oppressed group. Each writhes under the heel of prejudice. The world is coming to grips on this and other questions which cannot be confined within the limits of the state boundaries of Alabama — an old man clinging to habit, still dipping snuff.

Scottsboro has helped the Negro. Since Reconstruction the courts of southern states have been treating Negroes as they wished. They will continue the effort. But a gap, very wide, has been opened. Through the gap, Negroes now see the way to the Supreme Court of the United States. It will be determined whether reason or prejudice rules there. The South is not quite sure. It is giving in—not in the Scottsboro case yet—but in many others. Prejudice has had it head thrown back, and the boys are still alive.

How small, how contemptible is a "Speed" Callahan in the picture of what is happening! How small he must loom beside the black boys of Scottsboro when the future historian writes — his only claim to memory being that he sought to hasten the boys to their death and obstructed their defense.

And what a grand position must be reserved for these boys. Thousands of brave men and women have gone to an unjust death and have been forgotten. But they did not die in a cause. How peaceful a couch might have seemed the auto-da-fe of Huss resting on such a cause as Scottsboro! What exalted heights of oratory Robert Emmett might have reached inspired by Scottsboro!

The future historian will read the records of the Scottsboro trials, testimony which the press of a dominant race will not print. He will see placed in the hands of the Scottsboro boys the lights of the new hope of the world today and observe them standing courageously before "Speed" Callahan's bar of judgment, bravely protesting, "I'm not guilty"!

And "Speed" will say: "Let the jury decide."

But no jury can decide, for Alabama is not interested in the innocenece of the Scottsboro boys. The power of Alabama seeks their death and would seek to prove the boys guilty as a pretext for executing them. They would kill them to keep meddlers out of Alabama and to keep "Niggers in their places."

Of course, no nine white boys could have been "put on the spot" at Scottsboro because, according to old "Speed" Callahan, the presumption of rape is only to be relied upon where Negro men and white women are concerned. How laughable! But if nine white boys had been in the place of the nine colored boys, the whiet boys would have been free on the 25th of March, 1931, the same day the alleged crime was committed.

No wonder "Speed" Callahan grinned at northern newspaper men all during the trials of Patterson and Norris. He was satisfying the mob of Alabama, but he cringed from the spectacle of what outsiders would think of him, cracking the whip on the road to death.

But heaven be praised, there is a Supreme court of the United States. Alabama will go broke before the lives of these boys are sacrificed. In the meantime, their race will have gained and they will have come through the mould of the martyrs.

Demopolis, Ala., Times
December 6, 1933

NEGROES ON JURIES

The Scottsboro cases involve, more than any other thing outside the crime itself, the rights and liabilities of negroes to serve on juries in Alabama. This important question will be submitted to the United Supreme court, when the Alabama courts are through with the case. The claim is that negroes were systematically excluded from the jury lists on account of their race and color. The denial of this as a fact by the county officials, is a practical acknowledgement of the correctness of Liebowitz's contention as a matter of law. Though, as a matter of law, it might not affect the case of the Scottsboro negroes. Any negroes on the panel would have been subject to peremptory challenge, with no cause assigned, which would have eliminated them, just as effectually as if they had not been called. The right to serve on juries is individual, not racial. Any negro excluded from jury duty as such can have his name put in the box by appealing to the courts to compel the authorities to put it there. But, as a matter of fact, few, if any, negroes want to be jurors. It was once tried by a judge in this county and they all clamored to be excused. It would have been an extraordinary negro who would have served in those Scottsboro cases, if there were any possible way to get out of it.

Ala. Press Flaunts Rolph's Defense of the Calif. Lynchers

Daily Worker
11-29-33
New York

Callahan Blocks the Questioning of State Witnesses

BULLETIN

DECATUR, Nov. 28.—The tension in Decatur, which had died down somewhat, flamed up again today as a result of the big screaming headlines of local and Birmingham papers playing up the statement of Gov. Rolfe of California approving the double California lynchings. Papers carrying these headlines were much in evidence in the crowded courtroom. Comments and whispering were frequent.

* * *

By JOHN L. SPIVAK

(Special Correspondent of the Daily Worker)

DECATUR, Ala., Nov. 28.— A parade of state's witnesses were saved today from open confession of lying by Circuit Judge W. W. Callahan, presiding over Heywood Patterson's third trial for his life.

Repeatedly, as Samuel Leibowitz chief International Labor Defense attorney, defending the first of the Scottsboro cases, pressed witness after witness, showing they told different stories today than they told at former Scottsboro trials, "Speed" Callahan ordered him not to question them any more along the line defense counsel followed.

On one occasion when Leibowitz pressed for an answer from an harrassed and floundering witness, Callahan banged furiously on the bench and warned him that "something will happen if you don't stop."

Defense Relentlessly Exposes Lies of Witnesses

Among the state witnesses whose stories were exposed as absurd in their incredibility was Luther Morris, who "saw the Negroes pulling girls back in the freight car and heard their screams." Leibowitz showed Morris was near sighted, needing glasses even to look at pictures, as well as hard of hearing. It was while he was on the stand and Leibowitz was showing up the witness physical ailments which made it impossible for him to have seen and heard what he testified to, that Callahan ordered Leibowitz to stop that line of questioning.

Gilley Admits Coaching By Knight

The much sought after and mysteriously missing Orville Gilley, phantastic knight of the road, was finally produced as the State's chief corroborative witness. Under a battering cross-examination by Leibowitz, he admitted holding conferences with Attorney-General Knight, and Victoria Price in Huntsville two weeks ago. His testimony followed the identical story told by Victoria Price and in many instances he used the same words, although he contradicted her in her "tale of" being struck on the head with a gun. He was, undoubtedly, the state's strongest witness.

Night Sessions To Speed Lynch Trial

The prosecution rested when Gilley finished testifying late this afternoon. Judge Callahan announced that he would hold night sessions to hear the defense and then bring the case to a conclusion by tomorrow night.

The State refused to put on Doctors Bridges and Lynch, as well as Orre, Dobbins, whose testimony at the last trial this spring was destroyed by the defense.

11-29-33

Victoria Price Admits Talk Yesterday With Knight

Victoria Price, resuming the stand, admits under shrewd cross-examination, that she and Orville Gilley had a long conference with Knight yesterday before she took the stand. Leibowits obviously trying to show that Knight rehearsed stories of both of the state's chief witnesses.

As last night, Callahan again stops Leibowitz from pursuing questions whenever he gets Victoria in a tight place. The audience laughs approvingly at the judge's jibes at Leibowitz.

New York

Leibowitz, just before finishing examining Victoria, asks why she, lawfully married twice, did not bear the name of either husband.

"Speed" Callahan refused to allow the question.

The state's second witness, W. H. Hill, station agent at Paintrock, testified that he saw Victoria and Ruby Bates get off the train. Victoria appeared about to faint, with Ruby supporting her.

On cross-examination, Leibowitz produces series of pictures of the Paintrock station and tracks of the area where Hill said he saw the girls alight. Hill says the freight train engine stopped at the coal chute, about 400 feet from the station door. When the train stopped Hill ran out about 200 feet, taking up a position opposite the fourth or fifth car on the freight.

"The girls got off the last gondola, that's the fifteenth car from the engine. That car was hidden by the station. Tell us how, from where you were, you could see the girls get off," Leibowits demanded.

No answer. After a long silence, "Speed" Callahan orders Leibowitz to continue other questions.

Hill Contradicts Victoria's Testimony

Leibowits also brought out that Hill did not see the Scottsboro boys jump off the freight, though the train was going slow, and did not testify, though he was available at the first Scottsboro trial. The impression produced is that the boys had nothing to fear as the train drew in, and Hill was dug up by the prosecution to bolster its case.

Tom Rosseau of Paintrock, a member of the posse which rounded up the Scottsboro boys after receiving a telephone call that Negroes had fought with white boys, was the next witness. He told a different story today than at the first Scottsboro trial. Today Rosseau said he first saw the girls sitting in front of the railroad station.

Defense Shatters Testimony

Leibowitz read the first Scottsboro trial record, showing that Rosseau then said he first saw the girls in the back end of the car. Obvious lying at one time or other, makes audience laugh, though it is a point for the defense.

With States next witness judge, attorneys and audience became almost hysterical laughing at his absurd answers. Luther Morris, farmer living near Stevenson railroad tracks, who is hard of seeing and hearing, testified he was laying floor on barn. As freight passed window claims he got glance of white boys being chased off by Negroes and girls being pulled back by Negroes.

Morris objected when cross examined to pictures of views from barn shown by Leibowitz.

"You could a-got a better view of my land by taking the picture from another angle." When pressed to identify picture for record, he said angrily, "Don't understand pictures Know only what I saw from barn window."

"Look at the pictures," Leibowitz insisted.

Norris took out his spectacles to see pictures.

"Are you near sighted or far sighted," Leibowitz flung at him.

Had No Glasses At Time of Alleged Attack

"I have very good hearing," witness returned.

Upon further questioning Morris admitted he began wearing glasses after alleged attack occurred.

"Did you wear glasses because you couldn't see well?"

"I was running a saw mill," Morris replied.

The witness finally said he saw Negroes in second or third car from engine. Other state witnesses said Negroes were in fifteenth car. Leibowitz finally brought out that the top of the gondola car passing barn window through which Morris claimed he was looking when he saw freight was higher than the window

Heard Screams Over Noise of Moving Train

"You heard women scream?" Leibowitz pressed.

"Absolutely."

"Over noise of running train?"

"Absolutely."

"Got good hearing?"

"Absolutely."

Leibowitz dropped his voice slightly.

"Can you hear me as I talk now?"

The witness leaned forward, cupping hand behind ear.

"How's that?" he asked straining to hear.

It was obvious that the witness was crumbling. Callahan interrupted, telling defense counsel, "That's enough of that."

"It isn't enough," Leibowitz returned.

"I said it was enough," Callahan cried banging the bench with his open palm.

Leibowitz became silent.

"Go on," he court ordered.

"I'll go on as soon as your honor does something—"

"Go on now or something will be done," Callahan cried furiously.

"Atta boy," a loud voice called from the spectators' seats.

The court did not order silence.

Negro Farmer Called by State Aids Defense

T. L. Dobbins and other farmers were paraded by the state to testify. They saw "tusseling" on a freight train between Negro and white goys. Several of the "corroborative" witnesses are new. Why the state could not find them for preceding trials is a mystery.

Sam Mitchell, Negro farmer called by the state to tell about the "tusseling" actually testified for the defense, saying that Negroes were all along the freight, some in open box cars, swinging feet. This is the first time the state has called a Negro witness in this case.

Under cross examination by Leibowitz, Gilley said he never had a job in his life; he was "an entertainer." He explained "entertaining" consisted of walking into hotel lobbies reciting poetry and talking up a collection.

When pressed to name one hotel in Alabama where he recited poetry he could not.

"Name one in the South," Leibowitz demanded.

Gilley could not.

Leibowitz began battering at Gilley's connection with Knight and Victoria. He pursued hop and leap tactics of questioning. He would ask about the "jungle" and without warning return to the freight and then hop to Victoria's sexual affairs. It was apparent that Leibowitz was trying to break the well rehearsed story by following guerrilla attacks. After Attorney General Knight came to see him in Huntsville, he (Gilley) called upon Vicoria and saw her several times since.

When Leibowitz pressed Gilley for an answer why he did not testify at the original trials in Scottsboro, Wade Wright excitedly objected and Callahan sustained objection.

BAR AFRO MAN FROM DECATUR PRESS TABLE

Afro-American
12-2-33

Judge Callahan Orders Reporter to "Buy" Own Table in Court.

Baltimore, Md.

HINT STATE IS PAYING WITNESS

Patterson, Leaving the Court, Kissed by Girl

By CLARENCE MITCHELL
(AFRO Staff Correspondent)

DECATUR Ala. — Charges that the state is paying witnesses loomed here late Tuesday, when Orville Gilley, white hobo witness testified that money for shoes and regular financial allotments to his mother since he has been a witness in the trial have been given by Attorney-General Thomas E. Knight.

The [illegible] reporter of a New York weekly newspaper, was barred from the press table on the white side of the courtroom and forced to buy a table at the instructions of Judge Callahan.

Haywood Patterson, hovering between life and death for the third time, stoutly maintained his innocence under a withering fire of questions by Knight. He denied the rape charges and testified that a fight between the white boys on the freight train started the trouble.

Testimony Conflicts.

Victoria Price and Orville Gilley, white, star witnesses for the prosecution, gave conflicting statements on the stand, the former insisting that she was hit by one of the boys with the butt of a pistol, with the latter declaring that no fighting took place.

As Patterson left the court under heavy guard, his smiling sweetheart, Miss Mattie Johnson, who has stuck to him throughout the long-drawn-out ordeal, rushed over to him, and throwing her arms around his neck, kissed him. Gruff guards hustled him away.

Violence Feared.

The Rev. E. Nixon, pastor of the local M.E. church, declared Tuesday that Decatur is in grave danger of mob violence. The town is upset over the alleged rape of a white woman by Thomas Brown two months ago.

Citizens are reported to be planning vengeance on the boys under the inspiration of the double lynching in California. Attorney-General Knight frequently stirred the courtroom by repeating bit of the original Scottsboro testimony.

Lynchings - 1933

Legal Punishment for Rape

Alabama

4303

4303

WASHINGTON, D. C.
POST

DEC 3 1933

Scottsboro Justice.

Heywood Patterson, the 21-year-old Negro three times convicted of assault upon Victoria Price, a mill worker, on a freight train in northern Alabama two years ago, may be guilty, as far as The Post knows. The word of the woman herself and of corroborating witnesses stood against the sworn testimony of the young Negro. In proper circumstances, the question would be merely to determine which evidence to believe.

Unfortunately, the Scottsboro case is not so simple as that. Too many other things enter into consideration, and most of them lend color to the conviction that although it is possible for a defendant in such cases and in such circumstances to obtain the form of a fair trial, it is not possible by any means to get the substance of a fair trial.

Alabama has prided herself upon the fact that these defendants have not been lynched; that they have been tried in courthouses in at least an orderly manner; that they have been granted changes of venue and accorded the right to designate their own counsel. In other words, the elements of justice have been conceded them.

But that is not enough. In this case, the judge's charge was inflammatory, in that he injected extraneous discussion of the protection of womanhood. It was provocative to conviction, in that he failed to charge at all upon the mechanics of acquitting the defendant until defense counsel had reminded him to do so. Newspaper reporters said in their reports that Judge Callahan did not conceal his hostility toward the defense counsel, an attitude that was susceptible of transmission to the jury.

Aside from overt errors, the preponderating factor against the possibility of obtaining simple justice in the case was the public's attitude. It was more difficult to obtain a jury than it had been in 15 years, and at least half the veniremen disqualified themselves because they had formed or expressed an opinion—and this in spite of the fact that the trial had been moved to a county where the setting was theoretically impartial.

The public attitude again was demonstrated in the passionate address of the prosecuting attorney general, who largely threw evidence to the winds and pleaded for conviction on a basis of protection of the virtue of womanhood. He shaped up an entirely false issue and made it a case in which the jury had to convict or suffer the obloquy of abandoning traditions which some are pleased to call chivalric. When the defendant's counsel accused him of generating heat instead of light, he retorted, "Of course it's a passionate speech," and launched into a peroration calculated to stir smoldering, age-old prejudices.

An indication of at least the necessity for precaution against public temper was the fact that the judge found it necessary to assign two deputies of the sheriff to guard the defendant's counsel. The presence of that attorney was in itself an irritant.

The whole atmosphere of the trial leaves the disturbing doubt whether anything remotely approaching the substance of justice was accorded Patterson.

Greeneville, Tenn. Democrat-Sun
December 23, 1933

THE SCOTTSBORO VERDICT

(Memphis Commercial Appeal)

For the third time one of the seven defendants in Scottsboro's cause celebre has been convicted. For the third time he has been sentenced to death.

The defendant had all the benefit of brilliant legal counsel and financial aid from sources outside of Alabama. Between now and the time set for execution he will have, apparently, all the benefit of the delays provided by the law's red tape.

About all that the Scottsboro case has demonstrated is that it is often a long time between a verdict of guilty and fulfillment of the court's sentence.

By this time it would seem that those who have gone to such pains to defeat justice in Alabama would be convinced that the first verdict in the Scottsboro case was correct.

But for the meddlesome interference of agencies outside the state the case of the seven Scottsboro defendants would have been disposed of in the usual manner long ago. It now appears that it will be one of those interminable things which ultimately results in the original oint of dispute being entirely lost sight of.

The most extraordinary phase of the Scottsboro affair is the patience of Alabama citizens. None will ever be able to charge that there was hasty action.

Selma, Ala. Times
December 31, 1933

TRYING TO PUNISH AN ABLE JUDGE

It would be an unfortunate indictment of the people of the Eighth judicial district, their sense of justice and fairplay, if they should mark Judge James E. Horton for defeat and retirement from the bench because of his rulings in the trial of the negro, Haywood Patterson, one of the Scottsboro defendants. Judge Horton won golden opinions from many eminent sources, laymen, jurists and newspapers throughout the country, for his fearless efforts to hold the scales evenly balanced in the trial of this malodorous case. It is a sad commentary on our civil institutions when judges on the bench must keep in mind the political consequences of their acts and judgments while sitting in the trial of cases about which popular feeling runs high. It is a prostitution of our most elementary conception of what a judicial tribunal should be.

Nobody who knows him would dare impugn the high character and unswerving integrity of Judge Horton and his zeal at all times to be just without fear or favor in meeting his judicial responsibilities. If the reward for his devotion to duty and the best traditions of the bench should be a rebuke by his fellow-citizens and result in his retirement to private life, then the consciousness of his own uprightness and the plaudits of a multitude of friends should go a long way in alleviating the sting of such

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BEAUMONT, TEX
ENTERPRISE

DEC 3 1933

THE VERDICT AT DECATUR

The verdict rendered at Decatur, Ala., by a jury which heard the evidence in the Heywood Patterson trial, was the expected decision. The negro defendant, one of seven involved in the "Scottsboro case," has been tried three times. The first time he and his co-defendants were convicted and sentenced to death. The United States supreme court overruled that verdict. Patterson was then tried separately and the jury's verdict of guilty was set aside by Judge Horton. Now Patterson has again faced a jury and has been again pronounced guilty. But defense counsel intimate that an appeal will be carried to the United States supreme court, if necessary. The first step in this procedure will be a request for a new trial, which is not likely to be granted.

In contrast to the previous trials in which Patterson and the other negroes figured, on the charge of attacking two white women, the third trial was conducted in an orderly manner. There was little or none of the tense atmosphere that surrounded the second trial of Patterson, or the first trial of all the accused negroes. Judge Callahan, who presided in the latest trial, had evidently made up his mind before the trial started that he would tolerate neither disorder nor delays. He succeeded in his purpose. The trial was quickly concluded and was almost a humdrum proceeding.

But the state of Alabama has not yet heard the last of the "Scottsboro case." The third conviction of Patterson may be only the beginning of another prolonged battle in the courts.

Patterson Contrasts Defenses of Crawford and Scottsboro

Defender 12-30-33

Chicago, Ill.

NEW YORK, Dec. 29.—In a long and clear statement, William L. Patterson, national secretary of the International Labor Defense, draws a sharp contrast between the defense of the Scottsboro boys and that of George Crawford, and accuses the National Association for the Advancement of Colored People of betraying Crawford and the Race.

Mr. Patterson's opinions follow:

These two trials raise in the sharpest fashion the basic differences between the International Labor Defense and the leadership of the National Association for the Advancement of Colored People.

These two trials raise in the most concrete manner for the masses the question of how defense struggles are to be handled.

The defense of the Scottsboro boys—the way of relentless struggle in words and deed.

The defense of the Scottsboro boys—the united front of the world's oppressed in struggle against the ruling class oppression of the Race.

hTe defense of the Scotssboro boys—the connecting of day to day local struggles with national issues.

The defense of George Crawford—the way of struggle in words and surrender in deeds.

Masses Must Choose

The defense of George Crawford—the unity of the ruling class white oppressors and the Race misleaders.

The masses must choose. From these two trials, conclusions must be drawn. !

The defense of George Crawford—the isolation from all other issues and dependence upon the courts.

George Crawford has been betrayed by the leadership of the N. A. A. C. P. In the betrayal of George Crawford, the N. A. A. C. P. has again betrayed the masses.

The betrayal of George Crawford is a crass and open one, but it is no accident. It is dictated by the growing militancy of the masses and the demand of the white ruling class that these masses be held back from struggle. The reformists are being rallied to the support of the NRA program of starvation and terror. They are being drawn into the government. They have been assigned the task of re-establishing the confidence of the masses in the courts.

George Crawford was charged with the murder of a Virginia planter's wife and her maid. Arrested in Boston, under the pressure of the police he signed a confession which he immediately denied when freed from the fear of further torture.

Refers to Lowell

Judge James A. Lowell refused to return Crawford to Virginia. There is no doubt that Lowell sought to strengthen the waning influence of the masses in the courts. Lowell sought to prove the "justice and impartiality" of the courts, but the immediate repudiation of his stand, by the federal court of appeals and the Virginia court, defeated his purpose. The action of these courts reaffirms the position of the I. L. D. that the courts are but agencies of the ruling class.

Lowell said the barring of Race people from the jury in Virginia was a denial of the constitutional rights of Crawford. Of the truth of this there can be no doubt. A denial of the constitutional rights of the Race by whom? By those who rule the country.

The N. A. A. C. P. leadership called the Crawford case more important than Scottsboro. Certainly it saw the policy and successful tactics of the I. L. D. in Scottsboro. It proclaimed that Crawford was innocent. It announced it would fight for Crawford—if not to the death, at least to the supreme court of the United States.

All the N. A. A. C. P. leadership needed was money. The courts were just. The active support of the masses, mass pressure was wrong. It refused to build around this case, which involved the rights of 15.000,000 members of the Race, a mass movement. It refused the aid of the I. L. D.

This is how the basis was laid for another betrayal of the people.

The N. A. A. C. P. leadership was for the rights of the people. It was for the placing of members of the Race on the jury. It was for whatever you please—so long as the approach was a "gentlemanly" one. No noise. No masses. No struggle. Respect for the courts.

The jury question, a fundamental question in the struggle for Race rights, arose. The N. A. A. C. P. leadership failed to bring forward Race people qualified to sit on the jury, to prove the violation of their constitutional rights. The jury commission said they had not found "any colored man of the county who seemed qualified for the service." And Charles H. Houston of the Howard university law school accepted the word of these "honorable gentlemen."

The N. A. A. C. P. presents Mr. Houston as a leader of the people. This is a shining example of the true spirit of the N. A. A. C. P. leadership.

The truth is unpleasant to the leadership of the N. A. A. C. P. The I. L. D. is always slandering it, always seeking to minimize its efforts, is its tearful plea.

The all-white jury, under direction of the ruling class courts, composed chiefly of farmers who need cheap and docile Race men for their plantations, found Crawford guilty. It did not fix the death penalty because Mr. Houston of the N. A. A. C. P. said Crawford should be spared so that he could help convict the Race member who in his forced confession, later denied, Crawford had implicated in the murder.

Mr. Houston forgot he had declared Crawford innocent. "To protect the prisoner's rights" he "gave formal notice of appeal" but "under no circumstances did he plan to press for a reversal by a higher court," Mr. Houston told the reporters. The jury question, the rights of 15,000,000 of the Race to sit on juries in the United States, was forgotten. George Crawford was forgotten.

Betrayal is Complete

The leadership of the N. A. A. C. P. has repeatedly said, "The I. L. D. has no interest in the lives or freedom of the Scottsboro boys." Let George Crawford answer as to the interest they have in the life and freedom of an oppressed man. They declared him innocent, and in the interest of the bosses they gave him life imprisonment.

In 1931 the leadership of the N. A. A. C. P. retained Steven Roddy, Ku Klux Klan lawyer, who left the Scottsboro boys facing the electric chair without filing an appeal.

In 1933 Charles H. Houston, Race lawyer, let George Crawford take life. "Under no circumstances will I ask for a reversal," he said.

The tools are different, but the job is just the same.

The Chattanooga News, press of the Southern lynchers, in an editorial, calls for the support of the N. A. A. C. P. by the masses. "It is a good defense for the accused," says this voice of the lynch landlords. What has George Crawford and the masses to say?

George Crawford has been betrayed to prove to the ruling class of America that the N. A. A. C. P. leadership still has a value for it. The betrayal of George Crawford is a blow aimed at the fight for the freedom and lives of the innocent Scottsboro boys.

The betrayal of George Crawford is a blow to smash the growing unity of workers of both races.

The betrayal of George Crawford is aimed at forming a base for more legal lynchings.

This is evident: That no act is too low or too depraved for the leadership of the N. A. A. C. P. to commit. No more openly vicious blow at the rights of the masses has ever been struck by reformism.

The essence of these cases is that the enemies of the masses, their courts and their tools, can be defeated only by the militant stand of the masses of the people. And this will only be accomplished when they turn away from the leadership of the N. A. A. C. P. which has and is betraying their cause.

We call upon the masses to come out from the leadership of these traitors.

We call upon the masses to build the I. L. D., an organization of militant struggle in the fight for the lives of George Crawford, the Scottsboro boys, Angelo Herndon, Theodore Jordan and the rights of 15,000,000 oppressed people.

Huntsville, Ala., Builder
December 15, 1933

EDITORIAL

STILL TRYING TO RAISE MONEY

The following two news items reproduced below, one coming from New York and the other from Atlanta show, that Leibowitz of New York and his other associates who recently drew additional death verdicts for their clients at Decatur. Upon returning to their respective homes evidently sent out S. O. S. calls to the effect that more money must be raised in order that they could carry the fight on for the INNOCENT NEGROES—However apparently the so-called Communist have made but little headway in raising additional funds—News items from New York and Atlanta follows:

PROTEST CONVICTION

NEW YORK, Dec. 9—Several thousand persons, most of them Communists, gathered in Union Square today to protest the conviction of the Scottsboro negroes. The meeting was arranged by the International Labor Defense.

Led by the red front band, the crowd marched into the square to listen to 13 speakers. The marchers carried banners and signs, showing a negro hanging from a tree and the legend:

"Alabama, the land of the tree and the home of the grave."

Several hundred police were on hand.

KLANSMEN INTERFERE

ATLANTA, Dec. 11—Hooded Ku Klux Klansmen prevented two International Labor Defense representatives from addressing a negro meeting here yesterday afternoon for the purpose of raising funds for "the Scottsboro boys."

The two representatives said to have been Parker Q. Wilson, Cincinnati and Mrs. Mary Leonard, an active participant in Communistic agitation in Birmingham, were waved away from the meeting by 22 Klansmen who had surrounded the meeting place—a negro Methodist church—before it was to begin.

The Klansmen handed handbills to all arrivals for the meeting. The handbills contained the pictures of six hooded figures riding on six hooded horses. At the top were printed the words "Communism will not be tolerated," and at the bottom, "the Ku Klux Klan rides again."

After distributing the pamphlets, meantime someone—said to have been Ben J. Davis, Jr., negro lawyer who had been assisting in the Scottsboro case—called police. The officers entered the meeting and were told it was in no way connected with Communism but to "Hear about the Scottsboro case." The Rev. J. Raymond Henderson, negro preacher, had delivered a speech, taking the place of the excluded speakers, and $15 had been collected for the Scottsboro negroes, police reported.

Lynchings-1933

Legal Punishment for Rape.

Alabama

4304

New York Evening Journal

DEC 7 1933

Leibowitz Hailed on Return, Says Negroes 'Won't Die'

Hundreds of cheering men and women pushed through police lines today, hoisted Samuel Leibowitz to their shoulders and carried the defender of the "Scottsboro boys" in triumph from the Pennsylvania station.

Police finally rescued the lawyer and Joseph R. Brodsky, his associate, returning from Decatur, Ala., where two of the accused Negroes were again condemned to death. The lawyers were sped away in an automobile with cheers and strains of the International following them.

Most of the crowd was composed of Neg&roes, many of them Communists. They chanted "Scottsboro boyst shall not die" over and over while waiting for Leibowitz's train. And when they glimpsed him the broke through the cordon of bluecoats in a mad rush.

Leibowitz, defeated again, was nevtrtheless confident of reversals, both in the State and the United States Supreme Courts.

"We'll stick with this thing until hell freezes over," he said. "These boys will not burn. The United States Supreme Court will reverse, and we'll toss the cases right back to Alabama again."

Leibowitz said he had absolute proof that the jury rolls at Decatur were forged.

Two members of New York's homicide squad accompanied him. They were his bodyguards during the two trials.

BALTIMORE, MD. EVENING SUN

DEC 4 1933

"Death To Lynchers" On Flag At J. H. U.

Banner Atop Campus Pole Also Demands Freeing Of Scottsboro Negroes

"Free the Scottsboro boys and death to lynchers!"

A cloth streamer, about four by five feet, bearing that inscription was found at the top of the flagstaff on the campus of the Johns Hopkins University this morning.

The streamer had been attached to the pole. The ropes by which the flag is raised and lowered had been cut and the pole greased so as to make it difficult to reach the streamer.

O. A. Ryan, superintendent of the Homewood buildings, found the streamer. A ladder was placed against the pole and the streamer was removed and destroyed.

There was no evidence to indicate who placed the streamer in position.

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300 More Children In Strike Against Scottsboro Verdict

Daily Worker

Meetings Assailing Verdict Held in Many Cities

12-14-33

PHILADELPHIA, Pa., Dec. 13.—Spurred by the strike of 500 children of the Reynolds and Jefferson schools against the Scottsboro verdicts yesterday, 300 pupils of the [illegible] Reid Junior High School walked out today in a similar protest, crippling most of the classes.

Police attacked the children, chasing them off the streets near the school, and searched active pickets. Walter Dengler was arrested.

The cops confiscated and destroyed all leaflets they could lay hands on.

Answering the call of the Philadelphia District of the International Labor Defense, other school children also struck. One class at the Southern High School walked out, and a Scottsboro protest meeting was held in Carnell Hall, Temple University, yesterday.

A resolution was passed at the meeting denouncing the Scottsboro verdict, and a committee was elected to continue and spread the protest campaign within the university.

Police stationed inside and outside the Barrett Junior High School succeeded in terrorizing the pupils and preventing a walkout.

N. Y. SUN

DEC 2 193

ALABAMA NEGRO DEATH VERDICT TO BE APPEALED

Leibowitz Announces He Will Carry Conviction to U. S. Supreme Court.

OTHER TRIALS WILL PROCEED

Scottsboro Defendant Hears Guilty Decision for Third Time Unmoved.

DECATUR, Ala., Dec. 2 (A. P.).—Convicted a third time in less than three years on a charge of attacking a white woman, Heywood Patterson, one of seven Negro defendants in the "Scottsboro case," again was under sentence of death today.

Unmoved, the twenty-one-year-old Chattanooga, Tenn., Negro, last night heard a Morgan county jury return the verdict he had heard on two previous occasions—"We, the jury, find the defendant guilty as charged, and fix his punishment at death."

Patterson was convicted on a charge of attacking Mrs. Victoria Price, who, with Ruby Bates, was alleged to have been attacked by the Negroes aboard a freight train in Jackson, Alabama, on March 25, 1931.

Seated beside Patterson as the verdict was read was Clarence Norris, second of the defendants to be tried at this term of court. Judge W. W. Callahan was preparing to swear in a jury for the trial of Norris, starting today, at the time the Patterson jury reported its decision after twenty-five hours' deliberation.

The Negroes were first convicted and sentenced to death at Scottsboro, seat of Jackson county, in April, 1931. They won an appeal to the United States Supreme Court and the trials were transferred here under a change of venue. At his second trial Patterson got the death penalty but the trial judge set aside the verdict.

Judge Callahan probably will wait until completion of the trial of Norris and the five other defendants, all scheduled to be tried at this term of court, before formally sentencing Patterson. Two of the nine Negroes involved in the case were held to be juveniles and placed in custody of Morgan county juvenile authorities.

Samuel S. Leibowitz, New York attorney retained by the International Labor Defense as chief counsel for the Negroes, indicated another appeal would be carried to the United States Supreme Court.

Norris faces the same charge on which Patterson was convicted, that of attacking Mrs. Price. Ruby Bates testified at the first trial in 1931 that she was attacked but returned dramatically to repudiate her testimony at Patterson's second trial last April.

NEW YORK DAILY NEWS

DEC 1 1933

Attack Jury Told to Walk a Color Line

By TOM CASSIDY.

(Staff Correspondent of The News)

DECATUR, Ala., Nov. 30.—The Dixie color line threaded through the deadlocked deliberations of the jury which holds the fate of Haywood Patterson, chief of the famed Scottsboro case defendants, tonight, after both judge and prosecutor had stressed the race issue.

After the jurors had failed at 7:00 P. M. to reach a verdict, following one hour and 55 minutes debate, they were sent to their hotel and locked up for the night. Before a crowded courtroom this

Victoria Price

Complaining witness in Scottsboro case.

afternoon, Circuit Judge W. W Callahan stunned all but the local by enunciating the following sentences in his charge to the lily white farmer jury:

"The crime is rape even thoug the prosecutrix (referring to Victoria Price, accuser of the colore youths) may be shown to hav made no effort to resist.

Bars Her Past as Evidence.

"When a white woman is involved there is a strong presumption under the law that she did not yield voluntarily to the Negro and this is true no matter what station she occupies—whether she be the most abandoned, ignorant and depraved woman or a spotless virgin from a home of luxury."

Referring to defense attempts to introduce evidence that the Price woman and her companion, Ruby Bates, were in the condition they were found in due to a voluntary romantic encounter with whit men hours before, the court ridiculed this type of testimony which was permitted by Judge James E Horton at the second trial of Patterson last April.

"No accusing finger can be pointed at her erring past," he declared, "or at her hopeless future as an excuse for denying her complete protection. The glory of the law of this and other States of our union is that its protective wings reach out to cover all womankind.

"If you should determine that no rape had been committed, or if you do not so conclude, it is up to you to determine whether this defendant did it or conspired in the commission of the offense. Both must be beyond a reasonable doubt."

Forgets Not Guilty Charge.

In his charge, lasting one hour and fifteen minutes, during which he mentioned the possible penalties as the electric chair, life or a prison term, the jurist, who studied law in a haymow, failed to mention the possibility of a verdict of not guilty.

Samuel S. Leibowitz, who is under a heavy guard of New York police and especially sworn deputy sheriffs, jumped to his feet and rushed toward the bench calling attention to the omission.

Scratching his head, and pushing back the white locks which fringe his square, ruddy face, the jurist said:

"I overlooked one thing. I have given you the form of the verdic for the infliction of the death penalty or imprisonment. Of course, if the evidence fails to justify conviction, there ought'n to be any."

With the few added words, he closed his charge and gave the case into the keeping of jury.

Attorney General Thomas E. Knight Jr., in his summation, denied that the prosecution was a frame-up, as charged by the defense after the recantation of Ruby Bates, and said that he was going to leave it to the jury to determine whether the defense was framed.

"I ask for the death penalty," he declared. "There is no middle ground in this case. It does not matter how much force was used in this instance or if she (Victoria Price) submitted through fear.

"Their case is an insult to my intelligence and a reflection on my character. I never framed a prosecution and I never framed a defense."

Tuscaloosa, Ala., News
December 10, 1933

Editorial Of The Day

(The Decatur Daily)

THE OTHER FOOT

BEING "purged" by various newspapers in our own state and others in their frantic pleas that we stop "mob spirit," before the Scottsboro trials we now await with pleasure the words of commendation to flow from these same pens.

After all, if they keep up with the news they must realise by this time that there was no evidence of "mob spirit" in Decatur during either of the Scottsboro trials.

If they believe other than that, then they are misinformed.

There was curiosity in the first Scottsboro trials, in the second there was hardly sufficient interest here to fill the Morgan county court room.

The curiosity was dead.

And that was tough on the defense counsel, for if ever a defense counsel craved publicity, it is our opinion that this one did. It was difficult this time to even imagine a phantom mob, and if we recall correctly there were two or three phantom mobs developed while the first trials were being held here.

And all the while the people of Decatur, Alabama, were being ministered to with soothing words from far flung journals, telling us how to conduct ourselves.

That there was not any need for protection of the "Scottsboro boys" is self evident, that there was any need for protection of the chief of counsel for the defense is somewhat problematical. We understand that he asked for protection and was given protection.

Now that the shoe is on the other foot, we wonder just when these monthly journals with their far-fetched news stories, their "brilliant" editorial writers and their cartoonists, all having no conception whatsoever of the people of Decatur, Alabama, will have to say. All their predictions seem to have come to dismal failure.

There was no mob at Decatur, Alabama, and we wonder somewhat if some of these loud talkers, at least, are not disappointed?

They certainly did an excellent job of attempting to inflame the people of Decatur, Alabama.

Of course the Scottsboro cases are not over and there is a chance that the remaining trials will be heard here, much as the people of Decatur, Alabama, regret that outlook. Meanwhile, if the same guardian angels will continue their "friendly interest" perhaps we'll grow better and better day by day.

NEWS
PROVIDENCE, R. I.
DEC 1 1933

AN AMAZING EXHIBITION

It should be, and we trust it will be, a long time before such a charge as Judge William W. Callahan delivered yesterday in the Scottsboro case is again delivered to an American jury. According to every report of it we have read the judge not only "glowered at" counsel for the Negro defendant but went to extreme pains to tell the jury just how they could bring in a verdict of guilty in either of two degrees without saying anything of a verdict of not guilty until the defence counsel reminded him. He then acknowledged his omission, but what is to be said of a court guilty of such an omission in face of the principle that under our law a man is held to be innocent until he is proved guilty?

Another sidelight on the spirit in which this trial has been conducted is found in an exchange between the prosecutor and the counsel for the defence. "The language of the prosecutor is an appeal to passion and prejudice," said the defence counsel. "It certainly is," the prosecutor retorted. "We all have a passion, and that is a passion for protecting the womanhood of the State of Alabama." That was more slick than frank, for it ignored the prosecution's racial prejudice, but it pleased the audience in the court, including, probably, the jury. If the jury in this case should convict Heywood Patterson, the matter will again, no doubt, be brought to the United States Supreme Court. That tribunal threw out the verdict given at a former trial for which it could be said at least that it was presided over by a judge who performed his part according to the best traditions of the judiciary, seeking only to see that even-handed justice be dealt out.

CLEVELAND, O.
PLAIN DEALER
DEC 3 1933

Another Scottsboro Verdict.

Once again an Alabama jury finds Heywood Patterson, one of the Scottsboro defendants, guilty and dooms him to death. Once again the verdict will be carried to higher courts and in all probability reversed. As the case now stands the Scottsboro youths may be shuttled back and forth between the United States Supreme Court and the Alabama trial courts for years to come.

The appeal from this conviction will be based on the ground that Negroes are excluded from jury rolls in Alabama "solely because of their race and color." Since the whole record of the procedure in these cases supports the claim, it is hard to see how the higher courts can fail to sustain it. It is quite true that such racial discrimination has been practiced in Alabama courts ever since the end of the reconstruction era. But that is no basis for detouring the Scottsboro cases around the Constitution.

These, of course, are technical points. There remains the more practical one that at least half the case against Patterson and his co-defendants was destroyed when Ruby Bates, one of the complainants, repudiated her story at the former trial. Since she is now ill in New York, she could not testify at the third trial. So this jury cannot be said to have heard the whole story. Whether the whole story would have altered the verdict in any degree may be doubted.

Alabamans are said to resent the criticism which has come to their state as a result of the Scottsboro cases. But they must recognize that these cases involve more than the fate of a group of obscure Negro youths, whom many believe to have been falsely accused. A system of justice which does not measure up with either federal or state Constitutions is also on trial.

Lynchings-1933
&
Legal Punishment for Rape

Alabama

4385

NEW YORK TIMES
MAR 20 1933

NEGRO JUROR BAN TO BE TRIAL ISSUE

Defense in Scottsboro Case Will Attempt to Show Unconstitutional Discrimination.

WANTS NEGRO WITNESSES

Seeks Permission to Call These to Stand in Effort to Prove Them Qualified to Be Jurors.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 19.—The witnesses for whom subpoenas will be requested this week by G. W. Chamlee, the Chattanooga lawyer retained by the International Labor Defense to assist Samuel Leibowitz, New York criminal lawyer in the defense of the accused Negroes are, with one exception, colored residents of Jackson County where the crime occurred.

Mr. Leibowitz will attempt to show by examination of these witnesses, if Judge Horton permits, that they are qualified to serve as jurors within the meaning of the Alabama statute except for the color of their skins. So far as has been learned here it will be the first time in history that such an attempt has been made to prove racial discrimination in the selection of Southern juries.

One witness, a white man, who now resides in Chattanooga, but who formerly was a resident of Jackson County, is expected to testify that in all the time he lived there no Negroe's name ever appeared upon a jury roll.

The State's answer, as it will be delivered by Thomas E. Knight Jr., Attorney General, is that the Alabama laws do not disqualify Negroes as jurors, but that they have failed to satisfy the jury commissioners appointed by the Governor that they are persons of sound judgment.

Attorneys defending the nine Negroes in the Scottsboro case plan to call twenty witnesses to support their contention that Negroes are systematically excluded from Alabama grand juries and petit juries in violation of the Fourteenth Amendment, it became known today.

Long Argument Expected.

The defense has moved to quash the indictments against the Negroes charged with attacking two white girls, Ruby Bates and Mrs. Victoria Price, on a freight train near Scottsboro two years ago. The motion is based upon the allegation that Negroes were excluded from the grand jury which indicted the nine Negroes.

Argument and the submission of proof in support of the motion is expected to consume the first three or four days of the trial, now scheduled to open March 27 before Circuit Judge James A. Horton of Athens.

Meanwhile the defense attorneys were puzzling over how their witnesses shall be transported from Jackson County to Decatur, the seat of Morgan County, where the trial is to be held. Contrary to popular belief in Alabama the International Labor Defense funds are reported to be limited—notwithstanding the frequently credited reports that the Russian Soviets are supplying the cash for the defense of the accused Negroes, who became Communists after their arrest.

The one day-time train from Scottsboro to Decatur, some fifty-odd miles to the west, reaches the latter city at noon and court sessions there usually begin at 8:30 A. M. The other train arrives in the evening and could be used for transporting witnesses only if they were to be kept over night at the expense of the defense, for it is not the State's responsibility.

Another problem before the defense is that the witnesses live in the mountains around Scottsboro and are some distance from the railroad. Consequently they are planning to hire trucks to move their witnesses back and forth between Scottsboro and Decatur.

Mr. Knight was absent from the capital city over the week-end. He said over the telephone that he had been to Decatur to arrange details of the approaching trial and had consulted virtually all the State's witnesses with the exception of Ruby Bates, who disappeared mysteriously on Feb. 28.

Prosecutor in Decatur.

In the meantime Decatur, resentful at suggestions of prejudice against Negroes in general and the Scottsboro Negroes in particular, prepared to make the best of the situation which was foisted upon it. Many of the citizens of Decatur wish that the trial of the Negroes had been sent elsewhere if they could not be tried fairly in Scottsboro, where two years ago they were sentenced to death in the electric chair, only to have the United States Supreme Court order new trials for them.

Attorney General Knight and the defense attorneys have agreed that the Negroes, now confined in the death house of Kilby prison here shall be transferred to the Jefferson County jail in Birmingham, pending their new trial, but as yet the necessary orders have not been signed. Mr. Chamlee mailed copies of the order which he and Mr. Knight agreed upon to Judge A. E. Hawkins of Jackson County, and Horton of Morgan County, and it was expected that these orders would be returned early this week. If and when the orders are signed the prisoners will be moved promptly, according to officials of Kilby prison.

Soldiers Calle In Decatur Tria

Advertiser
3-26-33

National Guardsmen Wi Patrol Courthouse Fo Protection Of 7 Negroes

Montgomery
Ala

DECATUR, ALA., March 24.—(AP)—National guardsmen will be asked to preserve order here Monday as seven negroes in the "Scottsboro case" go to trial in Morgan County Circuit Court before Judge James E. Horton.

Decision to ask for the guardsmen was announced today by Sheriff A. W. Davis after a conference with Judge Horton. The sheriff here announced that passes to the courtroom would be given to members of the press, and that spectators would be admitted on a "first come, first served" policy.

Sheriff Davis said the number of spectators would be limited to those who could obtain seats, or find standing room at the rear, but that aisles would be kept open at all times.

There was no more than passing interest among citizens of Decatur in the trial, or in efforts of organizations to obtain a further change of venue to Birmingham.

Subpenas have been issued for more than [illegible] witnesses and the jurymen have been notified to be present Monday. Commercial telegraph companies have moved wires to a building near the courthouse to handle stories of the trial.

The negroes, however, still were in jail at Birmingham with indications that they would not be brought here until Sunday or possibly early Monday.

A motion to quash the indictments now pending, will be disposed of before the actual trials begin. The motion to quash was filed at Scottsboro on March 6, when the change of venue was asked.

Judge A. E. Hawkins granted the motion for a change of venue and did not rule on the motion to quash, automatically transferring it here.

The motion was based on grounds that the negroes were deprived of their constitutional rights because "no negroes were on the Grand Jury returning the true bill."

SCOTTSBORO CASE WITNESS MISSING

Telegraph

Absence of One of Alleged Victims May Cause Delay in Trial of Seven Negroes

3-27-33

DECATUR, Ala., March 26 (AP)—Disappearance of one of the principal missing witnesses caused speculation Sunday night as to the probability of beginning Monday new trials for seven Negroes indicted in the "Scottsboro attack case" who once were under sentence of death.

Macon Ga

Speculation of the probable effect of the absence of one of the two alleged girl victims of the attack aboard a Southern railway freight train March 25, 1931, overshadowed the pending motion to quash the indictments.

The girl who also is the alleged author of a letter repudiating her testimony in the first trials two years ago has been missing from her home in Huntsville, Ala., since Feb. 27, and officers thus far have been unable to find a trace of her.

Her mother who confirmed rumors that the girl was missing 10 days after she disappeared, told officers she believed her daughter kidnaped and did not report to police because she feared harm would befall either her daughter or herself.

Girl's Letter Accuses Officer

The letter the girl is alleged to have written and which she swore in an affidavit was false was delivered to defense attorneys employed by the International Labor Defense at Birmingham recently, when efforts to gain the release of Roy Wright, one of nine Negroes named in the original indictments on habeas corpus failed.

In this letter, addressed to Earl Streetman, the girl purportedly denied that the alleged attacks took place and that she was forced to "swear a lie" by officers.

The day following its discovery on the person of Miron Pearlman, a pugilist who fought under the name of Danny Dundee, both Pearlman and the girl signed affidavits setting forth the letter was written when the girl "was so drunk she did not know what she was doing."

Telegraph
3-27-33
Macon Ga

Mortion to Quash Pending

Meanwhile, the other victim of the alleged attacks has repeatedly asserted that her testimony in the first trial was true and that through fear that harm would befall her, she had remained in her home at Huntsville at night, and went on the streets during the day time only when she was accompanied.

The motion to quash the indictments that must be disposed of Monday before any other proceedings can be undertaken was filed at Scottsboro on March 6, when the cases were called in Jackson circuit court for retrial.

The action of Judge A. E. Hawkins, original trial judge who passed sentence of death on the Negroes nearly two years ago, in granting a change of venue automatically transferred the motion to the Morgan county circuit court for disposition.

Judge James H. Horton who will preside over the new trials will rule on the motion before any other steps are taken.

Approximately 35 witnesses have been called for the trials which may last for a week or 10 days, depending on whether the state elects to try the seven Negroes at one time, or to sever the cases. In the original trials one Negro was tried separately, two in another trial and five in a third.

The Negroes facing trial are Andy Wright, 19, and Haywood Patterson, 19, both of Chattanooga; Willie Roberson, Columbus, Ga.; Olen Montgomery, 19, of Monroe, Ga., Charlie Weems, 22, and Ozie Powell, 18, both of Atlanta, Ga., and Clarence Norris 22, of Chattanooga. Their death sentences were set aside by the United States Supreme court, which ordered the new trials.

The other two in the original indictment are Eugene Williams and Roy Wright, both held juveniles, and who must go before juvenile authorities in Jackson county.

Civil Liberties Union Dislikes Decatur Trial

Advertiser
3-21-33

NEW YORK, March 20—(AP)—The American Civil Liberties Union announced tonight that a telegram, signed by seven members, had been sent to the Governor and Attorney General of Alabama appealing for a second change of venue in the Scottsboro attack case.

Montgomery
Ala

The signers, as announced by the Union, were the Rt. Rev. Benjamin Brewster, Episcopal bishop of Maine; Dr. John Dewey, professor emeritus of Columbia University; Bishop Francis J. McConnell, former president of the Federal Council of Churches; Dr. James H. Dillard, president of the Jean Slater Fund, Charlottesville, Va.; Dr. Elbert Russell, dean of Duke University, Durham, N. C.; Dr. Mary E. Woolley, president of Mount Holyoke College; Arthur Garfield Hays, New York attorney.

"Change of venue granted to Decatur apparently will not avoid the dangers involved in a trial in Scottsboro," the wire read. "We urge you to consider arranging a further transfer to a larger center of population where a fairer trial can be had."

CHESTER, PA.
TIMES

MAR 13 1933

MONDAY, MARCH 13, 1933

THE SCOTTSBORO CASE

Considerable agitation has been going on, in and outside of newspapers, concerning nine Negroes who were convicted in an Alabama court nearly two years ago of criminal assault on two young white women, a form of crime that always arouses race feeling, especially in the south. Two of these Negroes sentenced to death were mere boys, one 13 the other 14 years old. There were no Negroes on the jury and the counsel for the defence was an aged lawyer who was the only one in the county bar whom the judge could induce to represent the accused.

Under these circumstances and in view of the intense excitement that prevailed, it has seemed to a large number of people evident that the right to "an impartial trial," guaranteed to every citizen by the Federal Constitution, had been denied to these Negroes. The U. S. Supreme Court finally confirmed this view and ordered a new trial.

Now a local judge has granted a change of venue and the case is about to be re-tried in Decatur, the county seat, some fifty miles distant from Scotsboro, while the two lads are to have a separate trial in the juvenile court. The sentiment of the Decatur community is probably no whit different from that of Scotsboro though possibly less violent. An "impartial trial" in the State of Alabama, where such a thing is unknown as Negroes serving on a jury, is a very difficult attainment.

But this is not a difficulty peculiar to Alabama. In few states of the Union, if any, could an unprejudiced jury be impaneled for the trial of a case like this. We deprecate that special form of self-righteousness that makes so many northern people hostile critics of the south, where the race problem is much more acute than with us. The whites of the north are not essentially different from the whites of the south and under the same conditions we conduct ourselves in much the same manner. What we should do is give the south less criticism and more sympathy, and both sections need to apply their best intelligence and all their Christian principles to finding the way in which whites and Negroes can live side by side in this country of ours in peace and mutual security.

The Scotsboro case is of importance to us of the north mainly in that it admonishes us that this is a national problem, not merely sectional, and that we who live in glass houses should be wary of casting stones at others.

N. Y. HERALD

MAR 20 1933

Scottsboro Again

Nearly two years after their original conviction the eight Negroes sentenced to death in the Scottsboro case are once more about to stand trial. That the original trial was less than creditable to Alabama's standards of justice seems to have been recognized by opinion in Alabama itself. When the case was called recently, in the same Scottsboro courtroom where two years ago the trials were rushed through with every appearance of haste, careless ignorance and prejudice, the Attorney General of the state, acting as prosecutor, accepted a motion for a change of venue. "I am not opposing this motion," he said, "because I want the people of all these United States to know that these defendants will get a fair trial. They had one when they were tried here and convicted, and they will get a fair trial."

Unfortunately, in the opinion of the United States Supreme Court, the first trial was not a fair one. The reversal was not a matter of a mere technicality; the Supreme Court laid down the high rule that in a capital case it was the duty of the trial court not only to assign counsel to a defendant unable to secure counsel for himself but to see that the appointment was made in such a way and at such a time as not "to preclude the giving of effective aid in the preparation and trial of the case." The decision was a rebuke to the Alabama courts, and the Attorney General's readiness to accept the change of venue implies that Alabama knows it.

For this reason it seems to us that Alabama opinion itself might well be alert to insist that the new trial be conducted with the most scrupulous fairness. The gesture in accepting the change of venue, for example, loses some of its force when the judge, instead of transferring the case to one of the large cities, where prejudice would presumably have least effect, sends it only fifty miles away to the northern Alabama town of Decatur. Decatur is larger than Scottsboro and not buried so deeply in the hill country; but the defense regards the decision as a partial defeat. The case is, of course, Alabama's affair, and expressions of outside advice will only stir more deeply the passions which have been sufficiently aroused by the radicals who took over the defense and, while winning the new trial, used the affair for the selfish ends of their own propaganda. It is to be hoped, however, that Alabama men and women will themselves see that the only way to triumph over the propagandists is to insist that this second trial shall in fact be absolutely above the slightest suspicion of partiality, haste or prejudice. That is the only victory to be won by any one in this distressing affair.

Advertiser

3-22-33

Montgomery

Ala

ALABAMA, THE NEGRO AND LAW

This Southern "Negro problem," one hears so much about, exists for most part in the minds of those who have never visited the South, or who for other reasons know nothing of conditions here.

The Southern white man and the Southern Negro are fully aware of racial differences. But nine times out of ten neither is troubled by these differences, neither makes a "problem" of conditions until some outsider declares that such a problem exists.

Just so long as there are blacks and whites in the South, the two races will continue to live as they live now—two distinctive peoples moving unmolested in their own respective spheres, each more or less economically dependent on the other, just as every individual is dependent on all other individuals.

There is no question in the minds of the Southern white and the Southern Negro of the relationship each bears toward the other. It is never questioned by either.

The raising of such a question could bring only trouble, and both white men and black men know it. The will to maintain the present status of the races is mutual here in Alabama as in other sections of the South.

Now Alabama wants its laws respected.

It wants black men to respect them.

It wants white men to respect them.

And the State of Alabama, through its people and its courts insists that all men abide by the State laws.

It so happens that in this State it is against the law to commit rape. (And we believe most other States, indeed, most semi-civilized peoples have laws against rape.)

Two years ago nine Negro men boarded a freight train near Scottsboro, Ala., threw several men from a box car and kept two white girls in the car with them.

When the train arrived at Scottsboro, the girls told officers that each of the nine Negroes had attacked them.

In court each of the Negroes accused his eight companions of attacking the girls but denied that he had taken part in the mass rape.

Alabama tried and convicted the men for rape.

The State made no race question of the case. It was a trial for a capital offense.

Selfish radical groups seized an opportunity to flood the nation, and the world, with their own propaganda, using the case as an excuse to exploit themselves and promote their interests.

A surprisingly large number of Eastern newspapers, many otherwise intelligent and enlightened journals, swallowed the stuff broadcast by the radicals and immediately made a "race problem" of a case that should be judged only as a criminal trial.

Alabama is concerned only with the guilt or innocence of these men.

The New York Herald Tribune, which assumes that the first trial was unfair, says:

> The case is, of course, Alabama's affair, and expressions of outside advice will only stir more deeply the passions which have been sufficiently aroused by the radicals who took over the defense, and, while winning the new trial, used the affair for the selfish ends of their own propaganda. It is to be hoped, however, that Alabama men and women will themselves see that the only way to triumph over the propagandists is to insist that this second trial shall in fact be absolutely above the slightest suspicion of partiality, haste, or prejudice. That is the only victory to be won by any one in this distressing affair.

But the "outside" advice is not resented nearly so much as the outside interference in a case which Alabamians consider only as a court matter, the trial of which should have no other purpose than to prove the innocence or guilt of the men charged with a felony.

Alabama

Lynchings - 1933
&
Legal Punishment for Rape

4306

Birmingham, Ala., Age-Herald
November 15, 1933

Better To Be Safe

Now that preparations are being made for the trial of the Scottsboro cases at Decatur Nov. 27, it is appropriate to suggest that nothing should be left undone to make sure that these Negroes will have every protection that is available.

Judge Callahan, who is to preside in these new hearings, is quoted in Tuesday's News as saying that "he is opposed to having troops at any trial." For this reason it is most likely that no soldiers will be on guard at Decatur, unless the judge changes his mind, or interprets conditions differently.

We hope Judge Callahan is right in his assumption that the situation does not warrant a request for military protection. But remembering the circumstances which prevailed during the last trial and remembering what has taken place since that time, most informed Alabamians will be inclined to think that the judge ought to prefer being safe to being mistaken. If anything should go wrong, anything which the presence of troops would conceivably prevent, there could be no valid answer to the charge that ample precautions were not taken.

There is still another aspect of the matter. We must conclude that if there is to be no military guard at the trial, there will be no military escort for the accused when they are taken to Decatur for arraignment a week in advance. Why should that risk be taken? Granted that Sheriff Hawkins, of Jefferson County, can be relied on to protect his prisoners to the limit of his resources, why must his task be made doubly difficult on these journeys from Birmingham to Decatur, and back again?

Judge Callahan's contention that soldiers do not belong in a courtroom is absolutely sound—in normal circumstances. But what we are facing in this particular affair is something so complicated and explosive that any lack of diligence in safeguarding the prisoners would be profoundly regrettable.

As a matter of fact, many of us are wondering whether, everything considered, the case should not be postponed. In the light of all that has happened in the premises, no one can justly complain that the state has failed to move with sufficient vigor. Would it not be the part of wisdom to continue the hearing?

Down Paid Ad on Scottsboro

Worker

And Editor of Scripps-Howard Chain Asks for Obituary

New York

NEW YORK.—A committee consisting of Allen Taub, lawyer, Arnold Sawyer, and David Hall, of the National Committee for the Defense of Political Prisoners, called on the advertising department of the New York Times last Sunday.

11-22-33

They attempted to insert an advertisement which read, "Scottsboro boys in immient danger. Protest. Communicate with the National Committee for the Defense of Political Prisoners, 156 Fifth Ave., New York City."

Every official of the advertising department refused to accept the ad. Finally Allen Taub asked, "Will the Times accept an obituary notice after the lynchings?"

The Times editor replied that he would be glad to accept this.

CmCobCom-oeftrhorn Ki

On Friday J. W. Foster of the national editorial board of the "liberal" Scripps-Howard chain was visited by a committee consisting of Alfred H. Hirsch, secretary of the N. C. D. P. P., Grace Lumpkin, novelist, author of "To Make My Bread," and Allen Taub, who have just returned from an investigation into the Tuscaloosa lynchings.

This committee presented affidavits and documents which gave conclusive proof that plans have been made to lynch the Scottsboor boys and their attorneys.

Mr. Foster was asked to accept a story by Grace Lumpkin describing the lynch-danger that faces the defendants.

Foster said, "I won't take your story. But send me their obituary notice. We'll publish them."

Chattanooga, Tenn. News
November 20, 1933

The L. F. P. P. and I. L. D

THE Scottsboro defendants were to be arraigned at Decatur Ala., today, and their new trials begin November 27. Consequently, the I. L. D. again swings into the picture, its propagandist-lawyer wiring President Roosevelt, asking him to force Governor Miller, of Alabama to send troops to Decatur. Perhaps the lawyer does not know tha the Governor cannot send troops unless the judge presiding at the trial requests them, which this particular judge has refused to do, insisting that there is no need.

The International Labor Defense has been joined in this sort of work in Alabama now by another organization.

A committee of seven men and women, representing the League for the Freedom of Political Prisoners has entered Alabama, to study recent lynchings. They come at a time when the new trials for the "Scottsboro Negroes" are about to be opened, and they cannot fail to revive some of the prejudices fanned into flame by the propagandists of the International Labor Defense, who did their best to make martyrs—dead martyrs, if you please—of the Scottsboro defendants.

We understand that the League for the Freedom of Political Prisoners is not so flagrantly propagandist as the I. L. D. The members of this committee are, doubtless, sincere reformers, but the League for the Freedom of Political Prisoners also is interested in having martyrdom cases spread over front pages. Their visit may work further harm for the Scottsboro defendants.

They are investigating two separate lynchings. The South already has a Commission to investigate such outrages.

Two Negro boys were riddled with bullets one morning last August. They had been seized from sheriff's deputies. They were charged with the rape and murder of a Tuscaloosa white girl. A few days later, a mob of armed white men in Tuscaloosa county went to the home of a Negro, called him out and shot him to death.

These are the cases being investigated by the League for the Freedom of Political Prisoners. Incidentally, if the Negroes in the Southern lynching cases are "political prisoners" they have been made so by the I. L. D. and kindred organizations.

There is much sound sense in an article written by Walling Keith in the Montgomery *Advertiser*. He says:

The enlightened public in Alabama has not sought to shift the blame of the lynchings from Alabamians. There can be no doubt that Alabama white men seized and shot to death the three victims.

But one must believe that the three dead Negroes today either would be alive or would have been found guilty and legally executed if unscrupulous agitators had not forced their way into Alabama criminal trials with no other motive than to foment racial and class hatred among Alabamians, to splatter mud on Alabama courts and to embarrass the people of this State.

The International Labor Defense League, a Communistic organization, seized the case of nine Negroes charged with rape, and has used it for the exploitation of the Negro and for baiting the Alabama court system.

If the I. L. D. really had cared for the necks of their "martyrs," certainly they would have adopted different tactics. The I. L. D. made few moves which could be interpreted as an attempt to convince an Alabama jury that the "Scottsboro prisoners" were innocent which were not calculated to arouse racial prejudice more than to convince the jury of the innocence of their "clients."

Witness one of the tricks of I. L. D. Lawyer Leibowitz: He feigned indignation because one of the prosecutors failed to address a young Negro as "Mister." He wasted time denouncing the State's attorney for failing to address a Negro as "Mister," knowing full well the effect his outburst would have.

Apparently he did everything possible to make even the jury dislike him, then after the trial bellowed: "Prejudice! Bigots!" But Leibowitz, though he waved red herring and used every possible dodge to make headlines in the Harlem press, was not as practiced in trouble-making and in fomenting hatred as is the organization which commissioned him to make martyrs of the "Scottsboro boys."

The I. L. D., seeking to make a farce of law procedure in Alabama, has caused delay after delay in the trials of the so called Scottsboro Negroes.

This organization attempted to force its way into the Tuscaloosa rape-murder cases.

The Negro prisoners, fearing that the I. L. D. trouble-makers would cause ill feeling in Tuscaloosa, declared that they preferred to be defended by local lawyers. They wanted freedom. They wanted to save their own lives. They did not want to be martyrs.

But the I. L. D. attempted to force itself into the cases.

Tuscaloosa citizens, remembering the I. L. D. interference in the Scottsboro and Dadeville cases, knew that the organization would concern itself more with breeding discord among the white and Negro population spreading lies and attempting to slander the white assault and murder victims than in trying to present a case for the defendants.

Such was the feeling in the Alabama city the night of the double lynchings.

It is easy to understand Alabama's resentment of the I. L. D. tactics. All advocates of justice must feel similar resentment. And the entrance of the League for the Freedom of Political Prisoners further complicates matters. Certainly, the attitude of this committee will be carefully scrutinized.

SCOTTSBORO CASE IS IN DULL STAGE

Telegraph

Defense Scanning Jury Rolls to Show That No Negro Has Ever Been in Venire

Macon Ga.

DECATUR, Ala., Nov. 23 (AP)—A meticulous search of the Jackson county jury roll for 1931 was conducted today as attorneys for the seven defendants in the Scottsboro case sought to sustain a motion to quash the indictments charging them with attacking two white girls.

11-24-33

Witnesses from Jackson county, some of them county officials, were called by the defense to search the roll to establish proof that it contained the names of no Negroes. A grand jury drawn from this roll returned the indictments March 31, 1931.

Judge W. W. Callahan this afternoon said he had deferred arraignment of another of the defendants in deference to the witnesses from Jackson county here to testify on the motion to quash the indictment. The judge had announced that another defendant would be arraigned today, a venire drawn and the case set for trial one week from Monday.

Men Accused of Assault

Disposition of the motion to quash the indictment based on allegations that Negroes were "systematically excluded from the jury rolls solely because of their race and color," was all that remained before Heywood Patterson, is brought to trial a third time.

Patterson and his co-defendants are accused of attacking two women aboard a Southern railway freight train as it rolled through the mountains of Jackson county on March 25, 1931. Two death sentences imposed on Patterson have been set aside, one by the United States Supreme court, which also revised similar penalties imposed on six other accused Negroes.

Interest in Trial Slight

Interest in the trial dropped almost to the zero point here this afternoon as C. A. Wann, circuit court clerk of Jackson county and others thumbed the pages of the big book in which the names of adult males qualified for jury duty were inscribed.

Samuel S. Leibowitz of New York, chief of counsel for the defense retained by the International Labor Defense, questioned each witness minutely as to his length of residence in Jackson county, his familiarity with the courts there and invariably asked, "Have you ever seen a Negro serving on a grand or petit jury in Jackson county?"

The answer in each case was, "No."

Huntsville, Ala., Times
November 20, 1933

This And That

The "Scottsboro case" got under way again today at Decatur. This makes the third trial.

This noted case will soon have been in the courts three years, but its end is far from being in sight. Unless there is an acquittal, it may take several years more before it is finally decided.

The International Labor Defense apparently has plenty of money to fight the case as long as there is a leg on which to contest any or all of its various angles.

The one, perhaps, which it is most anxious to get the Supreme Court of the United States for a decision is non-selection of negroes upon juries in this state.

While the state has received, and will get a lot more unsavory notoriety, Jackson county is the big loser in a financial way.

Court costs and jail fees are piling higher and higher every day. It may require a special bond issue to pay them when the case is finally decided.

Judge Callahan, while dispensing with the services of national guardsmen in protecting the prisoners and some of the lawyers, is not letting down the bars as far as was indicated at first.

He swore in a score or more of special deputy sheriffs, principally from Birmingham, this morning. They have an abundance of "artillery" in their possession, and know how to use it when occasion demands.

This procedure really seems a great deal better than using troops in uniform, giving a military atmosphere to the court proceedings.

* * *

Cash received so far in the Red Cross roll call campaign totals $702.75, while pledges amount to $716.

This is just a fraction of the amount that was given last year, while the number of givers is also far short of the 1932 roll call.

It may not be possible to match the amount of the donations last year, but there ought to be more than twice as many donors. More than 2,400 got buttons in the drive last November.

If the field is closely worked and every one able to give $1, the minimum amount, is solicited vigorously, there will be 5,000 members when the campaign closes Thanksgiving day.

In city and county, there are perhaps twice as many able to make donations of at least $1 as these were last year.

Let's have a little more steam in the final 10 days of the campaign.

Madison county led the other 66 counties in the state by several country blocks last year, and made a record that called forth the commendation of national Red Cross official.

Now that so many are able to give, especially in small amounts, this county ought to maintain this enviable record this year.

* * *

A speed pilot hopped off from a New York airport after noon, Sunday, and landed at a Miami, Florida, airport a trifle over five hours later.

Five or six years ago, we recall, much was made of the feat of a plane making the 1,200-mile jump in less than 12 hours. There was celebration, too, of the [illegible]ule being cut to less than [illegible] hours.

Time flies. So do the old marks for speedy transportation. Wonder what the next 25 years will do to slice them down farther?

* * *

A few years ago, Franklin D. Roosevelt was thought to be an incurable paralytic. Infantile paralysis had palsied his legs.

Yesterday, he was scooting around Warm Springs, Ga., in a roadster, equipped with special contraptions in the way of pedals and levers for his feet, driving himself.

Rarely is there mention of his physical ailment, though thousands of words are written about him daily. About the only reminder is an occasional picture, showing him holding the arm of someone as he stands or walks.

There is so much interest in what will come popping out of his head next that public interest is diverted from his withered nether extremities.

* * *

The director of the CCC camps announces the "forest army" will plant 40 or 50 million saplings on gullied and washed lands next Spring, to aid in tho control of erosion in the Central and Southern states.

The losses from soil erosion—just plain old washing of the land by heavy rains—are estimated to run into hundreds of millions of dollars annually.

All over this county you see the top soil being carried away in a yellow flood after each rain.

We ought to plant more young locusts, do more terracing, fill more gullies and drains with brush and other matter, to stop this gradual wearing away of productive soil. It means dollars and cents to us.

Telegraph
Macon, Ga.
11-27-33

MR. SAMUEL LEIBOWITZ, who not so very long ago was telling his public in Harlem that he wasn't afraid of the goldarned cave dwellers of Alabama now is asking President Roosevelt to call out the Army or Navy or somebody to keep the Alabama cannibals from massacreing the Scottsboro Negroes and himself. You'd think Sam would know better. The consensus of opinion of intelligent lawyers who have studied the Scottsboro case is that Sam and his International Labor Defense buddies have mixed in it for the deliberate purpose of making martyrs of the defendants, and professional martyr makers should regard the risks of their trade as part of the day's work, as aviators and railroad men do. If a martyr maker wakes to find he's been made a martyr of himself, he should be game enough to regard it as one of the breaks of the pastime, or take up something with less risk in it. The I. L. D. meddlers and journeymen hell-raisers are already charged with responsibility for three lynchings in Alabama, with the I. L. D'ers taking care not to be among those present at the lynchings It seems a pity that some arrangement couldn't be made whereby the Scottsboro Negroes could be turned over to their now agitated defenders with the understanding they would be carried to the sympathetic North, where the whites are so inordinately fond of the black brother they think nothing at all of permitting him to stop in front of their cozy homes in the dead of winter and scoop up a nice snow ball for lunch, or dinner, as the case may be.

Birmingham, Ala., News
November 19, 1933

State Should Strain Point To Protect These Prisoners

So far as this paper has been able to ascertain, the Scottsboro Negroes are to be taken to Decatur for arraignment on Monday without military protection. It is, as we see it, exceedingly unwise to fail to give these prisoners the fullest protection the state can command. The responsibility which is thus being thrust upon Sheriff Hawkins and Sheriff Davis imposes on them a burden they should not have to carry. What is true with respect to arraignment is true of the trial of the week following.

If this is not a juncture when the authorities should strain a point to make sure of the safeguarding of defendants, there has never been an occasion in the history of Alabama for protecting prisoners against the possibility of an attack by would-be lynchers. If anything is left undone to protect the Negroes accused in this case, and the official optimism proves unwarranted, then the state will be under an imputation it should not have to wear. It is a risk too great to be taken.

Lynchings-1933
Legal Punishment for Rage.

Alabama

4307

RALEIGH, N. C.
NEWS OBSERVER
PR 1 8 1933

POT AND KETTLE

When the news came of the outrageous verdict in the famous Scottsboro case in Alabama, *The News and Observer* expressed the opinion that the best hope for justice for the Negroes lay in the retirement from the case of the attorneys for the International Labor Defense.

This position was taken not in reflection upon the attorneys who skillfully and ably defended the Negroes in the case. In fact, if the attorneys of this organization had not come to the defense of the Negroes there is a good possibility that the defendants now would be dead and buried. The International Labor Defense came to their assistance at a time when the country in general had not awakened to the great danger of a terrible injustice being committed in the courts of Alabama.

Nevertheless, in the recent trial the case became not a judicial search for the facts but an emotional conflict of prejudices. In an outrageous manner the Alabama prosecutor played to the prejudices of the Alabama jury and called them to render a verdict not upon the facts in the case but upon their prejudices. His conduct and the verdict which followed it was a disgrace to the South.

Yet, now it seems that Samuel Liebowitz, the chief counsel for the defense, is in his attack on Southern bigots not himself averse to pandering to the prejudices of another section in describing the people of Alabama. In an address in Brooklyn the other day he declared:

> If you ever saw those creatures, those bigots, whose mouths are slits in their faces, whose eyes pop out at you like a frog's, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it. When I got back home I felt that I needed a moral, mental and physical bath.

By such vituperation of a people, Mr. Liebowitz makes himself a party to the conflict of prejudices and emotions which disgraced the verdict at Decatur. Such bigotry both in Alabama and Brooklyn will not serve justice. It will not help to secure freedom for the defendants in the case. It precludes the possibility that Mr. Liebowitz can be useful in the case again.

At the time of the verdict *The News and Observer* suggested, without reflection upon the present defense attorneys, that justice would be best served by the withdrawal of the International Labor Defense and the substitution of eminent Southern attorneys as the defense counsel for the Negroes. Such an act this paper believed would make it possible to remove much of the conflict of prejudices and emotions in which the case is now involved. Mr. Liebowitz' statement in Brooklyn makes such a course even more necessary.

Justice will not be found in the South or anywhere else in the vituperations of a bigoted lawyer from Alabama and a bigoted attorney from New York. Their conflict makes a sad spectacle of which North and South can both be ashamed. But the important matter in the case is justice for the defendants and not the display of the sectional bigotries of the bar.

Montgomery, Ala., Advertiser
May 7, 1933

OTES ON EDUCATION

Ruby Bates, the companion of Victoria Price on that infamous train ride near Paint Rock, Ala., two years ago is by way of becoming educated.

A Communist organization has adopted the cotton mill girl and for the second time has extended to her the hospitality of the City of New York.

The other night, under the sheltering wing of the gentle Leibowitz and the good brethren of the International Labor Defense League, the Bates girl was haled before a mob of cheering Harlemites.

She made a speech.

And among other things Ruby Bates said: "The ruling classes of Scottsboro frightened me into saying the Negro boys attacked us."

Ruling classes!

Could it be that the kindly souls who have taken the girl in inspired that speech? Could it be that the simple mill girl was taught that speech by her "new friends?"

If Ruby Bates had spoken of "Them damn cops," or if she had said: "The laws made me do it," her story would have sounded much more plausible—if not true.

But "ruling classes" is not a phrase akin to the Bates girl's vocabulary.

Next thing, the girl will be poll-parroting about "the oppressed proletarians" and "the crushing iron heel of Capitalism on the necks of the humble white and Negro workers."

And the pity of it is that Harlem Negroes and Boston blue-bloods will believe her inspired stories.

Tazewell, Va. News
April 28, 1933

DAMNING THE SOUTH AGAIN.

If those two Jew publicity hunters who went down to Alabama and pushed themselves into the Scottsboro case at the suggestion of some hair-brained communist organization had been given a taste of Southern "hospitality," and sent back home the Negroes charged with criminal assault would have fared better. As the matter now stands Messrs. Leibowitz and associate have disqualified themselves by a careless handling of the language regarding the qualifications of Southern jurors, and it will be better for their clients if they stay at home. The merits of the cases against the Negroes, who are charged with abusing two white girl hoboes they encountered on a freight train, might be raised because the mere fact that the two women happened to be white doesn't place them in any preferred position in the courts. And the further fact that the two women had gotten so low in the social realm that they entered court convicted law violators.

A Massachusetts federal judge gets in the limelight by releasing a Negro in Boston charged with a double murder in Virginia for the reason that Negroes do not serve on juries in this State, the jurists conclusion being that the murderer would not get justice from a white jury. The merits of this case are not gone into, but the simple fact that a mistrial, would be ordered by the Supreme Court in case of conviction because the jury was composed of white men appears to be the legal basis upon which the New England Judge founded his opinion.

N. Y. HERALD
MAY 9 1933

Roosevelt Fails To See Alabama Case Paraders

3,000 Bearing Scottsboro Protest Angered at Finding President Too Busy

Talk to Capitol Leaders

Rainey Asks Ruby Bates About Altered Evidence

By The Associated Press

WASHINGTON, May 8.—A parade of 3,000 whites and Negroes today sought from President Roosevelt and Congressional leaders intervention to free the nine Alabama Negroes convicted of criminal assaults in the Scottsboro case.

In the van of the March was Ruby Bates, the girl who after once swearing the men had attacked her, reappeared at a new trial as a surprise witness and reversed her testimony. With her went James Ford, Negro comunist, and William L. Patterson, Negro national secretary of the International Labor Defense. Along also was Janie Patterson, mother of Haywood Patterson, at whose retrial the Bates girl changed her story. He was convicted again and is for the second time under the sentence of death.

At the White House the leaders saw Louis McHenry Howe, Presidential secretary. They complained bitterly upon being told that the President was too busy conferring with Dr. Hjalmar Schacht, special German envoy, to receive their petitions in person.

Although at the White House attaches said the President was making a practice, now that business is so heavy, of referring petitioners to Howe, Patterson, as spokesman for the marchers, said they regarded Mr. Roosevelt's refusal to see them as a "gesture of contempt."

They marched then to the Capitol. Speaker Henry T. Rainey saw them.

"We demand Congressional action for the unconditional release of the Scottsboro boys," Ford told Rainey. "We present also a bill of rights demanding legislation to guarantee enforcement of the Thirteenth and Fourteenth Amendments."

"The petition will be referred to the Judiciary Committee," Rainey replied. "As for the Scottsboro case, that is a matter for the courts. Congress has no authority to direct the release of men charged with a crime."

Ruby Bates said: "The Scottsboro boys are absolutely innocent."

"You testified once they were guilty?" Rainey asked.

"Yes, sir."

"Now you retract?"

"Yes, sir."

"What caused you to change your mind?"

"Well, I didn't want to see innocent boys suffer."

"Because you had perjured yourself?"

"Yes, sir, under duress," replied the Bates girl.

Then they called on Vice-President John N. Garner, who told them he would refer their petition to the appropriate Senate committee.

Danville, Va. Bee
April 29, 1933

Tragedy For the Scottsboro Boys

Doubtless the worst possible thing that could have happened to the Scottsboro negroes occurred on Thursday when they mutinied against prison treatment and generally speaking acted the fool. Claiming that they had been mistreated they rebelled and refused to go back to their cells until forced to do so. There was some show of violence and it all made against them. The accused negroes showed too plainly that they have become the victims of the very agency that desires to save them by clothing them with a sense of imaginary importance. The Scottsboro boys have reached the unfortunate position where they understand that they have become a national issue and that, as such, they are entitled to superior advantages. In the midst of the defiance on Thursday they chalked a message on a piece of cardboard "'We will see the United States Supreme Court and settle everything.'' That is the epitome of the whole case. Northern interests impregnated with a little communism have imbued the Alabama negroes with the thought that there is some secret sympathy locked in the breast of the United States Court benchers, that the trials in the lower courts of record are merely a gesture and that the high court is going to set them free.

If there is a racial tragedy in the Scottsboro case it lies not in the persecution of the colored man by Southern usage but the stupidity of would-be white emancipators from the North injecting themselves into a forum the language of which they do not understand and preying upon negro credulity by telling them they have a world audience that will see them through. They forget that there is no power on earth that can interfere with the rights of the state of Alabama to propitiate its constitutional provisions and to give to ''the Scottsboro boys'' the same kind of justice that is meted out to others.

At present some of them stand a chance of being freed through the dimming of testimony in second trials and the abatement of the conviction spirit. Mutiny in jail, slogans that rile the Southern white man and fawning upon communistic crusaders in Dixie are bound to set up influences hostile to impartial justice.

NEW YORK TIMES

MAY 8 1933

MARCHERS AT BALTIMORE.

Thousand New Yorkers on Way to Capital for Scottsboro Plea.

BALTIMORE, May 7 (AP).—About 1,000 New Yorkers, mostly Negroes, arrived here today in trucks and buses on their way to Washington to seek President Roosevelt's intervention in the Scottsboro case.

They were to stay overnight at Tom Mooney Hall and in homes of sympathizers, and leave tomorrow together with a local contingent. They said similar delegations were en route to Washington from Detroit, Philadelphia, Boston and Chicago.

About 5,000 persons here today attended a meeting where Ruby Bates and Lester Carter, two defense witnesses in the Scottsboro case, asserted the indicted Negroes in the case were innocent victims of a frame-up.

NEW YORK TIMES

MAY 9 1933

SCOTTSBORO PLEA VOICED IN CAPITAL

3,000 Whites and Negroes March to Demand Aid for 9 Youths Convicted in Alabama.

INDIGNANT AT ROOSEVELT

His Inability to See Them Is Called 'Gesture of Contempt'—Garner and Rainey Talk to Leaders.

WASHINGTON, May 8 (AP).—A parade of 3,000 whites and Negroes sought from President Roosevelt and Congressional leaders today intervention to free the nine Alabama Negroes convicted of criminal assaults in the Scottsboro case.

In the van of the march was Ruby Bates, the girl who, after once swearing the men had attacked her, reappeared at a new trial as a surprise witness and reversed her testimony.

With her went James Ford, Negro Communist, and William L. Patterson, Negro national secretary of the International Labor Defense. Also in line was Janie Patterson, mother of Haywood Patterson, at whose retrial the Bates girl changed her story. He was convicted again and is for the second time under sentence of death.

Marchers from New York, Philadelphia, Baltimore and other Eastern cities were in the procession. Truckloads also came from Virginia and West Virginia.

"Internationale" Is Sung.

As they marched they chanted "Free the Scottsboro boys," now and then singing the "Internationale" and similar songs.

A heavy rain delayed the parade for several hours.

At the White House the leaders saw Louis McHenry Howe, Presidential secretary. They complained bitterly upon being told that the President was too busy conferring with Dr. Hjalmar Schacht, special German envoy, to receive their petitions in person.

They marched then to the Capitol, and Speaker Rainey saw them.

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Then Ruby Bates said:

"The Scottsboro boys are absolutely innocent."

Bates Girl Admits Perjury.

"You testified once they were guilty?" the Speaker asked.

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Then the marchers called on Vice President Garner, who told them he would refer their petition to the appropriate Senate committee.

Although at the White House attachés said the President was making a practice, now that business was so heavy, of referring petitioners to his secretary, Patterson, as spokesman for the marchers, said they regarded Mr. Roosevelt's refusal to see them as a "gesture of contempt."

He added that the delegation was "highly indignant" because the President was talking with "Europeans" and "refused to see Americ

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Ruby Bates, Near Death, Says "Save Negro Boys"

Daily Worker 11-25-33

New York, N.Y.

NEW YORK.—Ruby Bates, Scottsboro witness, lies today on a hospital cot, fighting for life following a critical operation, imperatively ordered by physicians.

Ruby Bates, who was waiting near New York for her deposition to be taken by a New York lawyer for use in the Decatur trials, Thursday notified the International Labor Defense that her physical condition had become such that she had been obliged to go to a hospital. There an examination made it evident that an immediate operation was a life and death matter.

She was operated on early Friday morning. Physicians in charge could not pronounce her out of danger last night.

Thursday night, in the presence of a representative of the International Labor Defense, Ruby Bates told a Daily Worker reporter of her arrival in the hospital, and the operation she expected.

"I knew about my condition, but I didn't tell anybody just how bad it was, until I was forced to come to the hospital," she said.

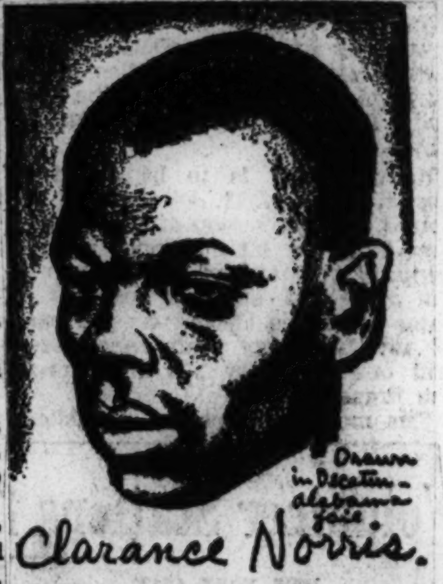
"Then when I realized I'd have to be operated on, I came here, and notified Mr. Patterson of the I. L. D.

"You know I was forced to testify against the boys in the first trial. I told the truth at the last trial in Decaur, because I didn' want those boys to die on account of a lie I told. I have received threats that I will be lynched if I return, but, in spite of that, if it were necessary, and if I were able, I would go back and testify in Decatur. I would be afraid, because I know they are after me. But if I could, I would go.

"I have just heard that Knight will put Orville Gilley on the stand to testify against the Scottsboro boys, in this trial. I know they have filled him full of lies. They kept him in jail with us in Scottsboro, but they never dared put him on the stand. I wish I could go back to answer his lies, but I can't. And it isn't because I'm afraid. That wouldn't be enough to stop me."

As the reporter was leaving her bedside, she called him back:

"Do all you can for the Scottsboro boys," she said. "I did my best while I was able."


Drawn in Decatur Alabama jail
Clarance Norris.

Clarence Norris, Scottsboro Negro defendant, who was arraigned in Morgan County court yesterday as part of the prosecution plan to railroad all the framed-up boys to the electric chair.

Lynchings - 1933
Legal Punishment for Rape.

Alabama

4308

Governor Refuses to Protect Scottsboro Boys and Attorneys

Daily Worker 11-17-33
New York, N.Y.

I.L.D. Calls on Workers' Organizations to Rush Protests to Miller Against State-Sponsored Lynch Conspiracy

MONTGOMERY, Ala., Nov. 16.—No protection from lynch-mobs will be given the Scottsboro boys by the State of Alabama.

This was definitely announced today by Judge W. W. Callahan of Decatur, and Governor B. M. Miller of Alabama.

There will be no danger, Judge Callahan has announced, in the face of affidavits collected by the International Labor Defense quoting more than 500 Morgan county lynchers as being prepared to lynch the Scottsboro boys and murder their defense witnesses and attorneys.

No troops will be sent to protect the Scottsboro boys, Governor Miller announced, echoing Judge Callahan.

The plans of the State of Alabama become clearly a naked plot to deliver the Scottsboro boys to the lynchers on Monday, when they are scheduled to be arraigned in Decatur, or on the 27th, when their trial is scheduled to open.

The I.L.D. has called for all organizations and individuals who want to save the lives of the Scottsboro boys, to immediately rouse mass protest, hold meetings in every hall, on every street-corner, and from every meeting of workers held in the United States, flood Governor B. M. Miller of Alabama, at Montgomery, and Judge W. W. Callahan at Decatur, with protests, holding them personally responsible for the lives of the Scottsboro boys, their defense witnesses and attorneys.

* * *

By JACK SPIVAK

BIRMINGHAM, Ala., Nov. 16.—Sheriff J. F. Hawkins of Jefferson county, who will have the responsibility of transferring the Scottsboro boys from the county jail here to Decatur for arraignment on Monday morning, today "declined to answer" whether he would order his deputies to shoot into a mob that might try to lynch the boys while enroute to Morgan county.

This statement followed swiftly upon Circuit Judge W. W. Callahan's announcement yesterday in Decatur that he would have no soldiers in and around the court room and the jail to protect the prisoners and the International Labor Defense attorneys, Samuel Leibowitz and Joseph Brodsky, despite widespread and open threats against their lives.

"Can't Answer," Says Sheriff

"Do you think white deputies would shoot into whites of their own or a neighboring county to protect Negroes," the sheriff was asked after he had declined to answer the other questions.

Hawkins obviously did not want to discuss the matter. He stared out of the window of his office working his jaws nervously.

shortly. "All I can say is that I would feel humiliated if the prisoners were taken away from me."

The sheriff has not yet received orders to transfer the prisoners from Birmingham to Decatur, nor does he know whether only seven or all nine will be ordered taken to Morgan county, sheriff Hawkins explained carefully and with a measure of significance that once he has delivered the boys to Sheriff "Bud" Davis of Morgan county his duty has been performed. Responsibility for their safety is thenceforth up to Morgan county officials.

Daily Worker
New York

Tension More Dangerous Now Than Last Spring

At the time of the Scottsboro trial this spring when the tension was nowhere near as dangerous, Sheriff Hawkins used twelve deputies and three cars to transfer the prisoners.

In Decatur they were met by a troop of some 35 soldiers which immediately surrounded the boys. When the boys were taken back to Birmingham for safe-keeping the National Guard acted as an escort.

But with Judge Callahan's statement that there will be no soldiers to guard the boys or their attorneys and with Sheriff Hawkins duty finished when he gets a receipt for them, the job of bringing them back to Birmingham if they are to be brought back to Birmingham for safekeeping after they are arraigned is left in the hands of Morgan county deputies. These deputies are residents of a county which has been loud in its announced purpose of finishing this case by means of a thirty-cent rope, whether Morgan County deputies will shoot into a lynch mob of Morgan County whites is considered very doubtful here.

Sheriff Hawkins plans to lead his deputies personally in transporting the Scottsboro boys to Decatur, what roads he will use or how many cars and deputies is supposed to be a secret.

Hawkins said that when an insurrection or riot threatens the sheriff has the legal power to call out the National Guard himself. This means that in the event of a mob movement it would fall upon Sheriff Davis to summon the soldiers, but in all cases where the sheriff calls the National Guard he is under the court's orders, and in this particular case the court has very specifically said that it saw no reason to have soldiers present.

Boys and Attorneys to Be Isolated in Court

The strange set-up of events for this coming arraignment and trial which is causing grave apprehension was further complicated by another statement from Judge Callahan which, though trifling in itself, holds far-reaching significance.

Judge Callahan refused to discuss anything even remotely connected with the case and would permit himself to be quoted in only one sentence.

Press men will be allowed in court, but no special arrangements such as press tables within the bars (the area separating the trial space from the spectators' seats) will be made for them.

At the last trial press tables were set up for white newspaper correspondents back of the prosecution table, two Negro correspondents were placed on the other side of the room near the section reserved for Negro spectators.

Reporters Sense Fear of Shooting in Court

During the entire trial newspaper men naturally were as much at home in the barred area as the attorneys. Frequently speaking to them to ask explanations of mooted points, there was plenty of space, so the question of room cannot be in Judge Callahan's mind, for there was plenty of room when Judge Horton presided.

The fact that this decision makes it inconvenient for reporters to take notes or write a running story of the trial and thus by discouraging them, thereby curtain the publicity about the trial cannot have suggested this decision, because once a reporter has been assigned, he will cover it whether he sits among the audience or at a convenient press table. In all courts where a large number of newspapermen is expected, arrangements are made to facilitate their work. Judges have been known to bar the press during certain portions of a trial which necessitated evidence being heard in chambers, but Judge Callahan apparently does not have the slightest intention of barring the press from hte trial.

He just does not want newspaper men in the space where the actual trial is being held.

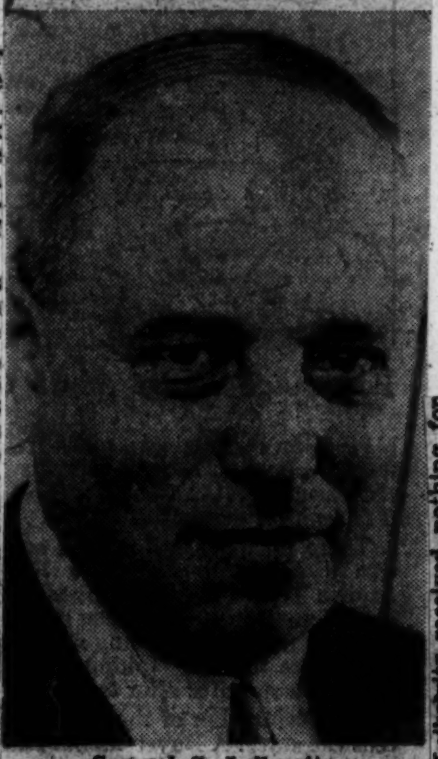
See Boys and Attorneys Isolated for Targets

Newspapermen discussing this decision found in it a very grave interpretation in view of the seeming set-up, which makes it possible for mob action and the open threats against the lives of the Scottsboro boys and the I. L. D. lawyers, the situation is explosive. Judge Callahan, living in Decatur, cannot possibly avoid knowing just how serious it is. An attempt to kill the Scottsboro boys and the attorneys might be made even in open court, since there will be no soldiers there for protection.

The only conclusion the newspaper men could come to, considering all angles, is that Judge Callahan made his decision to keep the press from within the barred enclosure because he himself fears that shooting might start in court and does not want reporters where they might be in the way of spraying bullets.

And having reached that conclusion, the newspaper men cannot understand Judge Callahan's decision not to call soldiers to protect the boys, Leibowitz and Brodsky.

He's Going Back



Samuel S. Leibowitz.

COUNSEL SEEK DEFENSE FUND

Amsterdam News

Samuel S. Leibowitz and Aid Make Plea to the Public

11-15-33

A plea for financial assistance for defense of the Scottsboro boys at Decatur was made here Monday by Samuel S. Leibowitz, chief counsel for the boys, and his co-counsel, Joseph R. Brodsky.

They said: New York

"The preparation of the trial is no simple matter; witnesses from various parts of the country are required to be called; expert medical testimony must be prepared and doctors called to testify; various motion papers and other legal documents must be dictated, typed and prepared; investigation must be intensified and brought up to date.

"In short, if the Scottsboro defendants are to receive adequate defense, then those who are interested in their cause must provide the financial means necessary to properly prepare this case for trial.

"Moneys collected, however, are required to pay witnesses' fees, stenographic services, transportation costs of many witnesses from far distances and generally to cover all of the multitude of expenses incidental to adequate preparation of so important a trial.

"We think that aproximately $5,000 is urgently needed in order to proceed to accomplish the ends that we have set forth."

Mr. Leibowitz received nothing for his previous work at Decatur, and will donate his services again.

Daily Worker 11-18-33

New York N.Y.

ECATUR SEETHING WITH LYNCH THREATS AGAINST SCOTTSBORO BOYS AND ATTORNEYS, DENIED PROTECTION

Alabama Officials In Open Invitation For Lynching Orgy

Only Quick Protest Action Can Save Boys and Defenders

BULLETIN

DECATUR, Ala., Nov. 17.—Judge W. W. Callahan late this afternoon, refused a formal request made by David Schriftman, I.L.D. attorney, that sufficient protection for the Scottsboro boys and the I.L.D. attorneys be supplied.

The Judge said that deputies would be sufficient but declined to say how many would be assigned. The Morgan County Sheriff has only five at the jail.

Schriftman made a last plea that he hear evidence proving that the lives of the Scottsboro boys and Liebowitz and Brodsky are in grave danger before he orders the boys brought to Decatur Monday morning. He refused to entertain the plea.

• • •

By JOHN L. SPIVAK

(Special Correspondent of the Daily Worker.)

BIRMINGHAM, Ala., Nov. 17. — No additional deputies have been sworn in to protect the Scottsboro boys and the International Labor Defense Attorney Samuel Leibowitz and Joseph Brodsky when they arrive in Decatur Monday morning for the arraignment, Sheriff "Bud" Davis of Morgan County stated today over the long distance telephone.

Morgan County has five deputies and "two or three others out in the county" the sheriff said, though he understands that Sheriff J. F. Hawkins of Jefferson County, (Birmingham) who will bring the Negroes to Decatur, may be asked to remain with them to help out the Morgan County sheriff. "We may have twelve, maybe fifteen deputies" Sheriff Davis concluded. "I haven't anything to say about it. Attorney General Knight is handling the whole matter of protection."

Officials Contradict Each Other

All of the very strange arrangements which have been made for protecting the prisoners and the I. L. D. lawyers seem even more strange when one considers the discrepancies in the statements between officials. Attorney General Thomas E. Knight says that he has no authority to order out of the guard or to say whether the prisoners are to remain in Decatur or be removed to Birmingham after the arraignment to be kept safely until the trial starts a week from Monday. On the other hand Sheriff Davis, in whose care the prisoners will be in Decatur, says that all arrangements for protection are in the hands of the attorney general.

The more one probes into this very complicated and tense situation the more peculiar it looks.

I. L. D. Attorneys Arrive in Birmingham

Despite this extremely grave indifference to provide sufficient protection and in view of the intense lynch sentiment seething in Decatur, Samuel Leibowitz and Joseph Brodsky arrived in Birmingham by plane late this evening ready to go into court in Decatur Monday morning. Immediately upon their arrival they went into conference with David Schriftman, I.L.D. attorney who has been here during the past month. General George W. Chamlee, Southern counsel from Chattanooga, is expected tomorrow to join in the conferences and lay plans for the coming arraignment and trial.

Daily Worker 11-18-33 New York N.Y.

Whether Leibowitz will remain in Birmingham until the 27th when the actual trial starts or return to New York and come down again has not yet been determined.

To Demand Miller Afford Protection

Due to Judge W. W. Callahan's announcement that he does not intend to have soldiers in and around the courthouse and jail during the arraignment and trial and Sheriff Davis' statement that there probably will not be more than a dozen or so deputies it is believed that I. L. D. counsel will seek an audience with Governor Miller in Montgomery tomorrow or Sunday to demand that proper steps be taken to protect the defendants and themselves since the threats against the lives of the counsel have been more open than against the defendants.

At the last trial not only did Sheriff Davis have all available deputies on hand but there were some 35 soldiers heavily armed always around the courtroom and jail. Even at that, two mob movements started which were stopped with difficulty. And at that time the sentiment was nowhere near as bitter as it is now.

Simultaneously many leading citizens of Alabama, fearful that the seeming set-up may result in a shocking massacre are urging the Attorney General Judge Callahan and the governor to see to it that proper protection is afforded both the defendants and their attorneys.

"State Has Perfect Set-up for Slaugther"

In a last minut effort to forestall the imminent danger David Schriftman left this morning for Decatur to confer with Judge Callahan on the question of protection though he had little hope that the presiding judge would change his mind.

"It seems that the State has a perfect set-up for a slaughter," Schriftman said before he left.

Sheriff "Bud' Davis, during the telephone conversation in which he said he was taking no special precautions to protect the defendants or their attorneys said that he had not even asked the National Guardsmen stationed at Hartselle, some 13 miles away, to be in readiness for a call. "Of course they're always there," he explained, "but I am under orders from the court and I have received no orders to ask them to be in readiness. The whole matter of protection is in the hands of Attorney General Knight," he repeated.

Judge Bars Tables for Press

"Will the Scottsboro boys be kept in jail in Decatur betwen the time they are arraigned on Monday morning and the time they go to trial a week later or will they be returned to sheriff said. On the question of newspapermen not being allowed press tables within the trial area space Sheriff Davis said:

"I can't put up press tables if the judge won't let me. He's running the court." the sheriff was asked what the sentiment was in Decatur. "Oh, there's no sentiment against the Negroes," he said genialy. "How aobut Leibowitz and Brodsky," he was asked.

"Oh, I don't know. I don't think there's any sentiment against Leibowitz here. No, I don't think so. I haven't found any."

Sheriff Vague on Protection

"You don't think that five deputies you have around the Decatur jail will be sufficient to protect the Negroes in the event of trouble do you?" "There may be other deputies from another county," the sheriff explained. "Maybe there'll be a total of twelve or fifteen?"

That Judge Callahan planed to ask Sheriff Hawkins of Jefferson County to remain with the prisoners and cooperate with Sheriff Davis has been rumored for several days. Sheriff Hawkins himself says that he has not yet received orders to transport the boys to Decatur nor whether he would stay with them or return to Birmingham. The fact that Sheriff Davis is of the opinion that "deputies from another county may be asked to stay' with him is but one more link in the chain tending to show that the whole thing was carefully planned out and the orders that will be issued probably agreed upon long in advance otherwise how did the rumor about Sheriff Hawkins being asked to stay with Sheriff Davis get out—and those persons who had the rumor were influential Alabama citizens with excellent sources of information.

Decatur Hourly Growing More Tense

During the past three days the attorney general has been in Decatur conferring and laying plans for the araignment and trial.

Reports from Decatar show that the town is hourly growing more tense as Monday mornings draws nearer though there is a possibility that nothing may happen at the time of the arraignment lest it look too much like the state deliberately led the defendenas and their attorneys into a trap to be slaughtered. Leibowitz sems to be hated in Decatur right now with a greater intensity than they hate the Scottsboro boys and the I. L. D. no one can foretell what will happen Monday morning when Leibowitz walks into court.

All Nine Boys To Be Taken to Decatur

Judging from last minute information all nine Scottsboro boys will be arraigned. The attorney general plans to ask for the Heywood Patterson case first, Patterson was tried this spring, convicted, sentenced to death and then the conviction set aside by Judge Horton who had presided over the trial. So far as can be learned the State has little or no additional evidence besides what it introduced at the spring trial and which Judge Morton found insufficient to sustain a conviction. The state does, however, intend to produce Orville Gilley who is supposed to have been in the now famous gondola car where the alleged "rape" upon Virginia Price and Ruby Bates occurred. Where Orville Gilley is now is a closely kept secret.

Lynchings - 1933
Legal Punishment for Rape.

Alabama

4309

KNIGHT LEADS ORGANIZING LYNCH MOB; JUDGE IN CASE DENIES ALL PROTECTION

Daily Worker
11-16-33
New York

Birmingham "Age Herald" Admits in Editorial Lynch Danger Great in Decatur

Lynchers Fear Organization of Defense by 6,000 Organized Negro Share-Croppers

(Special Correspondence to the Daily Worker.)

DECATUR, Ala., Nov. 15.—Alabama seems to have set the stage here for the bloodiest massacre in recent American history when the Scottsboro boys and International Labor Defense Attorneys Samuel Leibowitz and Joseph Brodsky appear in this little town for the arraignment and the trial of the internationally famous case on November 20 and 27 respectively.

So tense is the situation which would make it possible to slaughter the defendants and their attorneys that a number of civic leaders of the state, fully aware of the danger, have been trying desperately to persuade Attorney-General Thomas E. Knight Jr., and Circuit Judge W. W. Callahan to postpone the trial until the tension is at least somewhat alleviated. The Attorney-General says that he "see no reason for a postponement." And the judge who will preside has no comment to make.

When one considers the line-up which faces the defendants and their attorneys at the coming trial it is difficult to see how trouble can be avoided.

Daily Worker

Officials Seek "Quick End" of Case

11-16-33

1—Leibowitz and the I.L.D. are hated with a fervency bordering on fanaticism by a great many Morgan County citizens not only because Leibowitz and Brodsky are "northern Jews defending niggers," working for an alleged Communistic defense organization, but because Leibowitz had figuratively slapped their faces at the conclusion of the last trial by a statement attributed to him which referred to them in uncomplimentary phrases.

N.Y.

2—Decatur and Alabama are heartily sick of the Scottsboro cases. Negroes as a result of this famous case are becoming "cocky," to employ the expression used by one of Alabama's leading white citizens, and "too damned uppity," to use the phrase of Morgan County citizens. Alabama wants to see this case ended and the sooner the better.

Lynchings Prepare Trial Atmosphere

3—Intense feeling exists here since this spring, when the conviction of Heywood Patterson, one of the nine defendants, was set aside by Judge Horton. Since that trial one Negro boy was shot down in Decatur by a mob of hoodlums whose identity was never investigated; feeling runs rife that "northern Jews and the International Labor Defense" by defending the Scottsboro boys are "encouraging niggers and trying to put them on juries."

To put Negroes on juries would mean that the black man would get a finger into the operation of the law. Sooner or later the white South, which now zealously controls the operations of the law, would have to face a showdown on this question of allowing Negroes to participate in the legal life of the county and state and the general sentiment is that if a showdown is inevitable it might just as well come now.

Daily Worker 11-16-33

Bosses Fear Rising Militancy of Negroes

4—The state of Alabama knows that some 6,000 Negro share-croppers are secretly organized. State officials have been trying for a long time to catch the organizers or learn the identities of the members. They have failed. This secret organization of Negro croppers, which is growing rapidly, partly because of the economic conditions and partly because of the Scottsboro cases, constitutes a grave menace to the powerful white landowners and the white supremacy theory of the state. A smashing blow against the Scottsboro boys and the I.L.D. attorneys might act as a terrifying warning against Negro organizational activities and so would be welcomed by the state.

These, roughly, are some highlights which make it possible to understand the causes that might have influenced preparations for the Scottsboro trials. These preparations, which arouse more than just grave apprehension in the minds of leading citizens of what might happen, follow:

1—Judge Horton, who voiced opposition to two mob threats to lynch the Scottsboro boys during the last trial this spring by his orders to the National Guard to shoot any one attempting to get them illegally, was removed. (Details of how he was removed from the case will be told in a subsequent story.)

2—Judge W. W. Callahan of Decatur was appointed to take Judge Horton's place. (Editor's Note: Judge Callahan is a member of the Ku Klux Klan.)

Daily Worker

3—Where Judge Horton is reported to have ordered soldiers to shoot if any attempt was made to lynch the boys, Judge Callahan says that he sees no reason to have soldiers at the trial to protect either the defendants or the attorneys.

11-16-33

N.Y.

4—Attorney General Knight insists that the defendants come to trial and that he sees no reason to postpone it.

5—Attorney General Knight is running for Lieutenant Governor. A conviction in a state where lynch threats are being made against the defendants and the I.L.D. attorneys would make him a state hero to a great many voters and help his candidacy.

6—In the absence of soldiers to protect the defendants and their attorneys, protection will be in the hands of Sheriff "Bud" Davis of Morgan County. The number of deputies the sheriff will use has not been announced and it is problematical whether white deputies from Morgan County will shoot into white lynchers from their own county in defense of "niggers" and "No'thern Jews," whom they have come to hate.

7—Judge Callahan announced that he views this coming trial as "an ordinary criminal case" and added that he will take no other precautions than such as are taken at "ordinary criminal cases."

Officials' Acts Invite Lynching

With these facts, especially the one that Judge Callahan does not intend to call soldiers to protect the defendants or their attorneys, and in view of the extremely tense istuation here, it amounts to what is tantamount to an invitation for mob action in the opinion of many leading citizens. This very morning the Birmingham Age-Herald, one of the state's leading newspapers, pleaded editorially for a postponement of the trial. It said in part:

"We hope Judge Callahan is right in his assumption that the situation does not warrant a request for military protection. But remembering the circumstances which prevailed during the last trial and remembering what has taken place since that time, most informed Alabamians will be inclined to think that the judge ought to prefer being sage to being mistaken. . . . What we are facing in this particular affair is something so complicated and explosive that any lack of diligence in safeguarding the prisoners would be profoundly regrettable.

"As a matter of fact, many of us are wondering whether, everything considered, the case should not be postponed. In the light of all that has happened in the premises, no one can justly complain that the state has failed to move with sufficient vigor. Would it not be the part of wisdom to continue the hearing?"

Boys May Be Removed to Decatur at Once

The Scottsboro boys will be brought to Decatur from Birmingham on the 20th for arraignment. So strangely is the state arranging this whole matter that Sheriff J. F. Hawkins of Jefferson County, in whose custody the Negroes are, does not know whether the Scottsboro boys will stay in the Morgan County jail in Decatur or be returned to Birmingham for safety until the trial opens on the 27th.

In view of the lack of advance proper precautions for the protection of the defendants and their attorneys, it is significant to consider how long it would take to get state troopers to Decatur if the emergency arose.

If, in the event of an attack, the sheriff of the county would have to get in touch with Judge Callahan. Judge Callahan, in turn, would have to communicate with the governor for permission to call out the National Guard. That permission granted, the sheriff would thereupon have to communicate with the commanding officer of the nearest National Guard, which is in Hartselle, some 12 miles away.

Considering the time spent in these telephone conversations, providing there was no delay in connections or that any of the personages were not at home, and the length of time it would take for the soldiers to be called, arm themselves, pile into cars and make the trip to Decatur, barring all accidents on the road like logs placed in the way, approximately one hour at the minimum would elapse before soldiers could appear.

And an awful lot of slaughtering can take place in an hour.

N. Y. TIMES
NOV 10 1933

LYNCHINGS FEARED IN SCOTTSBORO CASE

Attorneys as Well as Negro Defendants Are in Danger, Affidavits Declare.

CHANGE OF VENUE SOUGHT

Investigators Posed as Soap Salesmen to Interview the Decatur Residents.

Attorneys for the nine Negroes in the Scottsboro case have in their possession evidence indicating that their own lives as well as those of their clients will be in danger if they are forced to retry the case in Decatur, Ala., it became known yesterday.

This evidence consists of seven affidavits sworn to by four men, who, posing as brush and soap salesmen, have interviewed more than 500 residents of Morgan County since Circuit Judge James E. Horton reversed the verdict of the jury which convicted Heywood Patterson last Spring.

To Ask Change of Venue.

The affidavits, it was learned, will be submitted to Circuit Judge W. W. Callahan in Decatur, Nov. 20, when seven of the nine Negroes are to plead before him to the charge that they attacked Victoria Price and Ruby Bates, two white girls, on a freight train near Scottsboro, March 25, 1931.

They will be used by Samuel S. Leibowitz, chief counsel for the defense, to support a motion for a second change of venue to some other county where feeling is less bitter against the accused Negroes, whose original conviction in Scottsboro, Jackson County, was reversed by the United States Supreme Court.

Although the Alabama statutes provide for but one change of venue, Mr. Leibowitz, it was understood, was prepared to challenge the constitutionality of the State law on the ground that it contravenes the "due process" clause of the Fourteenth Amendment to the United States Constitution. Feeling is stronger against the Negroes in Morgan County now than it was in Jackson County at the time of their first trial in Scottsboro, according to the affidavits.

The four men who made the country-wide survey of public sentiment for the defense were Victor Elwood, John Williams, Jim Jones, operatives for a private detective agency, and David Schriftman, a New York attorney. The affidavits which they turned over to Mr. Leibowitz contain the names and addresses of scores of Morgan County residents who have declared openly that the Negroes could not receive a fair trial at Decatur.

Among the persons they interviewed were storekeepers, barbers, farmers; Negroes who said they had lived in fear since Judge Horton's reversal of the jury's verdict, and half a dozen National Guardsmen and officers who said they would offer only sham resistance to a lynching mob. One man whose name is listed in the affidavit said he was ready to organize a mob himself to lynch the Negroes and "their damned Jew lawyers from New York."

Women's Comments Reported.

Several persons, whose names and addresses are given in the affidavit, admitted they had fixed opinions on the guilt or innocence of the defendants, but said they would conceal their feelings in order to get upon the jury and help send the Negroes to the electric chair. Several women were quoted as saying they did not care what happened to the Negroes so long as they were killed, because if they were freed the South would not be safe for white women.

Not only were threats made against Mr. Leibowitz and the defendants, but, according to the investigators, the sentiment often was expressed that the Bates girl, who turned from a prosecuting witness to a defense witness between the first and second trials, should receive the same treatment. Some residents of the county said they would favor lynching Lester Carter, the white youth who testified for the defense at the last trial.

Mr. Schriftman, who filed an affidavit based on conversations he had in Morgan County, expressed the opinion that an impartial juror could not be found there, and said that "anybody associated with the defense will be exposed to serious danger," if the case were to be tried in Decatur.

Continuing, the affidavit said:

"Intense hatred was manifested for counsel for the defense. As one resident in Decatur said: 'If them lawyers, especially that Jew lawyer, Leibowitz, comes here, it will be a one-way trip. We missed him last time at the trial. He will never go back to New York if he comes here again and we'll take the others, too.'

"Your deponent is of the opinion that if the 'Scottsboro' cases are brought to Decatur for trial, it will be the signal for the most horrible of catastrophies that the South has yet witnessed."

Knight Off For Decatur Hearing

Advertiser

State Prepares Its Case Against Seven Negroes In Scottsboro Defense

11-14-33

Montgomery, Ala.

Atty. Gen. Knight left yesterday afternoon for Decatur to dispose of official detail matters preliminary to arraignment there Nov. 20 for retrial, of the seven Negro defendants in the so-called "Scottsboro case." The trials are set to begin on Nov. 27. Mr. Knight will be joined at Decatur today by Asst. Atty. Gen. T. S. Lawson, who will aid him in the coming prosecutions.

New trials were ordered for the defendants by the Supreme Court of the United States when that tribural reversed action of the Alabama Supreme Court in affirming judgments of the Circuit Court of Jackson County where the negroes were convicted and sentenced to death for criminally assaulting two young white women early in March, 1931.

On a change of venue to Morgan County, the first of the retrials took place last Summer with Atty. Gen. Knight personally directing the prosecution. This trial resulted in the conviction and sentencing to death for the second time, of Heywood Patterson, one of the seven defendants. Later, Circuit Judge J. E. Horton, of Athens, granted the motion of defense attorneys for a new trial, holding in effect that evidence presented by the State did not make out a case sufficiently strong to support the verdict.

The Eighth Judicial Circuit, which includes Morgan County, has two judges, Judge Horton, and Judge W. W. Callahan, of Decatur. Judge Callahan will preside at the retrials beginning Nov. 27, of the "Scottsboro case" negroes, who are now confined in the Jefferson County Jail at Birmingham.

Decatur Judge Asks No Troops

Advertiser

11-15-33

New Presiding Jurist For Arraignment At Decatur Won't Ask For Soldiers

Montgomery, Ala.

DECATUR, ALA., Nov. 14.—(AP)—Unless Judge W. W. Callahan changes his opinion, there will be no troops on patrol at the Morgan County Courthouse and jail Monday, when the seven defendants in the Scottsboro case are arrainged and in the subsequent trials Nov. 27.

Replying to a telephone query from Birmingham today, Judge Callahan, who will preside over the trials, said he did not believe troops were necessary to maintain order.

"While I do not care to make a definite statement at this time, I am opposed to having troops at any trial," said Judge Callahan, who replaces Judge J. E. Horton, who presided at the trial of Heywood Patterson, one of the defendants last April and subsequently set aside the verdict of death.

Judge Callahan supplemented his statement with a proviso that he would issue a statement later and that, if he thought circumstances warranted it, he would change his decision and ask for troops. He said, however, he had heard nothing that led him to believe extra guards were necessary.

Troops have been called three times in the case already, first on the night of March 25, 1931, when the seven defendants and two juveniles were held in the Jackson County Jail at Scottsboro on charges of attacking the girls, and again at Scottsboro, when they were tried and eight of the nine were sentenced to death.

In the trials here last Spring, a detachment was on duty at the Courthouse and Jail to preserve order, and to provide additional security at the Jail.

Only seven of the nine defendants in the case, transferred here from Scottsboro on a change of venue last March 8, are now in the jurisdiction of the Circuit Court. The other two, adjudged juveniles, are in custody of the Morgan County Juvenile Court.

The negroes are charged with attacking Mrs. Victoria Price and Buby Bates, of Huntsville, Ala., aboard a Southern Railway freight train as it traversed Jackson County, March 25, 1931.

Save the Scottsboro Boys!

THE air about Decatur, Alabama, is now sinister with lynch preparations.

This Monday morning the nine Scottsboro boys will be taken from their jail cells and brought to Decatur for arraignment.

Openly, cynically, and with savage anticipation, the leading businessmen, plantation masters, and officials of Decatur are preparing to "put a quick end" to the Scottsboro case. They are ready for the Monday arraignment!

Daily Worker 11-18-33

For more than two years, only the unrelenting vigilance and ceaseless protests of the masses of the world has kept the nine Scottsboro boys alive, out of the hands of the Jim-Crow executioners.

If in the next two days this vigilance relaxes but for one moment, it is a horrible certainty that the Scottsboro boys will be flung to hangmen and lynch torturers!

New York N.Y.

Scores of affidavits have been produced by the Daily Worker proving that Decatur is ready for the lynching.

The sheriff in whose custody they will be, has refused to give any assurance that he will fire into any lynch mob that attempts the life of the boys. He thus promises the lynch mob full protection in advance!

Both, Judge Callahan and Governor Miller of Alabama, have refused to pay the slightest attention to the International Labor Defense warnings that adequate protection must be granted in view of the obvious danger to the boys.

The situation is gruesomely like the recent state of affairs in Maryland, where George Armwood was tortured to death and lynched, after the leading state officials had previous information of the lynch preparations and participated in the lynching!

On Monday morning nothing will stand between the Scottsboro boys and torture, agony, and death, but the might of your protest!

From every factory, every working class street, neighborhood and organization, must pour an avalanche of mighty protest! Every hour is fraught with danger! Send your cry of anger to the lynch Governor Miller of Alabama, demanding protection and release of the Scottsboro boys!

The Governor of Alabama must know that you hold him personally responsible for the safety of the innocent Scottsboro boys!

Lynchings-1933

Legal Punishment for Rape.

Alabama

4310

Timely AND Untimely Topics

New York

By WILLIAM M. KELLEY

Editor of The Amsterdam News

Why All the Speed? Who's Guilty, Anyway?

WE ARE informed by a headline in the daily press that a "SPEEDY DEATH" is planned for Lloyd Price the 22-year-old youth who has already admitted that he attacked and strangled six-year-old Helen Sterler. The story states that the Brooklyn district attorney, William F. X. Geoghan, is out to make a record for speed between the commission of the crime and the electric chair.

We ask why? Is it possible that the district attorney believes that by rushing this lad to the chair he will deter other depraved men from committing similar crimes? Maybe so, but we doubt it.

The same week which saw the Sterler slaying solved also saw a white former policeman charged with a similar attack on a five-year-old girl in the presence of a child of seven and on Sunday a mob of 200 white men and women were frustrated in an attempt to lynch a white Coney Island shoemaker accused of a similar offense. Price's predicament did not deter them at all.

What purpose will be served by rushing Price to the electric chair? The unfortunate lad appears to be beyond punishment, anyway. The important thing to be done is something to prevent the recurrence of this type of crime and Price is as good a subject to begin on as any.

Men in their right minds do not attack little girls. The state may be justified in demanding the life of men who attack children or who slay them in the perpetration of loathsome deeds. If Price is found guilty and sentenced to death, he should die. But why the rush? The question organized society should ask itself is: "Is Price solely to blame for this crime?" and "What can be done to deter such crimes, since the fear of capital punishment does not deter them?" And, there are scores of men of all races waiting a chance to commit crimes of this sort.

Since 19[illegible] we are informed, Price has been in prison twice for unnatural crimes against children. In that year he was sent to the reformatory for eighteen months and in 1930 he was sent to jail for six months for impairing the morals of a minor. Both convictions indicated the bent of his mind; and yet, the state twice turned him back upon society without adequately satisfying itself that it had helped him to overcome his weakness. The state itself cannot escape a part of the responsibility for his later crime.

Yet, the state is not on trial for the murder, though it should be, for it is as guilty as Price. It has neither performed its duty to Price nor to itself. It now wants to rush the victim of its own negligence to the electric chair to cover up its own deficiencies.

• • •

The Senate Empty Wagon Rattles Along

HUEY is long on Hooey. His latest outpouring was on how the depression would be ended with the Bible and a little Negro philosophy.

"I was raised in the South," he said, "and lots of my life has been spent among the Negroes. They have certain sayings which I used to hear. They get to recognize certain basic factors and I remember one time a Negro said: 'A white man gets worried about money and worries and worries and blows his head off. A Negro gets worried about money and goes to sleep.'"

The Louisiana "Kingfish's" schemes rival those of the head of the Mystic Knights of the Sea.

Mrs. Wright Is Forced to Drop Scottsboro Tour

Daily Worker

New York, N.Y.

Returns to Chattanooga Because of Death of Her Brother

CHICAGO, Ill. — Mrs. Ada Wright, mother of two of the Scottsboro boys, has been obliged because of the death of her brother in Chattanooga, to leave her Scottsboro tour with Ruby Bates uncompleted, it was announced today by the International Labor Defense. Mrs. Wright has returned to Chattanooga.

The tour will continue with Ruby Bates, it was announced, and Alice Burke, white girl who has just been released on bond from Birmingham jail where she was serving a sentence for organizing white and Negro workers together for relief.

Soviet ILD Pioneers Write Scottsboro

Daily Worker

NEW YORK.—Among the many letters received for the Scottsboro boys in Birmingham Jail by the International Labor Defense, are those written by members of the MOPR, the ILD of Soviet Russia, and especially by the children in Pioneer organizations attached to MOPR.

The children write that they have read about the Scottsboro boys, the frame-up against them, and the international fight for their release in their local Red Aid newspapers.

Among the tasks set themselves by these children, says the latest letter received from the "Young Friends of MOPR," Pioneers' School No. 6, Anapa, in the North Caucasian Region, is the collection of dues and other funds for the MOPR.

Armwood in Princess Anne, Md., on Oct. 19.

Board Goes South to Start Probe on Lynchings

Defender 11-4-33

Chicago, Ill.

NEW YORK, Nov. 3.—A delegation representing the National Committee for the Defense of Political Prisoners, 156 Fifth Ave., this city, left Thursday, Nov. 2, for Tuscaloosa, Ala. In that city, the recent scene of four lynchings, the committee will conduct an investigation.

It is the state purpose of the delegation, according to Alfred Hirsch, secretary of the National Committee for the Defense of Political Prisoners, "not only to investigate, but to make clear the causes of the lynchings and to fix the true responsibility for them."

"It is our aim," Mr. Hirsch said, "to surround our findings on this lynching with the broadest and most searching publicity. We want to bring these crimes before the court of world opinion so clearly and sharply that extra legal lynchings—which are becoming a recognized short cut to terrorization as the fight for Negro legal rights grow—may become impossible.

"Above all," Mr. Hirsch's statement concludes, "we will avoid a 'library shelf report' which leads to no immediate and pressing action."

Of the seven national committee investigators, four are southerners and three are women. The four southerners are Bruce Crawford, editor of Crawford's Weekly, Norton, Va.; Howard Kester, southern secretary of the Fellowship of Reconciliation of Nashville, Tenn.; Grace Lumpkin, South Carolina novelist, and Vann Woodward, former professor at the Georgia school of technology. Other members of the committee are Hollace Ransdell, Jessica Henderson and Alfred H. Hirsch.

PROBE FAILS TO BARE MARYLAND LYNCHERS

11-29-33

Atlanta, Ga.

PRINCESS ANNE, Md., Oct. 28. (AP)—State's Attorney John B. Robins today expressed the opinion that the Somerset county grand jury would never be called upon to act in the investigation of last week's lynching of George Armwood, negro, taken from the jail here, unless more evidence was discovered.

"The investigation so far has not turned up a bit of evidence which implicates anyone in the actual lynching," declared Robins.

"Frankly, I don't feel like spending the county's money in having the grand jury recalled if we haven't any more evidence than we have now."

Of the 40-odd witnesses that have been questioned by Robins, all said they were not able to identify any member of the lynching mob, he said.

URBAN LEAGUE ASKS FOR LYNCH LAW IN MARYLAND

Gary American

11-10-33

Gary Indiana.

BALTIMORE, Md.—(ANP)—The administrative board of the Baltimore Urban League, led by Judge Joseph N. Ulman of the Supreme court, met with Governor Ritchie in Baltimore recently, and presented strong resolutions deploring the lynching of George Armwood at Princess Anne. They asked the Governor to sponsor an anti-lynch law to prevent the occurrence of such happenings in the future.

Of the Urban League protest, the Baltimore Sun, leading daily paper of that city said in the leading editorial: "The delegation from the Baltimore Urban League which waited on Governor Ritchie yesterday, presented in a dignified and intelligent manner, the attitude of responsible members of the white and colored communities on lynching and the duty of the state to assert its power to stamp it out.

"In contrast to another to another interracial group which tried to tell the Governor the other day that a Negro who had been twice convicted of murder had been 'framed,' the Urban League's representatives held to the point, which is that the intelligence and moral conviction of the state must be effectively enlisted against such atrocious outrages upon the public authority as occurred in Princess Anne last week."

Alabama Paper in Threats Against I.L.D. Attorneys

Daily Worker

11-13-33

HUNTSVILLE, Ala., Nov. 12.—Two direct threats against the International Labor Defense attorneys in the Scottsboro Case, are contained in the "Community Builder," a paper published in the interests of the Alabama landlords, whose preparations to lynch the Scottsboro boys, the defense attorneys and witnesses, have been exposed in the Daily Worker.

In an editorial featured on its front page, the "Community Builder" for Nov. 3, declares:

> "In the face of the feeling that exists at Decatur, as well as throughout the Tennessee Valley, against any lawyer claiming to represent the International Labor Defense, we suggest that it will not be well for these lawyers to again show up on any soil at any point within this valley. We do not need that type of cattle down here, and their further appearance is wholly unnecessary. There are plenty of able lawyers here in the North Alabama, who, if employed or appointed by the court, will see to it that the negroes to be tried at Decatur are given the proper representation."

An editorial, similarly featured a week previously, warned the I. L. D attorney "to stay at home."

Funds Urgently Needed for Fight for Scottsboro 9

Daily Worker

11-4-33

I. L. D. Head Appeals for Immediate Contributions

NEW YORK.—"A mass lynching is being prepared for the Scottsboro Boys," William L. Patterson, national secretary of the International Labor Defense declared yesterday in an appeal for immediate organization of mass defense and the collection of funds to save the Scottsboro Boys.

"The Scottsboro boys will be led into court again on Nov. 27.

"The facts proclaiming their innocence have been piled high, one upon the other by the International Labor Defense and now on top of these, rests the opinion of Judge Horton granting Heywood Patterson a new trial. This opinion not only substantiates the facts accumulated by the International Labor Defense it annihilates the testimony of Victoria Price, the state's star witness.

WILLIAM L. PATTERSON

"This will be less than the mockery of a trial. It is the preparation for a mass legal lynching.

A Challenge to Toiling Masses.

"Against this, only the organization of thousands of more Negro and white workers will suffice. The slogan, 'the Scottsboro Boys shall not die,' must not have been launched in vain. It becomes a challenge to the Negro masses and the working class of America, an acid test of their courage, of their will to fight for their very lives against the denial of their constitutional rights, for their liberty and against lynch terror.

"Organization must bring finances. Delegations must be prepared to carry the irrefutable truth of the lynch preparations before the government. There must be no avenues left open through which the leaders of this government can escape and say, 'we are not prepared for this thing.'

"The plans of the lynchers' press, the tales of incitement to mob violence, the proof of lynch preparations secured by the unceasing, tireless efforts of the International Labor Defense, must be placed in the laps of those who are most responsible.

"The International Labor Defense sends out a clarion call to every Negro and white man, woman and child in America: repudiate that leadership that does not call at this hour for organization and heroic struggle against the enemy.

"Close ranks with the militant organization whose banners carry the call for full social, political and economic equality for Negroes.

"Link up the struggle of the 'plowed under' Negro masses with the struggle of the oppressed native and foreign-born white workers.

"Organization and funds, funds and organization for the defense of Scottsboro, for the struggle for equal rights for Negro people. Rush funds at once to the International Labor Defense, Room 430, 80 East 11th St., New York City."

Chattanooga, Tenn. News
November 10, 1933

FEAR' VIOLENCE IN DECATUR, ALA.

New York Lawyers Show Affidavits, Claiming Change of Venue Needed.

New York, Nov. 10.—(LP)—Mob violence against nine Negroes and their attorneys in the Scottsboro case if the case is retried in Decatur, Ala., as set for November 27 was predicted today in affidavits made public by New York lawyers.

Three private detectives and a lawyer posed as brush and soap salesmen and interviewed 500 residents of Decatur and Morgan county to ascertain prevailing sentiment, it was said.

The investigators reported violence directed toward "those interfering New York lawyers" as well as the Negroes, and representatives of the International Labor Defense were certain to accompany retrail of the case at Decatur.

They reported existence of intense and bitter resentment against Samuel S. Leibowitz, chief counsel for the defense, who took the case at the request of the International Labor Defense.

Leibowitz, it was learned, will use the affidavits to support a motion for a change of venue to some other Alabama county.

He will present them to Circuit Judge W. W. Callahan in Decatur on November 20, when seven of the nine Negroes plead to a charge of attacking two white girls, Victoria Price and Ruby Bates, on a freight train near Scottsboro, Ala., March 25, 1931.

Heywood Patterson, another of the accused, will be retried November 27. His conviction last Spring when Leibowitz entered the case to defend him, was reversed by Circuit Judge James E. Horton.

NEW ORLEANS, LA.
TRIBUNE
NOV 4 [illegible]

SCOTTSBORO AGAIN

A BIRMINGHAM correspondent reports that Alabama is undergoing a "soul-searching." Citizens of many shades of opinion join in worrying about the third trial of the Scottsboro Negroes set for November 27. Judge Horton, who conducted the second trial last April, will not preside. Judge W. W. Callahan, an unknown quantity in the controversy, is assigned to the case, presumably at the instance of Attorney-General Knight. This alarms the Birmingham Post:

> "Critics of our courts will now charge that the State Supreme Court permitted Attorney-General Knight to shop around until he found a judge who combined some of the qualities of a prosecutor with those of a jurist. . ."

The soul-searching is worth while, even though it produce nothing more than this comment. Judge Horton's fairness to the defendants throughout the second trials earned him nation-wide praise. It is good to see that any departure from that standard will be protested by responsible elements in Alabama. Lynchings have occurred there recently. Interference in the Scottsboro case by Northern labor and radical organizations has stirred up bitterness. Under these circumstances it would be fatally easy for Alabamians to permit the third Scottsboro trials to degenerate into farce. That would be a loss to State prestige, doubly deplorable because of Judge Horton's fine service last year.

Lynchings-1933
Legal Punishment for Rape.

Alabama

4311

Murder Gangs Organized to Lynch Scottsboro Boys and International Labor Defense Attorneys

Daily Worker 11-11-33 New York, N.Y.

By BILL DUNNE

II.

The mass of evidence in the hands of the Daily Worker shows that the murder terror against Negroes in and around Decatur, Alabama, is part of a conspiracy to lynch the innocent Scottsboro boys, and part of a general campaign of lynch and murder terror throughout the South.

Three recent events link the evidence in the hands of the Daily Worker, showing organized lynch sentiment in and around Decatur, Alabama, encouraged directly by Attorney-General Knight, to name only one of the Alabama state officials, with the Tuscaloosa lynching and the torture and murder of George Armwood on the Eastern shore of Maryland, with Governor Ritchie, who gives the same kind of open and covert support to the lynch gang as Attorney-General Knight furnishes them in Alabama.

The first event is the refusal of Attorney-General Knight to allow the recently formed committee of Southern liberals to examine the grand jury records in the Tuscaloosa case and his refusal to furnish protection for the committee.

The second event is the statement made in the report of the Southern Commission on the Study of Lynching which, while saying "a consuming fear of Communism, injected by the attempt of the International Labor Defense to force its way into the case," was a factor in the Tuscaloosa lynchings, has, because of facts that could not be concealed, to make the following statement:

"Immediate responsibility for this situation and probably for the lynchings themselves, rests upon a local secret organization with an elaborate system of espionage and intimidation."

The International Labor Defense has proved that the deputies and a private detective shot down the Tuscaloosa prisoners themselves, carrying out a well-organized murder plot aided and abetted by Sheriff Shamblin.

The third event confirming the charges of the Daily Worker, is the cynical and impudent letter sent by Governor Ritchie of Maryland to Robert Minor, trying to deny responsibility for the legal and extra-legal lynch terror in Maryland when the evidence collected by the Daily Worker shows that Governor Ritchie had knowledge of the preparations to lynch Armwood hours before the lynching occurred.

The Nine Scottsboro Boys Threatened By Alabama Lynch Mobs

The state of Alabama now intends to go through with the trial of the innocent Scottsboro boys in Decatur. This in spite of, and certainly because of, the guilty knowledge Attorney-General Knight and other state officers have of the whipped-up lynch sentiment against the Scottsboro boys in and around Decatur, and of the preparations made to lynch them through a farcical trial or by extra-legal means.

The intentions of the state authorities of the State of Alabama are shown in a telegram just received by Osmond K. Fraenkel from Thomas E. Knight, Alabama's Attorney-General, and the moving spirit in the whole lynch conspiracy. The telegram states: "Have recommended payment of costs taxed against State of Alabama Scottsboro cases. My recommendation approved by Governor. Costs will be forwarded to the clerk of the Supreme Court."

Since one of the main issues locally was the cost of a new trial, the decision of the state authorities to pay the costs indicates their decision to bring the Scottsboro boys before the bar of lynch justice again.

The overwhelming proof of the innocence of these boys does not sway the Alabama authorities. They are going to bring the boys to trial once more in a county where the **Daily Worker can prove preparations are under way to lynch them.**

The Daily Worker yesterday published a few statements of residents of Morgan County in the towns of Decatur and Hartselle. They were chosen at random from more than five hundred such statements secured during a three-week investigation in and around Decatur.

More than this: The evidence in possession of the Daily Worker shows that through use of the Jewish issue sentiment has been created and the foundation laid for organizing the **lynching of attorneys for the Scottsboro boys and anyone else who appears in their defense.**

Today the Daily Worker furnishes further unimpeachable evidence, taken from sworn affidavits, of the lynch conspiracy and of the connection of Attorney-General Knight with this conspiracy:

"The restaurant owner on Main Street, Hartselle, said that they ought to 'burn Ruby Bates and them niggers all together'. He also said: 'Tom Knight should have hit that damn Jew lawyer in the mouth for calling them niggers 'mister.' "

E. L. Perryman, Danville, said that he believed "the Scottsboro niggers should be sent to the hot seat," and that he hoped that Attorney-General Knight would send them there.

On the 31st day of August "Mr. Couch, of Falkville, said that he was a good shot with the pistol and that he would like to kill all of the Scottsboro negroes. He said that if he got a chance he would kill them and that every white man should do the same."

Between the 29th and 30th of August "A clerk in 'Brothers Meat Market,' in Hartselle, said that 'the people wouldn't stand for them New York lawyers come down here again and do as they did before. They were trying to tear down our customs of the South and make the niggers have social rights with the white people.' "

An officer of the National Guard, a resident of Hartselle, said he would like to see the Negroes taken out and killed and that he didn't "have no use for any of the black bastards."

Raymond Moore, Route 2, Decatur, stated between October 22nd and 27th, that "all of them niggers and their Jew lawyers should be killed and the country wouldn't miss anything, and it would learn the other niggers to stay in their places."

Griffith, Route 2, Decatur, said between the above dates that "if all of the niggers was dead, why the South would be better off and them Scottsboro niggers has caused lots of trouble with the rest of the niggers."

Joe Burt, Route 2, Decatur, said between the above dates that "if they ever turn those niggers loose, why it will make the rest of the niggers do worse than ever before."

C. R. Penn, Route 3, Hartselle, said that he was of the opinion that not only should the Negroes be killed, but the lawyers also.

Patrick, Falkville, said that the Negroes should be hanged, "by their necks and that it would end this trial and teach the rest of the niggers a lesson."

W. T. Tucker, Route 1, Hartselle, said that if "the New York Jews come here again, they ought to be taken and lynched along with the niggers."

On June 27th, W. G. Roberts, **agent for the Louisville and Nashville Railway Company,** said that he would be very glad when they burn those niggers so it would stop the noise from the North and so the niggers would be kept in their place without any trouble.

On June 28th, Oscar Pearson, 615 Vine Street, said he would like to see all of them niggers burned and all of their lawyers with them.

On November 3rd, "The Community Builder" of Huntsville, said editorially:

"And in the face of the feeling that exists at Decatur, as well as throughout the Tennessee Valley, against any lawyer claiming to represent the International Labor Defense League, we suggest that it would not be well for these lawyers to again show up on any soil at any point within this valley. We do not need that type of cattle down here, and their further appearance is wholly unnecessary."

It is with such indisputable evidence of sentiment and organized efforts, involving officers and men of the National Guard called by the Governor to furnish "protection," to lynch the Scottsboro boys and their attorneys, that the state officials continue the preparations for holding the trial in Decatur.

The Daily Worker has thrown a search-light into the lynch-ridden community of Decatur and the State of Alabama. It has found out where the lynch sentiment comes from and by whom it is being organized. It has published only bits of the great collection of this kind of evidence it has on hand. **It will continue to publish more of it day by day.**

The main thing now is to organize the mass support for the Scottsboro defense, to flood the state authorities and President Roosevelt with demands that this murder conspiracy end at once and the Scottsboro boys be released unconditionally, with whatever arrangements to protect them from the lynchers and lynch leaders may be necessary—including the right of Negroes to arm in self-defense.

On the 18th and 19th of this month, there will be held a public investigation and trial in Baltimore of the Armwood lynching on the Eastern shore of Maryland. There will also be an anti-lynch conference, organized and held under the auspices of the League of Struggle of Negro Rights.

The common attitude of Governor Ritchie and Attorney-General Knight in states so widely separated show the spread of lynch and murder terror throughout the South and its encouragement by the responsible authorities.

The increase in lynch and murder terror, and the growing mountain of evidence of the connection of the authorities with it, as part of the drive against the living and social conditions of the Negro masses, the increasing use of force against all sections of the working class, both white and Negro, in their struggles for better lviing conditions, has made it necessary to begin at Baltimore a mass counter offensive against lynch and murder terror. This will be the main purpose of the conference of the League of Struggle for Negro Rights.

Scottsboro Defense To Ask Change Of Venue

CHATTANOOGA, TENN., Nov. 8—(AP)—When the nine negroes charged with criminal assault in the Scottsboro case are arraigned before Judge W. W. Callahan at Decatur, Ala., Nov. 20, a petition for a change of venue to Birmingham will be filed and argued, George W. Chamlee, International Labor Defense League lawyer, announced today.

Advertiser

D. H. Swiftman, of New York attorney, is here assisting Chamlee in defense plans.

11-9-33

The negroes are to be arraigned at Decatur, to enter pleas for another trial set for Nov. 27, on charges of assaulting two white girls on a freight train near Scottsboro.

Montgomery

Ala

Chamlee said a motion had been filed in Washington asking the Supreme Court to grant authority for the United States marshal to make an execution on property owned by the State of Alabama to satisfy a judgment representing expenses of printing transcripts by the defense, accruing when the original death sentence on the negroes was reversed by the Supreme Court.

Leibowitz Will Seek Change Of Scottsboro Hearings To Mobile

Advertiser

11-11-33

NEW YORK, Nov. 10—(AP)—Samuel S. Leibowitz, defense attorney in the Scottsboro case, will seek removal of the retrial from Decatur, Ala., to Mobile, he said today.

Montgomery

His clients, nine negro youths, were charged in two previous trials with attacking two white girls on a freight car.

Leibowitz will go South for the arraignment at Decatur Nov. 20. His request for another change of venue will be on the ground that they "can't a get a fair trial in Decatur," he said.

Previously the trial was shifted from Scottsboro to Decatur. Only one change of venue is allowed under Alabama law.

If his petition is refused, Leibowitz said, he plans to carry the case to the United States Supreme Court. He said mob feeling around Decatur is high.

He refused to comment on a series of affidavits made by private detectives here yesterday on the ground that they are not yet filed in court.

The Daily News said the affidavits list threats by Alabama National Guard officers and troopers to deliver the nine defendants to a lynch mob.

OFFICIALS CONSPIRE WITH LYNCH GANGS TO MURDER 9 SCOTTSBORO NEGRO BOYS

By BILL DUNNE

A three weeks' investigation in and around Decatur, Ala., discloses widespread preparations for lynching the Scottsboro Boys when their new trial opens in Decatur, Ala., Nov. 27, and also probably their attorneys and all those working in their defense.

The investigation, probably the most thorough ever carried out in a lynch-ridden southern community, reveals obvious connections between lynch sentiment, organized lynch gangs and the authorities.

The disclosure, contained in some 500 sworn affidavits and statements, are of a startling character.

They reveal without possibility of refutation, that since the indictment of the innocent Scottsboro Boys and especially since the exposure of the murderous frame-up against them, an organized campaign of lynch and murder terror has been conducted throughout the State of Alabama but centering in Decatur, where the trial took place, as a result in the change of venue.

Boys in Hourly Danger

The Daily Worker has a huge collection of material, secured with the cooperation of the League of Struggle for Negro Rights and the International Labor Defense, which proves, beyond a shadow of a doubt, the impossibility of the Scottsboro Boys receiving anything in the nature of a fair trial in Decatur. This material, secured in an investigation financed by the dimes and quarters of Negro and white workers and sympathizers responding to the appeal of the Daily Worker, proves that the innocent Scottsboro Boys are in hourly danger from lynch gangs and that, for the most part, the authorities await merely better organization of the lynch terror to turn them over to the hands of organized murderers.

Today the Daily Worker gives only a few quotations from the mass of material in its possession. Tomorrow it will carry more extensive news stories and articles as the beginning of a most sensational and detailed exposure of the conspiracy to electrocute the innocent Scottsboro Boys or turn them over to an organized lynch gang for torture and death.

State to Utilize Lynch Gangs

Outstanding also is the evidence of an organized attempt to utilize organized lynching against the Scottsboro Boys, their attorneys and defenders, Negro and white, as part of a planned campaign to crush the rising struggles of the Negro masses in the Black Belt of the South against lynch and murder terror and other special forms of oppression and robbery.

Here follow some of the typical statements secured through the recent investigations:

"Won't Stand for Another 'Trial'"

"On June 19th one, Smith, proprietor of a lunch room on Molton St. in Decatur, known as Heany's Lunch Room, said: 'There shouldn't be any trial for them damn niggers, that 30c worth of rope would do the work and it wouldn't cost the county much.' Also that he was ready to help lynch them. 'If the state don't kill them then the people here will—if they only bring them back. Those god-darn New York Jews will be killed too if they try to come down here and clear those black bastards'."

"On June 21st one, Winton, on Fifth Ave., Decatur, said that '**the people won't stand for another trial of the Scottsboro niggers here. That** the people will mob the niggers and the lawyers too'."

Neck-tie Party for Boys and Attorneys

"On June 21st the proprietor of the American Cafe in Decatur said that 'If those Jews come down here again the people will lynch them and the niggers too.' He said that 'The sentiment of the people is very bad towards the niggers and if they are tried again in Decatur there will be a neck-tie party'."

"On the same date one Lawrence Frahn, proprietor of Frahn's Garage on Second Ave., Albany, Ala., said that he is ready to go with a mob to 'lynch them any time and also those damn Jew bastards who are defending the niggers'. He said that 'the niggers needed no trial—only a rope around their neck'. He said that 'there are no 12 men in Morgan County who will listen to the defense side of the trial'."

"On June 21st Jonh [illegible] Wicker, proprietor of a hardware store on Bank and Main St., said that, 'the niggers got a fair trial and there isn't any use spending lots of money in re-trying them. That they should have strung them up when they caught them in Scottsboro, Ala'."

"On June 27th W. M. Mosely, 603 Line St., said that 'those niggers should be killed so that there would be no trouble between the blacks and the whites'. He said that he believes that they got a fair trial in Scottsboro."

"On June 27th Frank Price, 208 W. Ninth St., said that 'The Scottsboro niggers and those Jews lawyers are putting meanness in the minds of the rest of the niggers here in the South so we got to get rid of them before it causes some serious trouble'."

"Will Be Killed" If They Are Brought Here"

"On June 28th Oscar Pierson, 615 Vine St., said he 'would like to see all of them niggers burned and all of their lawyers with them'."

"On June 29th R. B. Graves, 1202 Second Ave., West, said that 'We ought to deal with the niggers like our grandfathers did and we would be rid of the whole thing'."

"On June 29th Jim West of the St. Joseph Cave, said he 'would lead the mob just to see the niggers killed' and he 'believes they will be killed if they come back here'."

"On June 29th Charles Sherman, Wilson Ave., said that 'those niggers should be lynched on general principles if for nothing else'."

I. L. D. "Making Niggers More Militant"

"On June 27th Miss Elizabeth Morris, 101 Prospect Drive, said 'she didn't care what they did with the niggers for she didn't follow the case very closely—but she said it is making the rest of the niggers meaner and harder to manage."

"On July 1st J. H. Riddle, Route 3, said that 'if there is a white man in Morgan County that would turn the niggers loose, he ought to be lynched himself'."

"On June 29th R. L. Smith, 405 Grove St., said he 'wants to help lynch these damn Jew sons-of-bitches'."

"On July 3rd Mr. Clopton, 205 Third Ave. South, said, that 'there was a mob at the first trial of these niggers and that there would be one at the next one to do what they intended to do at the first'."

"On the 22nd of August in Hartsville (Morgan County), W. T. Stewart, a dealer in farm tools, said 'Something ought to be done with them Scottsboro niggers, for it's ruining the other niggers here in the South.' He also said that 'they should be hung to teach the rest of the niggers that's what they can expect if they don't stay in their places'."

Part of the material in the possession of the Daily Worker consists of 31 names of persons living in and around Decatur given by one, A. J. Banby, 108 West Cherry St., as being those who took part in the attempt to lynch Thomas Brown. Many of those whose names are on this list have expressed themselves as follows, in regard to the Scottsboro case: "It should be handled like it's always been handled, take them out and finish the job."

Workers Must Answer Lynch Plans

These few examples taken at random from the mass of material in the possession of the Daily Worker, show conclusively that the charges made by the International Labor Defense, the League of Struggle for Negro Rights and the Daily Worker cnncerning the impossibility of securing **a fair trial** for the Scottsboro Boys, are correct. They show further, and the additional material that we shall publish from day to day will prove conclusively a conspiracy by state and county officials and organized lynch gangs to use the Scottsboro case as an example to terrorize still further the Negro workers, sharecroppers and tenant farmers and all those who rally to their defense against the system of lynch and murder used in the South to bulwark the semi-feudal class and social relationship maintained by these methods.

The evidence in the possession of the Daily Worker shows the need for the most rapid organization in defense of the Scottsboro Boys and the launching of a nation-wide campaign against lynching and other special forms of oppression of the Negro masses used to throttle their struggle for liberation.

Buy the Daily Worker to secure the most detailed exposure of conditions in a typical lynch-ridden community ever published in this country.

Daily Worker

11-10-33

New York N.Y.

Lynchings-1933

Alabama

Legal Punishment for Rape

4312

NAMES OF NEGROES FOUND ON DISPUTED JACKSON JURY LIST

Circuit Clerk's Testimony Is Surprise At Hearing In Attack Case

BY RALPH E. HURST
The Birmingham News Staff Writer

DECATUR—Alabama jury rolls contain names of Negroes, it was testified by three Jackson County officials Thursday afternoon when they identified two persons listed in Jackson's 1931 roll as being black.

Their identifications came after tedious hours of scouring through the voluminous book during the Scottsboro defense counsel's arguments to quash the indictments against the nine Negroes charged with attacking Ruby Bates and Victoria Price.

The motion, like the unsuccessful motion to quash the venire, was based on the contention that Negroes are systematically excluded from jury rolls because of race and color in violation of the fourteenth amendment.

Pointing to the book containing the roll from which the Jackson County Grand Jury that indicted the Negroes was drawn, C. A. Wanna, Jackson Circuit Court clerk, identified the name of Hugh Sanford as that of a Negro.

A few minutes later J. E. Moody, Jackson jury board member, pointed to the name of Mark Taylor. J. E. Snodgrass also said they were Negroes.

Names in the book had been studied by the two officials, called as defense witnesses, since shortly after 9 a.m. as they went through the list and specified those they knew personally and stated whether they were white or black.

Following this, Defense Attorney Leibowitz discovered several names which he said were of Negroes whom he had called as witnesses in the previous trial here.

The discovery of Sanford's name, coming just before court recessed late Thursday, marked the first definite proof since the inception of the fight against Alabama's jury system that Negroes were enrolled as prospective jury members.

That a handwriting expert would be called in and an effort to show the entries were irregular was indicated by Leibowitz's questions to one query about the handwriting, Moody replied, "I do not know."

"That's all right" Leibowitz said, "I will have some one here who knows all about those things."

The indictment attack, insofar as is now known, is the final play of the defense to prevent trial of the cases set for next Monday when Heywood Patterson, twice sentenced to death, will face prosecution for the third time on a severance.

Meanwhile instanter attachments had been ordered by Judge Callahan for several Jackson Countians, including county officials, who failed to answer subpoenaes as defense witnesses. These witnesses are to be used in an effort to show that Negroes have never been called to serve on juries.

The motion to quash the indictments, based on allegations that Negroes were systematically excluded from the jury roll because of race and color in violation of the fourteenth amendment, attacks the application of Alabama's jury laws and involves the same principles as in the move to quash this county's venires.

Denial of the motion to quash the venire came early Thursday after J. A. Tidwell, Morgon jury board member, had testified that J. J. Sykes, a Negro, was not on the jury roll because he was "badly crippled," and because the board had information reflecting on his character.

Judge Callahan held that the defense's move was against the administration of the jury laws, rather than the constitutionality of the laws and that evidence had not been produced to show Negroes had been discriminated against.

Moody began going through the book shortly after 9 o'clock, and was still calling names at noon, when court recessed until 1 p.m.

Denial of the motion came in a lengthy decision after J. A. Tidwell, Morgan Jury Board member, had testified that J. J. Sykes, Negro, was not on the jury roll because he was crippled and of questionable character.

The state has shown, he said, that the jury board did not know whether some on the roll were white or colored.

Judge Callahan said he had not been satisfied that the jury board was delinquent in its administration and therefore must overrule the motion as he did the motion for a change of venue.

Several postal cards were received at the sheriff's office Thursday morning, reading: "We did it. Free 'em or we burn U." The cards, mailed in New York at 4 p.m., Nov. 20, were forwarded from Scottsboro.

Some were addressed care U. S. Troops in Alabama, some to the governor and some to the judge.

A state witness subpoena for Orvil' Gilley, white youth said to have witnessed the alleged attacks, was returned from Jackson County with a report he could not be located.

Gilley has been in the state recently and conferred with Atty. Knight.

For its motion to quash the indictments the defense had subpoenaed Circuit Solicitor Bailey and the following Jackson Countians: Probate Judge Money and clerk, Sheriff McBride, E. E. Young, S. S. Gist, C. A. Wann, Judge A. E. Hawkins, Hambin Caldwell and County Solicitor Thompson.

When court was reconvened Thursday morning Judge Callahan said he found he was mistaken, under the agreement between counsel, in holding that Tidwell should tell why Sykes was not on the jury roll but would let Tidwell answer.

Tidwell replied that Sykes was "very badly crippled" and that there was information reflecting on his character.

Judge Callahan refused to let the defense go further and the state closed.

Judge Callahan then began delivering his decision, reciting that the defense assault was not on the state's laws, but on the manner in which they are administered.

There is evidence that there are quite a number of Negroes in Morgan County eligible to serve on juries, Judge Callahan said, this evidence being largely that of J. J. Sykes, Negro.

"If the evidence stopped there, I would quash the venire; I would be very much inclined to feel the law had not been properly administered," Judge Callahan said.

J. E. Moody, jury commissioner of Jackson County, was the first defense witness and produced the jury roll of Jackson County for 1931, from which the Grand Jury that indicted the Scottsboro Negroes was drawn.

It is the defense contention that the roll contains names of no Negroes; that the county has Negroes eligible for jury duty but that they have been excluded by the jury board because of race and color.

Samuel S. Leibowitz, chief defense counsel, who left here Monday, returned Thursday morning. He announced before leaving he was going to Louisiana in connection with the case.

Leibowitz immediately took over the questioning of Moody, which had been started by Defense Attorneys Chamlee and Brodsky. He asked Moody details about his education, residence and work.

Moody, after explaining the methods of preparing jury rolls, admitted he had never brought a man before him personally to determine his fitness as a juror.

Moody, at the direction of defense attorneys, then began going through the red tome of jurors, pointing out those he personally knows, and stating whether they are white or black. All were white.

The first witness of the afternoon was C. A. Wann, circuit clerk of Jackson County, who was questioned about selection of the Grand Jury.

Wann testified he made lists of Grand Juries, about 11, since he has been in office, and that no Negro was on any of them. A lifelong resident of Jackson, he said he knew of no instance of a Negro serving on a Grand Jury there.

Leibowitz conducted the direct examination of Wann, finally being stopped by Judge Callahan, who said the questions of detail were not important.

Chamlee then started Wann through the jury roll to see if any of those listed and known by him are Negroes.

On a severance, the state will bring Heywood Patterson to trial first.

Patterson was tried here last April following a vigorous fight on the Alabama jury system, and was given a death sentence. Taking cognizance of sentiment developed by remarks of the defense counsel and replies of the prosecutors, Judge Horton indefinitely postponed trial of the other cases and later set aside Patterson's death sentence and granted him a new trial.

This was followed by Judge Callahan replacing Judge Horton and the defense gathered here this week to seek a change of venue to Birmingham. The seven defendants were arraigned Monday, pleading not guilty and after hearing a motion to transfer the trials, Judge Callahan declared there was no evidence that they could not get a fair and impartial trial in Decatur.

The charges on which the Negroes will be tried involve only the alleged attack upon Victoria Price. Ruby Bates, who testified at Scottsboro in 1931 that both she and Mrs. Price were attacked by the Negroes while they were riding on a Southern Railway freight train, March, 1931, repudiated her testimony here last April when she made a dramatic appearance for the defense.

Trial At Decatur Resumes Today

Advertiser

11-23-33

Motions To Quash Venire And Indictments To Be Argued In Morgan Court

Montgomery Ala

DECATUR, ALA., Nov. 22.—(AP)—Arraignment of another of the seven negro defendants in the "Scottsboro case" today was set for tomorrow by Judge W. W. Callahan, presiding in the Morgan County Circuit Court, who said proceedings would be kept at a steady pace to clear the docket of the trials.

The announcement was made in a one-day recess of the special term of Circuit Court called for the new trials of the negroes, who are under indictments charging that they attacked Mrs. Victoria Price and Ruby Bates, Huntsville, Ala., mill workers, on a hobo trip on March 25, 1931. The attacks are alleged to have occurred in Jackson County aboard a Southern Railway freight train.

On reconvening of court tomorrow, the last obstacle to disposition of a pending motion to quash the venire of 100 drawn for the third trial of Heywood Patterson, twice convicted and sentenced to death, will be cleared and then a motion to quash the indictments against the defendants will be argued.

Both questions were argued here in March before Judge James E. Horton, based on allegations that negroes were systematically excluded from the Grand Jury that returned the indictments in Jackson County and the petit juries in Morgan County "solely because of their race and color," and that such alleged exclusion constituted a violation of the constitutional rights of the defendants.

Joseph R. Brodsky, of New York, member of the counsel retained by the International Labor Defense to defend the negroes, who entered the motion yesterday, on reconvening of court tomorrow will be permitted to ask A. J. Tidwell, a member of the Morgan County Jury Board, why J. J. Sykes, negro theater operator, was excluded from the jury rolls.

The same question was put last March and Judge James E. Horton, then presiding, sustained the objections of Atty. Gen. Thomas E. Knight, Jr., to permitting Tidwell to reply.

Judge Callahan, in announcing that another of the seven defendants would be arraigned tomorrow, said a third would be arraigned Monday and venires would be drawn for each case on arraignment. The cases will be set for hearing on successive Mondays.

COURT OVERRULES PLEA OF NEGROES' COUNSEL TO QUASH

No Fraud Proved In Placing Six Names On Jackson Jury List. Decision

TRIAL OF PATTERSON IS SET TO START MONDAY

Orville Gilley, Who Was Missing At Former Trial, Will Testify For State

BY RALPH E. HURST
The Birmingham News Staff Writer

DECATUR—Holding that there was no fraud proved in the placing of six Negroes' names on the 1931 Jackson County jury rolls and that the names were there when the

Grand Jury which indicted the nine Scottsboro defendants was drawn two years ago, Judge Callahan Saturday overruled the defense motion to quash the indictments.

This cleared the way for beginning the actual trials Monday, following a week of preliminaries in which the defense also filed motions for a change of venue and to quash the Morgan County venires. Heywood Patterson is docketed for trial Monday and Clarence Norris for Thursday.

Orville Gilley, said to be the only white witness to the alleged attacks except the two victims, has been in Decatur several days and is expected to share star witness honors with Victoria Price for the state. Gilley could not be located for the former trial here.

Saturday's session was devoted entirely to a nationally-known handwriting expert of New York, John V. Haring, presented by the defense in an effort to show that the Negroes' names on the roll were forgeries.

The original motion to quash, based on a contention that Negroes were excluded from the jury roll from which the Grand Jury was drawn because of race and color, was amended to include the fraud charge.

Haring testified in effect that the names of the six Negroes found on the roll were written in after the roll had been closed and a new roll started March 20, 1931.

President Asked To Order Guard At Decatur Trial

Leibowitz Wires Roosevelt For Protection; Wants Miller To Call Troops

Fears 'Massacre'

Situation Is Called 'Tense' On Eve Of Arraignment For Scottsboro Negroes

BIRMINGHAM, ALA., Nov. 19.—(AP)—Samuel S. Leibowitz, chief of defense counsel in the Scottsboro case, tonight made public a telegram that he had sent to President Roosevelt asking that he intercede and ask Gov. B. M. Miller to order troops to Decatur, for the arraignment tomorrow and for the trials beginning Nov. 27.

Advertiser 11-20-33

Leibowitz also announced that he had sent telegrams to Gov. Miller in Montgomery, and to Chief Justice John C. Anderson of the Alabama Supreme Court asking that national guardsmen be sent to Decatur to furnish adequate protection for the nine negro defendants.

In addition to the change of venue to be asked at Decatur tomorrow, Leibowitz said notices of motion for interrogatories to take testimony in New York from Ruby Bates, one of the alleged victims, of the attack for which the negroes are being tried, and to quash the indictments on grounds that no negroes were on the jury finding the true bills would be filed in Decatur tomorrow at the arraignment.

Following is the text of Leibowitz's telegram to President Roosevelt:

"We earnestly ask your good offices to persuade Gov. Miller, of Alabama, order cut sufficient national guardsmen provide adequate protection for nine Scottsboro boys and their attorneys, who appear Decatur, tomorrow morning for arraignment and for trial Nov. 27.

"At previous trial this Spring circuit Judge Horton presiding took judicial notice of incipient mob action to lynch defendants and attorneys by ordering soldiers in open court shoot if necessary to preserve peace. Shortly after Trial Judge Horton, who has since been supplanted, adjourned court on own motion because of temper of citizens.

"Since last trial two negroes in custody of Sheriff were recently lynched in Tuscaloosa cases. Negro named Royall lynched in very city Decatur in August and mob visited Decatur jail to lynch negro named Brown. Only his removal to Huntsville jail before mob arrived prevented his assassination. Situation now infinitely more tense.

"Have affidavits naming many persons Decatur and neighboring towns who have openly voiced intention of "getting the niggers" and attorneys. Editorials today in Birmingham Age-Herald and Post show their appreciation of imminence and urged officials call out militia.

"Despite this situation Governor has rejected plea for state troops to guard prisoners and attorneys. Probability of massacre of defendants and attorneys extremely grave. We urge your intervention."

"Samuel S. Leibowitz,
"George W. Chamlee,
"Joseph R. Brodsky, attorneys."

Jackson County Jury Lists Show Seven Negroes

Two Officials Reveal That Several Of Veniremen In 1931 Were Not Whites

Fraud Is Charged

Chamlee Declares Names Were Added After Roll Originally Was Drawn

By T. M. DAVENPORT
Associated Press Staff Writer

Advertiser 11-24-33

DECATUR, ALA., Nov. 23.—(AP)—Seven names, identified as those of negroes, late today were pointed out on the 1931 Jackson County jury rolls as two officials of the county pored over it under questioning by attorneys for the seven defendants in the "Scottsboro case," seeking to establish proof of exclusion to support a motion to quash the indictments.

Montgomery, Ala.

The announcement of finding the names of the negroes came late in the day after C. A. Wann, circuit clerk of Jackson County, had spent the earlier afternoon session in going through the book, calling names of persons he knew and all had been designated white.

Scottsboro Janitor Identified

Hugh Sanford, a janitor in Scottsboro, was the first of those found identified as a negro by Wann and then J. E. Moody, a member of the Jackson County Jury Commission, under questioning by Samuel S. Leibowitz, chief of defense counsel, designated several others.

Leibowitz said he had no comment to make when asked if his line of questioning indicated a handwriting expert would be called to determine whether the names had been added to the roll since the original list was drawn.

"It looks as if the names of two or three negroes had been added," said George W. Chamlee, associate defense counsel, who, throughout the six-hour session with Moody and Wann, had conducted the examination.

Flipping pages rapidly, Leibowitz asked Moody, who was recalled while Mann was asked to step aside, if certain names which he said were negroes were not written just above or on a red line, on those pages. (The jury rolls were impounded at Leibowitz's demand). Moody reported once that he could not tell whether the name or the line had been written last.

The red line was down across each page below the 1931 jury list by the Jury Commission, of which Moody is a member when the new jury was compiled.

Defense Witnesses On Lists

Several of the names Leibowitz mentioned as negroes were those of witnesses called last March when a similar motion was denied by Judge James E. Horton, then presiding over the cases, in which the seven defendants are accused of attacking Mrs. Victoria Price and Ruby Bates, both white, in Jackson County March 25, 1931.

The jury roll was the same that the defense had sought to subpoena last March, which Judge Horton declined to permit.

The defense seeks to quash the indictments against the negroes returned on March 31, 1931, charging them with attacking the women on the grounds that negroes were systematically excluded from the jury roll "solely because of their race and color."

The defense contends that such alleged exclusion was a violation of the constitutional rights of the defendants.

All of the seven defendants now in the jurisdiction of the Morgan County Circuit Court, under a change of venue from Jackson County, have been under sentence of death once, and one, Heywood Patterson, whose new trial is set for Monday, has been sentenced to the electric chair twice.

First Sentence Set Aside

The U. S. Supreme Court set aside the first death sentence on the grounds that the defendants were not given adequate counsel and Judge Horton, who passed the second sentence on Patterson, set aside the verdict on the grounds of insufficient evidence to warrant the penalty.

11-24-33
Advertiser Montgomery Ala.

With several other witnesses from Jackson County waiting to be called, Wann was again on the stand, examining the book, when court was recessed.

The witnesses called the names of persons inscribed therein that they knew personally and after each, called whether white or negro. The early afternoon search had disclosed the names of no negroes. Moody spent two and a half hours in the forenoon going over the list, but found the names of no negroes that he could identify. Moody checked the roll in 12 of 39 precincts.

Leibowitz questioned each witness minutely as to his length of residence in Jackson County, his familiarity with the courts there and invariably asked, "have you ever seen a negro serving on a grand or petit jury in Jackson County?"

All Answer In Negative

The answer in each case was "no."

Judge Callahan overruled the motion to quash the venire drawn for Patterson's trial shortly after court opened this morning, holding that the defense had not established proof that negroes were excluded from the Morgan County jury rolls solely because of race or color.

The judge said two questions could be raised, whether the qualification of jurors, before placing their names in boxes, was violative of the Federal Constitution and whether, in the administration of the Alabama jury law, officials abused it by excluding negroes solely because of race and color.

Evidence offered was reviewed by the judge as he pointed out the points made by the defense and countered by the State to lay a predicate for his decision.

Before he handed down his decision Judge Callahan permitted Joseph R. Brodsky, of New York, one of the defense counsel, to ask A. J. Tidwell, Morgan County jury commissioner, why the names of J. J. Sykes, negro theater operator was excluded from the rolls.

Tidwell replied that Sykes was crippled and there was other information as to his character. The question had been asked last March, and Judge Horton, then presiding, sustained the objections of Atty. Gen. Knight, but, in reading the record Tuesday Judge Callahan ruled that Tidwell should have answered.

Before permitting the question today, Judge Callahan said he had been in error on his ruling, but would permit the question anyway.

Sheriff Bud Davis today received a return on the summons for Orville Gilley, white youth, who was alleged to have witnessed the attacks, marked "not in Jackson County." Gilley was the white youth who remained on the car after a fight between the negro defendants and seven white youths, six of whom were thrown or jumped from the train before the alleged attacks.

Former Clerk Testifies

Kelly Morgan, former clerk of the Jackson County Jury Commission, under questioning of Leibowitz testified he never had seen a negro on a jury in Jackson County.

Morgan said he had served as clerk of the commission from 1927 to March, 1931. He identified the jury roll as the one in which he had posted the names of qualified jurors.

There were only five spectators in the court room for the night session, as Morgan began inspecting the jury roll.

Morgan, at Leibowitz's request, wrote on a separate sheet of paper the names of several of those on the jury roll and the paper was introduced in evidence.

One of the names Morgan wrote was that "Mark Taylor," one of the names Leibowitz had pointed out in the afternoon was super-imposed on the "red line" which designated the end of the 1931 roll.

Morgan said on questioning "the last entries I made were in green ink." The names previously identified as those of negroes were in green ink.

Handwriting Specimen Taken

As each of the controverted names was reached, Morgan was asked to write the name on a sheet of paper.

"It looks like my handwriting," said Morgan when asked by Leibowitz concerning several of the names.

Morgan said he had not written in the books since he retired.

Later Leibowitz announced a handwriting expert will be asked to pass on the entries in the 1931 jury roll that were identified as the names of negroes.

Leibowitz announced tonight that James Haring, of New York, expert chirographist employed in the Hall-Mills murder case, was en route here.

Prior to his announcement, Leibowitz had, during the questioning of Morgan obtained specimens of his handwriting. Morgan, however, said he believed the entries which are controverted were in his handwriting.

"Believed" It His Writing

After leaving the stand, Morgan, whose testimony was not audible at the press table at times, said he believed the eight names idehtified as Jackson County negroes were in his handwriting.

The identification of the names of negroes on the jury roll, after a day in which two witnesses had monotonously thumbed the big volume in which the qualified jurors were listed, created a mild sensation.

Questioning proceeded faster in the session ordered tonight by Judge W. W. Callahan, presiding, in an effort to speed up preliminaries so the third trial of Heywood Patterson can begin Monday.

On cross-examination by Atty. Gen. Knight, Morgan said he compiled a preliminary list "without regard to race or color."

Judge Callahan put a question to Morgan "where did you get the names?"

"I object," said Leibowitz.

"Objection overruled. I certainly wouldn't sustain an objection to my own question," said Callahan, as the crowd laughed.

Wann was recalled for the third time after Morgan had testified that the temporary list was made from the list of qualified electors, the registrars records, and telephone directories.

With Chamlee questioning, Wann took up inspection of the jury rolls.

Hamlin Caldwell, court reporter for the Ninth Judicial Circuit, including Jackson County, followed Wann and said in his 24 years as court reporter he had never seen a negro on a jury in Jackson County.

Court recessed at 9:30 p.m., with Caldwell still on the stand scanning the jury roll for persons he knew personally.

Lynchings - 1933

Legal Punishment for Rape.

Alabama

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Call

4-7-33

Kansas City, Mo.

JURY SERVICE

The Scottsboro cases prove how important the jury is in our national life. Whether these Negro boys were acquitted or convicted, if Alabama was known to have a good jury system the nation would long ago have regarded the outcome of the trial as just. As it is Negroes believe prejudice directed the verdict, and whites do too. The result is money for prosecution and for defense is being poured out and another strife breeding sore is started.

The basic principle of American law is "trial by a jury of his peers." Juvenile courts were instituted on the theory that special consideration ought to be given special people. All juries are selected for experience, so they will react properly to the facts to be presented. Yet such a master is prejudice that a white man in Alabama insists on being juryman to try Negro offenders. Call him "peer" of Negroes, he would be highly insulted, a fact which proves that Alabama violates the basic principle of American law.

Injustice is a hideous thing, yet it is seldom premeditated. It is the system which is at fault. Alabama set out to have a white man's government. Once it justified that purpose, it followed that whatever kept Negroes from being considered equal, was right. The denial of equality before the law destroyed Negroes' usefulness and at the same time limited whites' opportunity. A backward southland results, wedded to its idols and making little progress wholly because it is trying to maintain an inequitable and unchristian system of relations between the races.

The Call early in its existence recognized denial of jury service as a wrong with far-reaching consequences. For two years it devoted itself to correcting that condition here in Jackson county. Lawyers said it could not be done. Our answer was that it must be done. Citizens said what's the use. We replied that Negroes ought to appear in courts in some other role than that of prisoner or whites would think us all criminals. We triumphed. For years Negroes have been serving on the jury in this community.

Wrongs are to be fought the harder where a basic principle is involved. The loss of a penny takes on importance if an evil principle is behind the taking. Whatever Negro feels no loss when refused opportunity to serve on the jury, contributes his bit to the monstrous injustice that makes the Scottsboro case the Negro parallel of the celebrated Mooney case in California. The law is the same for all. The jury is the cross on which Negroes in southern states are done to death. Alabama is not trying the defendants, it is crucifying a race.

NEW YORK CITY HERALD-TRI
APRIL 11, 1933

A Blow to Justice

It is useless for any one, either in or out of Alabama, to pretend that the verdict of guilty rendered against the first of the nine Negroes to stand retrial in the Scottsboro cases will not be received with a profound sense of shock by justice-loving Americans.

The case admittedly presented an extraordinarily difficult problem to the small northern Alabama community into whose hands it was confided. It had become involved, over a period of two years, with nearly every kind of racial and political prejudice; its history had developed in such a way as to entangle it accidentally in all sorts of extraneous considerations which might interfere with a fair verdict, and the evidence itself was not the sort through which it would be easy to find the straight path of justice.

The presiding judge did find that pathway, nevertheless. Though evidently feeling himself under strong local pressure to do otherwise, Judge Horton made every effort to see that the accused was given a fair trial; he emphatically repressed any hint of mob action and guaranteed the protection of the prisoner and his counsel with the lives, if necessary, of the court officers. His charge to the jury was eminently fair in dealing with the evidence, and in its appeal to put aside every consideration save the merits of the case it reflected honor upon the standards of the Alabama bench.

Its effect, unfortunately, has now been destroyed by the verdict. On the basis of the evidence as reported it is simply impossible to believe that the guilt of the accused was established "beyond reasonable doubt." Outside observers cannot tell the State of Alabama or the people of Alabama what they ought to do. One may, however, revert to the Attorney General's declaration that the new trial would demonstrate to the world the impartiality of Alabama justice; and to those Alabamans who are interested in outside opinion it seems legitimate to point out that the actual result has been the precise opposite. The fairness with which the trial itself was conducted only throws into higher relief the astonishing finding—as it will be universally regarded outside of Alabama—of the jury. Whatever the real merits of the case may have been, the fact is that national opinion everywhere will accept this outcome as proof of the impossibility of securing a really just verdict in Alabama in a case of this kind.

We shall still hope that this conclusion is unwarranted. There are countless high-minded men and women in the State of Alabama sincerely desirous—as was Judge Horton—of seeing justice done, and sensitive of the regard in which their state is held by national opinion. The right of appeal offers one source of hope, especially in view of the courageous dissent of the Chief Justice of the state upon the appeal from the verdict in the last trial. The Governor's power of commutation and pardon offers a second method of correcting the verdict. Moreover, the present trial concerned only one of the nine defendants. It does not seem too much to ask of Alabama opinion that it insist of its own accord that the venue for the remaining trials be changed from the northern counties where the public psychology has been so desperately embittered. We believe that it is possible for Alabama to conduct the remaining trials in an atmosphere which will be free from the threats of lynching, the intensity of local issues and local fear and anger which marred the present case, and to arrive, with no outside help, at a verdict which the nation at large will receive as just and honorable to the state.

SCOTTSBORO CASE IS GIVEN TO JURY

Telegraph

Severances Granted to Other Defendants and Trial of Weems Set For April 17

4-9-33

Macon, Ga.

DECATUR, Ala., April 8 [illegible]—The bizarre Scottsboro case Saturday night was in hands of a jury charged by an Alabama judge to ignore race and color and state lines in its deliberation of evidence against a Negro boy accused of assaulting a white girl hobo.

And while the jurors deliberated the case of Haywood Patterson, first of seven Negroes to face retrial, Judge James E. Horton granted severances to the other defendants. Charlie Weem's case was set for April 17 and counsel entered a plea of not guilty for him.

The courtroom was startled late Saturday when a defense counsel told Judge Horton that flaming crosses burned on Alabama hills Friday night.

Joseph R. Brodsky of New York, who helped defend Patterson, told the court that crosses of fire were burned in Huntsville and Sottsboro.

Brodsky Reports Threats

He said he had received threats against his life since Solicitor Wade Wright of Decatur "made his speech in this courtroom against my race."

Wright said Friday that defense testimony was "bought with Jew money."

Samuel S. Leibowitz of New York, chief of defense counsel who volunteered his services, joined Brodsky in a statement that he had been told "only intervention of the national guard prevented a mob of 200 from entering Decatur the other night."

The counsel's dramatic announcement that fiery crosses had been burned nearby Friday night came only a few hours after the judge instructed the jury that color, creed and race must not be considered in its deliberations.

Charge Broad But Simple

Judge Horton—his soft southern voice stern as he gave instructions—told the jury "it (the case) has come to you as jurors and you are going to face it like men."

The jury retired to its work at 12:45 p.m., Central standard time.

The charge was broad, but simple. The case came to this county on a change of venue and the judge said: "Decatur did not want it, Morgan county did not want it."

The courtroom was still. Judge Horton spoke deliberately so all could hear—the Negro defendant, the eight other Negroes charged with a similar crime, the mixed crowd in the courtroom, the attorneys and the accuser.

"We are not trying whether the defendant is white or black," said the judge. "We are not trying lawyers. We are not trying state lines. The great thing this court desires to see done, is justice."

Frame-Up, Says Liebowitz

Attorney General Thomas E. Knight closed the state's plea. "We aren't lynching people in Alabama legally or illegally," his voice rang, "but the name of Alabama has been lynched."

Samuel S. Leibowitz, of New York, whose volunteer services were accepted by the defense, closed for the side.

"There would have been no Scottsboro case if it had not been for the stupidity of Negro and white hoboes," he said ". . . the whole damnable thing is a frame-up of two irresponsible women."

Arguments consumed the entire morning it was noon before Leibowitz, his voice strained with exertion, closed his plea.

The judge told the jury it must

consider the contradictory testimony of the girl principals in the two-year-old case that has commanded international attention since the women told a story of attacks aboard a freight train they were riding—Alabama bound from Tennessee.

Women's Records Mentioned

One woman testified for the state and said she was assaulted by Patterson. The other who two years ago said she also was assaulted, repudiated her oath and swore this time she was not molested by the Negroes and added that she did not see her companion harmed.

The judge said one woman "admitted on the stand she perjured herself."

The other, he said, was shown by evidence to be a "woman of easy virtue." "Evidence was introduced to show that she made false statements," he said.

"The law has a stern duty to perform," said the judge slowly, "and when women of the underworld come before it, the law says it is the duty of the jury to consider the fact, not that the law would trample them."

All of the Negroes in the case except Patterson, Saturday night were quietly removed to Birmingham under military escort, to remain until April 17, when Weems faces trial

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NEW YORK CITY WORLD-TEL
APRIL 11, 1933

NEGROES' TRIAL IS CARROUSEL TO LEIBOWITZ

Will Carry Defense on Appeals to Highest Court and Back "ad Infinitum."

MIGHT BE SHOT, HE SAYS

Lawyer Avers Issue in Scottsboro Case Now Is Sociological and Political.

By MARGUERITE YOUNG,
World-Telegram Staff Writer.

Samuel S. Leibowitz sat in his Brooklyn home today and announced he will carry the defense of the Scottsboro negroes on appeals to the United States Supreme Court and, if successful there, back through the Alabama Courts "ad infinitum."

"It'll be a merry-go-round," he asserted, "and if some Ku Kluxer doesn't put a bullet through my head I'll go right along until they let the passengers off. In the end, of course, the verdict must come from an Alabama jury, and, frankly, I don't know when we can get one there to acquit these innocent boys. But we can make them mighty tired. The fight is just beginning."

A moment earlier he had turned to his wife and said, "I'll tell you right now, Belle, I couldn't leave this case now if it meant the loss of all my practice." He is to be representing without pay the Negroes accused of assaulting two white women in a freight car two years ago.

Met by 2,000.

As he stepped from the train from Decatur, Ala., a redcap put into his hand a letter expressing gratitude on behalf of 400 porters. About 2,000 Scottsboro sympathizers met him.

Mr. Leibowitz spoke of the social and political implications of the case.

"The last trial we fought on technical, legal grounds," he said. "From now on every sociological, religious and political issue will be dragged right out into the open. We'll hold those bigots right up to the mirror of public opinion.

"I am not a Communist, but I want to say this for the International Labor Defense—had it not been for the International Labor Defense, those nine Negro boys would be in their coffins now, buried back of the county jail.

White Against Negro.

"The International Labor Defense brought this case to the attention of the world,' and now, with the more intelligent public opinion solidly behind the defense, the issue is no longer confined to this case. It has become a question of the bigoted whites of the South against the 14,000,000 Negroes of the nation.

"To get justice in the South, the Negro will have to go out and take it, the same as the Americans took their freedom from Great Britain. Mind you, I'm not a 'Red.' I'm not advocating revolution. But unless the whites leave a little slack in the chain they're holding taut around the Negro's neck, the creatures at the other end . . . well, once they break loose, heaven help Alabama!"

On behalf of Haywood Patterson, convicted on a second trial ordered by the United States Supreme Court, Mr. Leibowitz will ask the State Supreme Court to pass on "three vital questions."

Questions He'll Ask.

They are:—Whether the right to sit on juries had not been systematically denied to Negroes? Whether the weight of evidence in the case is not "overwhelmingly" in favor of the defendant? And whether the conduct of the case was not such as to be "a mockery" of a fair trial?

On the last ground he will cite "that the prosecutor repeatedly applauded witnesses for the State," and "that the County Prosecutor hurled an inflammatory statement—that about 'Jew money from New York'—into the faces of an already prejudiced jury."

He expects to hear whether the second trial must begin next Monday, as tentatively set. If it does, he will go to Alabama, regardless of threats.

"The plight of these poor blacks is more than a symbol of the oppression of that race in the South," he added. "It symbolizes the plight of my own people. It symbolizes the enslavement of all oppressed peoples throughout the world."

Protest on 'Lynch Verdict' Arranged for Union Sq.

New York City World-Telegram
4-11-33

Hundreds of Negroes Fight Police After Welcoming Leibowitz Here—Presbytery Condemns Conviction of Patterson—Others Appeal for "Justice."

A mass demonstration has been called for 6 P. M. tomorrow, by the International Labor Defense to protest against the "lynch verdict" in the Scottsboro case.

Last evening, hundreds of Negroes fought police along Broadway from Times Sq. to 86th St. when the police tried to disperse a parade that began at Pennsylvania Station after a turbulent welcome to Samuel Leibowitz, chief counsel for the "Scottsboro boys," on his return from Decatur, Ala.

One Arrested.

George Northcroft, Negro house painter, of 215 W. 140th St., was arrested by Patrolman William Griffin, who charged that he kicked him ni the mouth during fighting at Broadway and 46th St. In Night Court, the case was adjourned until today in West Side Court.

In Columbus Circle, the paraders were joined by men and women listening to speakers attacking the Alabama verdict. Fully 1,000 were gathered in the Circle when police drove them from the Circle to 86th St., where they dispersed. Rebecca Butler, Negro, of 2,026 Seventh Ave., was treated for cuts and bruises by an ambulance surgeon.

The Presbytery of New York expressed "surprise and sorrow" at the conviction of Haywood Patterson, averring that the verdict had been "influenced by race and other prejudices" and protesting against the barring of Negroes from jury service.

The resolution was adopted after the Rev. Dr. Edmund Chaffee, pastor of the Presbyterian Labor Temple suggested sweeping condemnation of the verdict.

Recalls Sacco-Vanzetti Case.

"The Scottsboro case is well on the way to being a Sacco-Vanzetti case that brings scorn from every enemy of the United States," said Dr. Chaffee.

Norman Thomas, Socialist candidate for President in 1932, said:

"A country which has rightfully protested the outrageous anti-Semitism now triumphant in Germany is proving once more that it does not come into court with clean hands. We ourselves practice worse discrimination against our own colored fellow citizens than those which now disgrace Germany."

Sees no Justice.

Eugene Knickle Jones, executive secretary of the National Urban League, said the verdict "indicated that justice for the Negro in certain types of cases is impossible in some sections of the South."

Roger N. Baldwin, director of the American Civil Liberties Union said, "the verdict may rightly be characterized as 'lynch justice.'"

Meanwhile, as plans continued for a march of Negroes on Washington to present petitions asking a fair trial for the Scottsboro boys, the I. L. D. announced that speakers at the Union Sq. mass meeting tomorrow would include Joseph Brodsky, of defense counsel in the Scottsboro case.

Another mass meeting to protest against the verdict will be held tonight in St. Luke's Church, 125 W. 130th St. Speakers will include Edward Sagarin, a member of the National Students' League, who was arrested in Decatur while attending Patterson's trial.

SPECTATORS IN DECATUR COURT SHOW CONTEMPT

Afro-American

Eat Fruit, Crack Nuts, and Smoke Corncob Pipes During Trial.

12-16-33

By CLARENCE M. MITCHELL
(AFRO Staff Correspondent)

Baltimore, Md.

DECATUR, Ala.—The first indication of what was to be expected of the Morgan County courtroom, where the Scottsboro trial was held this week, took the form of a jim-crow fountain in the main hall-way on the first floor.

Its water was just as cold as that coming from the white pipe system but it was of smaller size and not so well scoured.

Both devices have one point in common, however, and those persons with tender stomachs who approach either of them lose the desire to drink because of the proximity of a huge cuspidor well filled with tobacco juices and other evil smelling substances.

The courtroom is on the second floor of the building and at one time in its history it was a clean yellow-walled place, with polished hardwood floors. Now it bears the scratches of many feet on the seats and on the floor while the walls are filthy with hand prints.

Three-fourths of the room was devoted to white spectators while the the remaining fourth was given over to colored people. Judge Callahan when facing the court had the former on his left hand and the latter on his right.

Pants Worry Clerk

Smoking was permitted and windows were constantly raised by special order of the court, to permit the escape of the dense blue clouds which emanated from corn cob pipes cigarettes, and cigars. Spittoons were not present, so expectorators sprayed the floor when their mouths became too full.

The court clerk persistently chewed gum and had great difficulty in keeping his pants on. If suddenly called to some duty he found it necessary to hold his trousers with one hand, seize his records with the other and start on his way with much puffing.

Ate Pecans

Almost any member of the police department, the salaries of which do not permit members to afford uniforms, acted as bailiff but their vigilance was never directed against fruit eaters who indulged in oranges or bananas undisturbed. Pecans being cracked between strong teeth once or twice caused a small stir from these officials, but nothing was done to prevent their consumption.

None of the colored witnesses were called by anything other than their first names or sometimes, at rare intervals, their last names and as the trial warmed up Ruby Bates and Lester Carter, two white witnesses for the defense, also lost their titles

Alabama

Lynchings-1933

Legal Punishment for Rape.

NEW YORK DAILY NEWS

DEC 2 1933

DOOM SCOT TSBORO BOY

Decatur, Ala., Jury Orders Maximum Penalty

By TOM CASSIDY.

(Staff Correspondent of The News)

DECATUR, Ala., Dec. 1.—The State of Alabama—through the medium of twelve Morgan County hillsmen—tonight condemned Haywood Patterson, chief defendant in the world-famous Scottsboro case, to death for the third time.

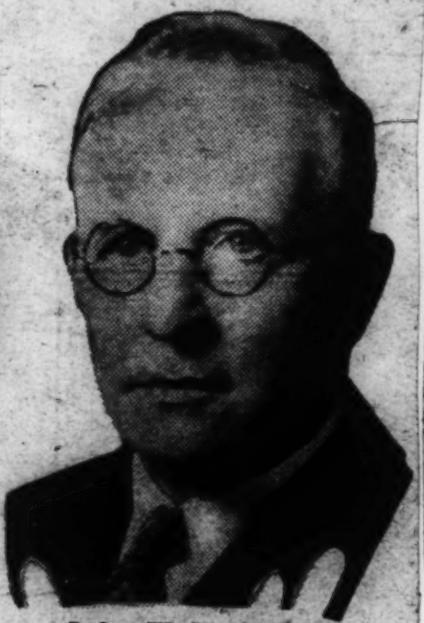
He was accused with eight other colored youths of attacking two white women aboard a freight train near Scottsboro in March, 1931.

Stern-visaged John Russell, the strong man of the lily white rural panel, handed the verdict to the clerk of the court at 6:10 P. M. New York time. The clerk intoned:

"We find the defendant, Haywood Patterson, guilty as charged and fix the penalty at death in the electric chair."

All eyes were trained on the huge doomed colored youth of 20 for the first time since his trial began last Monday morning.

His ebony features formed an enigmatic smile and then an open sneer as he looked at the toil-seared faces of the white folks who doomed him.



Judge W. W. Callahan

Overrules change of venue for another Scottsboro boy.

The sneer held as his gaze shifted toward the bench and around the courtroom full of pleased but non-demonstrative whites and grave, silent members of his own race.

"Gentlemen," said Judge W. W. Callahan to the jurors, "that ends your services here for this term of court. Thank you for your services. You may stop at the clerk's office for your certificate."

Jurors Avoid Boy's Glance.

The jurors passed by the manacled Patterson on their way out. He looked up at each but received no answering glance. In a few minutes he was on his way back to the county jail, manacled to Clarence Norris, a co-defendant whose trial began today.

The jurors had been out altogether 26 hours and 5 minutes since the case was first given into their keeping Thanksgiving afternoon at 4:05 P. M.

Bitter wrangling was heard emanating from the jury room on several occasions, and from a nearby grassy knoll overlooking the yellow penthouse, guarded by the statue of a Confederate veteran, many watched the deliberations—the table pounding, the finger-shaking, and other signs of hard, serious men in disagreement.

Punishment Only Question.

Their differences, though, it was reliably reported tonight, were merely over the punishment, which could have been set at anything from ten years to the chair.

Like the two previous juries which acted as arbiters of the colored youth's fate, this one reached its guilty decision in the expected fashion. These men of the soil, however, did not smile, as did the townsmen who reached a like verdict here last Spring.

Patterson had nothing to say as he was led away. Chief Counsel Samuel S. Leibowitz of New York smiled rather wryly and refused comment.

"I'll do my talking in the Supreme Court of the United States," he said. "I have nothing further to say."

The jurymen had knocked on the door in token of a verdict at 6 P. M., but were held inside for ten minutes while a newly picked jury of nine farmers and three townsmen in the Norris case were led out and locked up for the night.

Leibowitz, who took exception to Judge Callahan's charge to the Patterson case jury yesterday on the ground of unfairness, again demanded a change of venue in the case of Norris.

He did this after one entire venire and part of another had been exhausted in the case of Norris, due mainly to the insistence of a majority of these questioned that they had such fixed opinions that they could not render a just verdict.

Victoria Price

Accuser of nine Scottsboro boys.

With only twenty-nine talesmen qualified out of 135 drawn, the defense interrupted the drawing.

"The defense now resumes its plea for a change of venue," Leibowitz declared, "because it has been shown here that opinions of prospective jurors are so fixed as to make it impossible for a fair decision on guilt or innocence."

"The very fact that the prospective jurors have been honest enough to indicate their true feeling," Judge Callahan responded, "indicates that the defendant can get a fair trial. I deny the motion."

Meanwhile letters were received threatening the life of Leibowitz, who has been under constant guard during his sojourn in this hostile territory. His wife and 8-year-old daughter Margaret were included in the threats. The letters will be turned over to postal authorities.

Mrs. Leibowitz has been a constant visitor at sessions of the celebrated trial here. The small daughter is now in Brooklyn with other members of the family, including the Leibowitz twin sons.

Girls to Clash Again.

The missives refer particularly to the attorney's defense summation in which he said that while he might defend any man for murder, he would not defend a guilty attacker of a woman because he had a "wife and a little girl of my own."

Detective Harold Fox of the New York homicide squad is guarding Mrs. Leibowitz here.

Victoria Price, the persistent accuser of the Scottsboro boys, and Ruby Bates, who recanted, will again clash tomorrow—Victoria in person, and Ruby by depositions taken from her hospital bed in New York where she is recovering from an operation.

Patterson was the first of nine colored men to be retried on charges of attacking Mrs. Price and Ruby Bates, Huntsville, Ala., mill workers, aboard a Southern Railway freight train near Scottsboro on March 25, 1931.

Persons along the railroad right-of-way had noticed what they called a fight aboard the train, which was stopped by officers at Paint Rock, Ala.

There the girls and colored men told varying stories of what had

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occurred. Police finally believed that the colored men came upon the girls, threw from the train a group of white youths accompanying them, and attacked them. The colored men denied the attacks.

Twelve days later eight of the colored men were convicted and sentenced to death at Scottsboro in a courthouse protected by National Guardsmen with machine guns. A mistrial resulted in the case of the ninth, when the jury was unable to decide between life imprisonment and death because of his age.

The Alabama Supreme Court reversed the verdict for another, on the grounds that he was a minor.

Last year, the United States Supreme Court ordered new trials for the other seven, on the ground that they had no time for adequate defense.

Judge A. E. Hawkins of Scottsboro granted a change of venue to Decatur for re-trial. The defense had made repeated attempts to take the trial to Birmingham or Mobile.

Judge James E. Horton presided at Patterson's second trial last Spring. He sentenced the youth to death, but ordered a new trial a few months later on grounds that the State's evidence was insufficient for conviction. Trial of the others was postponed at that time on the ground that remarks by Leibowitz had prejudiced the case.

Doomed a Third Time

Waiting anxiously for jury's verdict in famous Scottsboro case are Haywood Patterson, defendant, and Chief Counsel Samuel Leibowitz. The jury decided Patterson was guilty.

Her Life Threatened

Letters threatening life of Samuel Leibowitz, defense attorney in famous Scottsboro, case, his wife, Mrs. Belle Leibowitz (right) and their daughter have been received. Leibowitz has been under guard in Alabama. The daughter is in Brooklyn.

Leibowitz Uses Dinner Table Conversation with Ala. Jurors

Afro-American

Tried to Appeal Only to Reason of Panel Without Oratory Wept When Death Verdict was Returned

By CLARENCE MITCHELL
Afro Staff Correspondent

12-16-33

DECATUR, Ala. — Samuel Leibowitz, slightly bald and close to forty, neat of dress and possessing a confidence-winning smile, talked in conversational way to the jury during the trials of Haywood Patterson and Clarence Norris, alleged rapists of Victoria Price, white, ex-factory girl, last week.

Mr. Leibowitz pointed out that he was not trying to make an appeal to their prejudices or their sentiments. "I am not waving the American Flag or anything else," he said.

He talked to the jurors as one would talk over the dinner table in an even voice.

He showed them how illogical it was to suppose that nine or even six men had raped a woman of Victoria Price's size without having left some kind of marks behind in the way of cuts, bruises and other physical evidence which things an examination by Doctor R. R. Bridges

white, failed to reveal immediately after the alleged attack.

"Let us talk as man to man," he reasoned, "and if I cannot convince you by reason, I will not try to convince you by speech making." Throughout his plea he followed just that course, frequently addressing the jurors by their names.

Believes Boys Innocent

He did his best without a twinge of fear or hopelessness. All the while he knew that grave personal danger awaited him from the citizens of Decatur, so grave that Judge Callahan doubled his personal guard on the night before.

"I would rather defend a murderer than a rapist," he declared," and I would not be defending these boys if I did not believe them to be innocent."

While waiting for the verdict to be brought in, he softly whistled "Lazy Bones" and tried not to look worried, he even joined the practical jokers who tried to set fire to the feet of several sleepers.

When the first verdict of Patterson was announced he had tears in his eyes and chokingly said, "We'll be back, we'll be back." He took the death sentence of Norris more easily and filed his application for an appeal in both cases.

Threatening notes and explosives have not served to keep him out of Alabama. He is a man fighting for a cause that he believes to be right.

KNIGHT TURNS 'MANIAC' FROM GENTLEMAN

Afro-American
12-16-33
Baltimore, Md.

Suave Bearing Lost When He Make Appeal to Prejudice.

By CLARENCE MITCHELL
(AFRO Staff Correspondent)

DECATUR, Ala. — A soft-voiced young man, who seems nearing thirty, limped to a table in the courtroom at Decatur while someone whispered, "There he is." I turned on the speaker and asked the man's name. "That's Attorney-General Thomas Knight," was the answer.

He was a disappointment. His shadow before had been greater than the man. I had expected to see a giant—a big man who had dared to go down into lynch-maddened Tuscaloosa, Alabama not so long ago to arrest mob participants.

That mellow. Southern voice of his drawled some comment on the case and his associate counsels laughed. I liked that voice and I felt sure that this man was not interested in seeing innocent men convicted but only prosecuted them out of duty in public office.

He was polite and debonair at all times. One would have expected him to snarl when he addressed the defendants or their counsel, Samuel S. Leibowitz. He didn"t, though. He just smiled and bowed. So much so that I ceased to wonder why Alabama politicians are planning to make him governor.

Turns to Man

Throughout the trial, he maintained his air of polish until he made his summary before the jury. He started as a gentleman and ended as a maniac. "It is your duty," he cried to the jury at one point, "to stay the hand of this rapist from other women."

"I move for a mistrial, your honor," Mr. Leiwowitz shouted from his seat. "That is an appeal to prejudice and passion."

Then Mr. Knight turned and his true colors were shown in every quivering fibre of his contorted face. He was snarling hate and spitting venom. "I mean it for an appeal to prejudice and passion," he snapped, while Mr. Leibowitz recoiled with contempt on his face.

The courtroom was still—with that stillness which precedes a destructive thunderstorm. Men were on their toes waiting. Surely, even in Alabama he couldn't get away with that. But he did—because Judge Callahan overruled the motion and Mr. Knight continued his harangue.

Before he made that statement, I could see why he was a logical

Lynchings-1933

Legal Punishment for Rape.

Alabama (Clarence Norris.)

4315

Second Decatur Defendant Gets Death Sentence

Advertiser

Notice Of Appeal Given, Staying Executions Set For Feb. 2 In Kilby Chair

12-7-33

High Court To Act

Montgomery, Ala.

Leibowitz To Carry Cases To State And Federal Supreme Courts Again

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., Dec. 6.—(AP)—Two of seven negro defendants in the Scottsboro case tonight were under sentence to die in the electric chair in Kilby Prison, at Montgomery, under verdicts of Morgan County juries.

Judge W. W. Callahan, presiding, passed the formal sentences on Heywood Patterson and Clarence Norris a few minutes after the jury in the latter's case had convicted him of participating in the alleged attacks on Mrs. Victoria Price and Ruby Bates in Jackson County on March 25, 1931.

All Previously Convicted

Both negroes and their five co-defendants were convicted in April, 1931, and sentenced to death at Scottsboro, but the U. S. Supreme Court set aside the verdict.

The words hardly had died on the lips of the Judge today, however, before a legal step was taken to stay the executions set for Friday, Feb. 2, 1934, and carry the fight to the higher courts.

As Judge Callahan pronounced the final words of the formal sentence, "and God have mercy on your soul" on Patterson, Samuel S. Leibowitz, chief of defense counsel, gave notice of an appeal, automatically staying the sentence.

Similar procedure was followed in the case of Norris, whom the jury convicted after being out 41 hours, and an hour later all of the defendants, who had been brought here for retrial under a change of venue from Jackson County, were en route to the Jefferson County Jail in Birmingham.

The formal sentences and the notices of appeal ended for an indefinite period proceedings in Morgan Circuit Court, as Judge W. W. Callahan, on Leibowitz's motion, yesterday postponed further action.

Leibowitz, after the formal sentences, asked Judge Callahan to designate the Jefferson County Jail as the place of incarceration for the prisoners.

Judge Callahan informed him that the law specified Kilby Prison at Montgomery, where executions for capital offenses are carried out in the electric chair, as the place for imprisonment of condemned men.

"I am merely following the request of the defendants, who claim they were mistreated in Kilby Prison," said Leibowitz.

The negroes were held in Kilby Prison for several months while the first death sentences were being appealed to the Alabama Supreme Court, where they were confirmed, and later set aside by the U. S. Supreme Court, where counsel for the negroes said the cases again would be taken if necessary.

Says Prisoner Threatened Him

Patterson, in a personal plea to Judge Callahan, said, "there is a prisoner down there that said he would kill me if I was ever brought back to Kilby Prison."

Judge Callahan replied the warden would protect him, and Atty. Gen. Knight said he would be treated the same as every other prisoner in the penitentiary.

Leibowitz, with a request to the Judge that counsel for the negroes be permitted to leave the court before the spectators, caused a momentary stir among the 50 or so persons in the courtroom.

When there was delay, however, court was adjourned and the spectators filed quickly out, before the attorney, accompanied by four deputies assigned to protect him, left the courthouse.

SCOTTSBORO JURY SPARS FOR VERDICT

Times

Out More Than 24 Hours in the Norris Case, It Gives No Sign of Agreement.

New York

FIVE TRIALS POSTPONED

12-6-33

Judge Acts After Leibowitz Says Appeal to Supreme Court Is Certain.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., Dec. 5.—While an idle court-room crowd amused itself with story-telling and puzzle-solving here today, a jury of farmers weighed the evidence for and against Clarence Norris, one of the Negroes whose conviction at Scottsboro was set aside by the United States Supreme Court.

As the jury argued and wrangled behind locked doors, Heywood Patterson, the Negro convicted last Friday of criminally attacking Victoria Price and Ruby Bates, waited in his cell in the county jail for Judge W. W. Callahan to sentence him to death.

The case of Norris, one of the nine Negroes jointly indicted at Scottsboro in the Spring of 1931, will be the last to be tried at this term of court. The others were postponed indefinitely by Judge Callahan after Samuel S. Leibowitz, chief counsel for the defense, declared that the constitutional questions involved made an appeal to the United States Supreme Court certain unless the Supreme Court of this State reversed the convictions.

Declaring that evidence adduced from State's witnesses at the Norris trial and the testimony of two of the defendants, Olen Montgomery and Willie Roberson, established their innocence of the charge, Mr. Leibowitz asked that these youths be admitted to bail.

Attorney General Knight opposed the application and Judge Callahan said he had no jurisdiction to grant it.

Habeas Test Is Threatened.

"I suppose the proper thing to do is to test that out at the earliest possible date on a writ of habeas corpus," said Mr. Leibowitz.

"That's the only way I know," said Judge Callahan.

Montgomery and Roberson testified at Patterson's trial that they did not enter the gondola car in which the girls allegedly were attacked.

At the trial of Norris, Tom Dobbins, a white farmer, and Sam Mitchell, his Negro plowhand, testified for the State that they saw "three darkies" in an empty box car far behind the open car in which they discerned the figures of white men and Negroes engaged in the combat which the State charges was the prelude to the mass attack upon the women.

Mr. Leibowitz was late in reaching court this morning and he arrived just as Judge Callahan was preparing to put the case of Charlie Weems, another of the defendants, on the calendar for trial.

It was then that he asked for a postponement, explaining that the defendants were "paupers" and asserting that to force them to trial would be a "hardship."

Judge Yields an Delay.

"These trials may be only an empty gesture," he said, "after the higher courts have reviewed them."

"I'm not inclined to press you to trial if you're not ready," said Judge Callahan, pointing out that the stenographer had told him the task of preparing the record for appeal would consume at least a month.

The cost of printing the record would be considerable even in Patterson's case, the court considered.

The New York attorney had planned to leave for his home on the 2:30 train, but as the morning hours passed with signs of a deadlock among the jurors growing, he changed his mind. The jury retired yesterday afternoon at 6:17 o'clock Central Time, but did not begin its deliberations until this morning at 8:20.

Soon after entering the jury room, the jurors sent out for the exhibits in the case. Torn clothing, which the State offered to support the story of Victoria Price, and photographs of views of the railroad right of way from various haylofts and woodpiles from which State's witnesses said they saw the melee were sent to the jury.

A knife which Victoria Price said was held against her throat was ruled not in evidence by the judge.

Throughout the morning the jury wrestled with its problem. No sound came from the room, but from the lawn outside the coatless men could be seen arguing in groups of two and three and more. At 12:10 Judge Callahan ordered them taken to lunch.

The door of the jury room opened and the jurors straggled out, pulling on their coats as they came. They lined up before the bench and received Judge Callahan's admonition to refrain from discussion of the case until they returned, and then they filed out to eat.

As they passed Mr. Leibowitz, three of them smiled pleasantly at him.

Reporters Take Straw Vote.

In the afternoon, while Mr. Leibowitz and Mr. Knight waited nervously for the knock which would signal an agreement among the jurors, eight newspaper men, four from New York and four Southerners representing press associations and a Birmingham newspaper, took a straw vote among themselves.

Two questions were asked on the ballots, which were secret. These were:

"What is your guess on the jury's verdict?"

"How would you vote as a juror?"

On the first question six predicted a verdict of guilty and a sentence of death, while two foresaw a disagreement.

On the second, five reporters said that if they were jurors they would acquit the defendant, while three said they were "undecided."

At 6:17 P. M., when the jury had been out exactly twenty-four hours, Judge Callahan remarked that he was "getting hungry," and was about to instruct the bailiffs to take the jury out for dinner and then march them back to Mason's boarding house, where they are staying for the night. He was against allowing juries to deliberate far into the night, he said.

Mr. Leibowitz objected to an interruption in the deliberations and Attorney General Knight said it was a matter for the defense to decide. Judge Callahan then ordered the bailiffs to go out and get a gallon of coffee and enough sandwiches for twelve hungry men.

NORRIS SENTENCE RETURNED AFTER HOURS OF STUDY

News

Patterson Is First To Hear Extreme Penalty From Lips Of Judge

12-7-33

COUNSEL FOR DEFENSE GIVES APPEAL NOTICE

Birmingham, Ala.

Execution Set For Feb. 2 Is Automatically Stayed By Attorney's Move

BY RALPH E. HURST
The Birmingham News Staff Writer

DECATUR—With the state having scored a death verdict for the second time within a week, the Scottsboro cases came to an indefinite close here at 11:30 a.m. Wednesday, when a jury proncunced the electric chair for Clarence Norris. A similar verdict had been given for Heywood Patterson last Friday.

With a steady rain falling outside, only a few spectators were present to hear the fatal verdict. Norris was seated in a chair beside the wall just outside the jury room with Heywood Patterson beside him. Neither of the Negroes showed any emotion.

Judge Callahan then called them before the bar to pass formal sentence.

Defense Attorney Leibowitz walked over to the two defendants, who were talking and laughing together, and conversed with them in a low tones. A New York newspaper reporter was with him.

"Gentlemen, I do not want you interviewing the prisoners under such conditions," Judge Callahan said.

Patterson was sentenced first, standing with hands clasped behind him and answering questions in a calm voice, although he constantly shifted his feet.

"Heywood, the jury has found you guilty and it becomes my duty to pass the sentence of punishment for you. Have you anything to say?" the court asked.

"Yes, sir, I am not guilty. I have been sentenced to the electric chair three times for something I am not guilty of," the prisoner replied.

The formal death sentence, setting his execution for Feb. 2 at Kilby Prison and ordering him confined there until that time, followed.

After the manner of death by electricity was prescribed, Patterson returned to his seat without any further remarks.

The defense noted an appeal.

This stays the execution, pending outcome of the appeals, and such an order was entered by the court.

Norris had prematurely walked before the bar twice to receive his sentence, being sent back each time.

Finally called, Norris held his cap in one hand. Asked if he had anything to say, he replied he was not guilty of the charge. His execution was also set for Feb. 2, but was suspended by a notice of appeal.

Leibowitz then asked that the defendants be confined in Jefferson County Jail, saying they claimed they had been mistreated at Kilby. Judge Callahan replied that the law provides for them to be held at Kilby.

Birmingham
Ala.

Leibowitz then asked that defense attorneys be permitted to pass out of the courtroom before the audience "and the defendants likewise," which the court agreed to.

There were hardly 50 spectators present and nothing on the surface to explain the attorney's request.

Patterson, before being taken out told the court he had been threatened with death if he returned to Kilby.

The International Labor Defense Communist agency which is conducting the defense, has often circulated written charges, always unproved that the defendants were also mistreated in Jefferson County Jail, but this was not mentioned here.

The defendants were taken out and with the five whose trials were postponed, loaded into the Jefferson County patrol wagon for transfer to Birmingham, bringing the proceedings here to a final close.

Although the jury received the Norris case early Monday night, deliberations were not started until Tuesday morning on orders of Judge Callahan.

Further perpetuation of the highly sensationalized cases which grew out of alleged wholesale assaults on Victoria Price and Ruby Bates on a freight train in Jackson County March 25, 1931, is promised in the defense declaration that the verdicts here will be carried to the United States Supreme Court unless reversed by the Supreme Court of Alabama. Points of constitutional law are involved, the defense claimed.

Habeas corpus proceedings are also to be instituted for release of two defendants, claimed by the defense to have been cleared in evidence at the trials here. Atty. Gen. Knight disputed this and Judge Callahan ruled he had no power to grant bail for them, as requested.

Indefinite postponement of the remaining cases was announced by Judge Callahan, but this does not necessarily mean that they will not be taken up until the outcome of appeals is determined.

Nine Negroes were arrested at Paint Rock and charged by the two girls with assaulting them as they hoboed from Chattanooga to their Huntsville homes.

Eight were convicted at Scottsboro and given death sentences, a mistrial resulting for one because of his youth. On appeals the Alabama Supreme Court granted a new trial to one of the eight condemned Negroes on account of his youth and the others were sent back for new trials by the United States Supreme Court.

Trials Postponed

Patterson was brought to trial here last April on a change of venue and given a death sentence. Judge James E. Horton postponed the other trials following an exchange of inflammatory remarks between Defense Attorney Leibowitz, of New York, and Atty. Gen. Knight, and soon afterward the judge set aside Patterson's conviction, holding the state's evidence was not sufficient.

The youngest defendants have been transferred to the Juvenile Court, leaving disposition of their cases up to Probate Judge Malone, of Decatur. He can take up the cases at any time, but the severest punishment he can inflict is to commit them to a reformatory. He can, however transfer them back to the Circuit Court's jurisdiction and leave it to that tribunal to make the disposition.

If the Alabama Supreme Court should reverse the cases on points of evidence, the cases would come back here for trial, but if the reversal should come from the Supreme Court of the United States on a point of constitutional law, it would mean sending the cases back to Jackson County and probably new indictments.

The point of constitutional law referred to by the defense is an allegation that Negroes are systematically excluded from jury rolls of the state in violation of the fourteenth amendment. This point was argued in defense motions to quash the indictments and the trial venires. Both motions were denied. During the proceedings the names of six Negroes were discovered in a record examination of the Jackson County jury roll.

A member of the Negro quartet that sang for defense attorneys and some friends at their apartment Sunday night was fired on three times after leaving the apartment, it was learned Wednesday, but was not hit. Sheriff Davis, who investigated, said he had learned that the shots were fired by a white man after he and the Negro had bumped into each other on the sidewalk, and it was not believed the incident had any connection with the singing.

An extra guard for Leibowitz resulted from Judge Callahan's instructions to officers Tuesday night to "double their energies" to protect the attorney. Judge Callahan said he had no reason, other than precaution, for his instructions.

BATES GIRL'S STORY WILL GO TO JURORS

Times

Deposition, Barred in the First Scottsboro Trial, Will Be Used for Norris.

New York.

LEIBOWITZ IS 'PRAYING'

Addressing a Colored Baptist Service, He Says He Is Petitioning Silently for 'Justice.'

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., Dec. [illegible] — Testimony given by Ruby Bates from a hospital bed in New York will be presented here tomorrow to the jury of farmers before whom Clarence Norris is being tried for his life.

17 33

The deposition, taken by Julius Applebaum, New York lawyer, arrived here too late for use in the trial of Heywood Patterson, the Scottsboro case defendant who was convicted for the third time Friday afternoon.

Circuit Judge W. W. Callahan, who is presiding at the trials at a special term of court, refused a defense request to postpone completion of the Patterson trial twenty-four hours so the deposition might be offered in evidence.

The court's ruling provided one of the many points on which Samuel S. Leibowitz, chief counsel for the defense, is depending for a reversal of the verdict on appeal. In her deposition, the Bates girl reiterated her testimony, given before Circuit Judge James E. Horton, who presided at Patterson's trial here last April.

At that trial, she made a surprise appearance in the court room to contradict Victoria Price's charge that the nine Negroes who have been in jail for nearly three years, attacked her on a Southern Railway freight train between Stevenson and Paint Rock, on March 25, 1931.

Recanting the story she told at the first trials of the Negroes in Scottsboro, Ruby Bates asserted that Victoria Price had "framed" the case against the Negroes to protect herself from the danger of arrest for vagrancy. She had "just told what Victoria told," said Ruby Bates, asserting that the whole story was a fabrication.

Bates Deposition Counted On.

The defense is counting upon the deposition to place before the jury the essence of a story which Judge Callahan has held to be immaterial and irrelevant. This is a story of the relationship among the two girls and Orville Gilley and Lester Carter.

Tomorrow's court session may end the battle here for the Negroes' lives. It is possible that the jury will receive the case by nightfall.

After the jury has reported its verdict Judge Callahan is expected to postpone the other cases, allowing the next skirmish to be held before the Alabama Supreme Court, and eventually the United States Supreme Court, before placing the other Negroes on trial.

With court in recess over Sunday, Mr. Leibowitz attended the morning services at the Shiloh Baptist Church, whose Negro congregation interrupted the singing of a hymn to make a special place for the white visitor on the mourners' bench.

Leibowitz Addresses Service.

The church is a dilapidated, barn-like structure, a Red Cross poster, with the words "Join now" still upon it, serving for a cross upon the pulpit.

At the invitation of the Rev. E. D. Duvall, the pastor, Mr. Leibowitz addressed the congregation, telling them he was glad to be among them and asserting that while they were praying audibly he was praying silently that "justice may be done to all mankind."

A visit to the jail disclosed the seven Negroes studying their fan mail and receiving visitors from Decatur's Negro section. One caller, Mattie Johnson of Ask Street, a muddy alley in a section known as Buzzards' Roost, said she hoped to marry Patterson "when he gets out."

Patterson confirmed this and when asked if he had been carrying on a courtship through the bars, replied:

"Yes, sir, that's the best I could do."

The big Negro, who has been condemned to death three times, is confident that he will not die in the electric chair. He has complete faith that the most recent verdict against him will be set aside by the higher courts and that he will be tried again.

Willie Robinson, another of the Negroes awaiting a new trial, said he was writing a book about the case and hoped to have it finished in about three weeks.

"How much have you written?" he was asked.

"Oh, I ain't exactly started yet," he said.

The pen in which the Negroes are confined is on the ground floor of the jail. Each has a cell about six feet by eight, but in the daytime the doors are opened and they are permitted to visit one another.

It is so dark that it is almost impossible for visitors to distinguish their features. The Negroes said they were not complaining, however; that they got "plenty of sleep," good food and considerate treatment from Sheriff Bud Davis.

White prisoners are not keep in the jail, but are taken to the lockup in Huntsville, thirty-odd miles away.

Lynchings-1933
Legal Punishment for Rape.

Alabama (Clarence Norris)

4316

NORRIS CASE IS GIVEN TO JURY IN DECATUR COURT

News

Denial By Ruby Bates Of Attacks Is Read In Negro's Case

12-5-33

YOUTH WHO RODE TRAIN TELLS STORY TO COURT

Birmingham

Orvel Gilley Says Patterson Held Pistol On Him During Assault

Ala

BY RALPH E. HURST
The Birmingham News Staff Writer

DECATUR—For the second time within the last four days, a Morgan County jury took up deliberation of the highly sensationalized "Scottsboro cases," when the fate of Clarence Norris was placed in the hands of 12 talesmen at nightfall Monday. A jury received the case of Heywood Patterson, first of the defendants to be retried here, last Thursday afternoon, and returned a death verdict the following day.

Completion of the Norris case was expected to be followed by an indefinite postponement of the remaining cases, which had been scheduled to be taken up next Monday. Defense Attorneys Samuel S. Leibowitz, of New York, and George W. Chamlee, of Chattanooga, planned to leave here late Monday night.

The Norris trial, which got under way Saturday, moved swiftly with attorneys taking "short cuts" through the proceedings. Whereas, he had himself argued more than four hours at the Patterson trial here last Spring, Leibowitz Monday afternoon suggested only 30 minutes be allotted each side for summing up and then agreed on 45. He took all the defense time, however, and spoke to the jury for one hour and 10 minutes.

Solicitor Wade Wright, of Decatur, opened for the state and attacked the written testimony of Ruby Bates introduced in the Norris trial after arriving too late to get here before the Patterson jury. Attorney General Knight concluded and Judge W. W. Callahan charged the jury.

Monday's session was featured by Judge Callahan sending the jury from the room to administer a stern rebuke to Leibowitz for his courtroom manners, which the judge said were designed to provoke the court to improper remarks and rulings.

A flurry of excitement was also created for the audience when Judge Callahan suddenly noticed that the defendant was missing while a witness was testifying. It developed, however, that Norris had only gone to an adjoining washroom, and after he returned the judge spoke to the deputies about keeping a better guard and had the testimony repeated.

Norris, like the other defendants, is charged with attacking Mrs. Victoria Price on a freight train in Jackson County March 25, 1931, as she and Ruby Bates were hoboing from Chattanooga to Huntsville. Heywood Patterson, first of the defendants to be retried here, was given a death sentence last week, Ruby Bates' testimony not having been received in time for his trial.

The state rested its case at mid-morning, reserving the privilege of presenting one witness out of order when he arrives, and the defense was opened and evidence presented rapidly. Two defense witnesses had been introduced out of order during the state's presentation and it appeared the trial might reach the argument stage during the late afternoon.

Looking straight at the attorney who has displayed an unpleasant mood from the time he entered court, Judge Callahan told him he had noticed the throwing of pencils on the table and other evidences of resentment to the court's rulings. The judge has frequently throughout the proceedings here, admonished the attorney to merely make exceptions when he wished and withhold his remarks.

The "call down" came during Leibowitz's cross examination of Orvel Gilley after the attorney had asked the witness if he was "trying to get smart" with him.

Newspaper men had commented on the defense attorney's attitude several minutes before the judge took open cognizance of it. The attorney had shot his questions like barbed darts during his cross quiz, and prior to that, had objected to nearly every direct question from the prosecution, had been overruled almost as often, and had entered exceptions with a grating emphasis.

This court, Judge Callahan said, is not trying these cases for publicity and is not maneuvering to obtain newspaper headlines. He declared he would not further tolerate any improper tactics and ordered all attorneys to conduct themselves in a legal and judicial manner.

Leibowitz devoted some time to questioning Gilley about where he had recited poetry and how he passed the hat for collections afterward.

"You and Victoria were very friendly weren't you?" Leibowitz asked.

"Well, we were not mad with each other," Gilley answered.

Leibowitz asked Gilley if he could pick out the defendants from a group of 50 Negroes.

"Yes, sir, every one of them, and you could too, if you had been through what I have," the witness answered and was permitted to quit the stand.

Gilley, Albertville youth, who was on the gondola car where Mrs. Victoria Price is alleged to have been attacked, was placed on the stand Monday.

Gilley was removed from the stand long enough to permit the defense to present Dr. R. R. Bridges, Scottsboro physician who examined Mrs. Price and Ruby Bates after the alleged attacks on a freight train in Jackson County, March 25, 1931.

Dr. Bridges testified he found no blood or cuts on Mrs. Price, although the girl had testified that she "bled a little" from a pistol butt blow on the forehead. Dr. Bridges, who up until last week had been a state witness, is now considered by the defense to be one of its most important witnesses.

On cross-examination, Dr. Bridges said there were several small scratches on one wrist and one forearm and bruises in the small of the back.

Dr. Bridges was questioned as to other physical facts, but could not say whether there had been an attack. Mrs. Price showed evidence of a recent act, however, he said.

Before hearing of testimony was started Monday, the defense attempted to [illegible] some exceptions to Judge Callahan's charge to the Patterson jury, contending the court had agreed to this. The court denied any such agreement and held any exceptions should have been made at the time of the charge.

Gilley began his story at 9 a.m., giving approximately the same version as Mrs. Price. Patterson held a pistol on him, he said, while the defendant attacked the girls.

"Explain what you mean by attack—tell exactly what you saw them do," the court prompted.

Gilley then identified Norris as having attacked either Mrs. Price or Ruby Bates, but could not say which one.

News
12-5-33
Birmingham
Ala

Defense Attorney Leibowitz objected to nearly every question put to Gilley, was overruled almost as often and always excepted.

"How many times have you rehearsed this story you have told here today, you and Victoria Price together?" Leibowitz began his cross-examination.

The defense attorney was apparently in an unpleasant mood from the beginning of the morning session and he mercilessly plied his questions at Gilley.

When Gilley testified he was a reciter of poetry and sometimes made it up, Leibowitz said:

"You are capable at making things up, aren't you?"

Next Leibowitz asked Gilley if he had been to Montgomery and the witness said he had been there to see Knight.

"You aren't trying to get smart with me, are you?" Leibowitz asked.

This exhausted Judge Callahan's patience and he sent the jury from the room so that he could speak his mind.

The jury was then returned to the courtroom and Leibowitz began his cross-examination.

The defense opened by presenting the written testimony of Ruby Bates.

Ruby Bates' testimony was produced in written form on defense plea that she was too seriously ill in a New York hospital, to come here and testify

At the original trials in Scottsboro, she testified the defendants attacked her and Mrs. Price. Later she gave a Chattanooga pugilist a written repudiation of the charges, then repudiated the repudiation, claiming she was drunk, then appeared for the defense here last April and changed her story for the fourth time, testifying there were no assaults.

In the written testimony she gave her present age as almost 20, and told where she first knew Mrs. Price, Gilley, Lester Carter and other principals in the cases. Answers to questions about illicit relations and events on the day preceding the alleged attacks were ruled out on state objections.

"On the morning of March 25, 1931, Orvel Gilley and Lester Carter again went to get some food while Victoria Price and I washed our hands and faces in a branch that ran through the place where we spent the night," she began her story of the day's events, the place she had reference to was the hobo jungle of Chattanooga

Knight obtained exclusion of everything prior to boarding the freight train. Leibowitz explained it was not offered to impugn the chastity or veracity of Mrs. Price, but to explain the sexual condition found by Dr. Bridges.

Ruby Bates described the fight between the white boys and Negroes, saying that Gilley did not get off.

On arrival at Paint Rock, "Victoria made out like she fainted," she said, but the doctor found nothing wrong except high blood pressure. She then told of being carried to Scottsboro and examined by Dr. Bridges and Dr. Lynch.

Ruby's admission to the doctors of relations in the hobo jungles was ruled out by the court.

Boy In Cell

Describing events in the Scottsboro jail, she said Victoria told the sheriff that one of the white boys was her half brother and also made the assault charges. Testimony that the white boy was placed in the cell with the two girls was excluded. Ruby said her mother had the boy removed to another cell.

She said Victoria Price "made up" the story of the attacks and told her what to say, but that she did not agree because "it was not true." Victoria, she said, also instructed the white boys as to how to testify. She said that Victoria and one of the boys had "love affairs" in the jail.

Ruby said Lester Carter protested against the false charges. Ruby then said her first testimony at Scottsboro was false. The question of why she told a false story then was excluded.

To the question of whether any of the nine defendants, all being named, had attacked her or Mrs. Price, she answered "no".

Cross interrogatories, the same as a cross examination, were then read by the state.

Ruby admitted accusing the defendants in Scottsboro. The question reviewed her direct testimony in the original trials.

"Do you know Danny Dundee?" the state asked. This was the name of the pugilist who obtained her repudiation.

"I don't know whether I could identify him or not," she said.

She admitted signing the repudiation, saying she did so because she was "terrorized by the chief of police of Madison County" at Huntsville.

Lester Carter, one of the white youths who quit the train after the fight, was the next witness, and told of events after he boarded the train with the two girls and Gilley.

Carter testified he heard the plans made for Odell Gladwell to pose as Victoria's brother and said that when he was asked to testify about the attacks, he refused, declaring he would "tell the truth."

Carter's testimony was completed after court resumed at 1 p.m., following the lunch recess.

Leibowitz spent Sunday evening listening to the singing of spirituals by Decatur Negroes.

The defense was trying to show the attack charges were framed up to prevent the girls, Gilley and Carter from being prosecuted for violating the Mann act.

"Saw No Attacks"

Gilley was put on the stand for a minute and admitted to Leibowitz that he saw Carter in California but denied he told him he saw no attacks take place. This ended Carter's direct testimony.

Carter was asked by Knight about who paid for the clothes he wore when he appeared here last April, how much money he obtained from the defense attorneys, and who he rode with from New York last April. The witness said he bought his own clothes, that Defense Attorney Brodsky gave him "some four dollars" and that he rode from New York to Birmingham with "two New York boys," whom he admitted were associated with the defense. He denied he traveled South with Ruby Bates.

Questions about who bought his Ford were overruled and Knight said he wanted to show a "continuous association" between the witness and defense attorneys.

Morris was one of the witnesses testifying to seeing Negroes and white boys fighting in a car that contained two girls as the train moved from Stevenson toward Paint Rock. The girls were crying, he said.

Carter had testified the girls were not in the car where the fight took place.

In resting the defense did not put the defendant on the stand. Morris was the witnesses for whom an attachment had been issued and whose presentation out of order had bee agreed upon.

After Morris had finished Judg Callahan premitted the defense t reopen its case insofar as Morri testimony was concerned and W. S Sullivan, Decatur photographer, wa called to identify pictures of Morris' barn and views from it. Morr had testified that what he saw w from his barn.

Sullivan testified the level o the barn window was below the to of a gondola car on the nearby tracks and that one could not se into the car from the window.

During this testimony Judge Ca lahan discovered the defendant wa missing and stopped proceeding The defendant came out of a wash room and Judge Callahan, wh ordered deputies to keep up wit him better than that, had Sullivan repeat his testimony. The law requires the defendant's presenc throughout a trial.

A stir went through the audienc which had not noticed Norris' dis appearance, but the spectators re laxed when he came back in.

This was one of the best illustra

tions of how the defendants sit court, the least noticed of the man principals in the cases.

W. H. Branum, Paint Rock policeman, opened the state's rebuttal t testify as to measurements of distances at the Paint Rock Railroa Station where the defendants wer arrested.

At 2:25 p.m., the state restec Branum being the only rebuttal witness, and the way cleared for arguments, with three fourths of an hou to each side.

Opening arguments for the stat Solicitor Wade Wright, of Decatu attacked the repudiating testimon of Ruby Bates, and scoffed at th idea that Victoria Price could coi coct the story of the attacks.

Opening for the defense, Leibowitz announced he was not going to do any loud speaking, that he would not "do any yelling and bellowing," or attempt to appeal to emotions or passions. He followed a theme that has ruled defense arguments throughout—that no one cries insult as quick as a lewd woman.

"I am not going to get mad o excited—I will let Mr. Knight ge excited and wave the American flag and all that," he said.

Leibowitz then attacked the character of Victoria Price, not, he saic in contention that one has a right tc assault a prostitute, but to show the jury the type of woman whose veracity they must decide.

"There was no more rape on tha car than there has been in thi courtroom, and I tell you gentlemer there has been rape in this courtroom," he said. "Victoria Price, multiplied by Orvel Gilley, is just sc much junk," he said.

"Why should Victoria Price come in here with lies, unless she is lying to hang some innocent Negroes tha she cares nothing about?" Leibowit asked. "She would swear a saint' life away to serve her purpose."

"Don't be afraid of what the newspapers may say, or the man whe stands out on the courthouse grounds," Leibowitz urged on th jury in conclusion, "there are th eyes of the world on you, sitting a that press table."

Although Leibowitz had suggeste only 30 minutes for each side an then accepted, he took one hour an 11 minutes to deliver all of the defense summonings.

When Leibowitz finished, he, lik Solicitor Wright, was speaking the top of his voice and with emotion.

Knight began with a declaratio that there was no doubt but wha the alleged crimes had been committed and told the jurors to rende a verdict that would protect othe women. He then reviewed the evidence.

Although the large staff of reporters, photographers and newsreel me already here was augmented las week following outbreaks of violenc in other sections of the country, ther has not been one untoward inciden and interest in the proceedings ha been less than would be expected a an ordinary criminal trial.

Protests

Protests against "the mob spirit here and demands for release of th prisoners continue to come from a sections of the country, including Sa Jose, Calif. Some of these ar threatening and insulting in natur and Judge Callahan's wife has bee the recipient of several.

Chief Defense Attorney Leibowit of New York, and his assistants, Joseph Brodsky, New York, and George W. Chamlee, Chattanooga, are obviously conducting their case with a view to building up a record for appeal, and after the death verdict was announced for Patterson, Leibowitz told newspaper men "I will do my talking before the United States Supreme Court and have no misgivings about the outcome."

NEGROES' DEFENSE LOSES BAIL MOVE FOR TWO ACCUSED

Norris

Leibowitz To Seek Freedom Of Montgomery, Roberson On Habeas Corpus

12-6-33

Birmingham,
Ala.

BY RALPH E. HURST
The Birmingham News Staff Writer

DECATUR—After announcing that the two Scottsboro cases tried here during the last week would "positively be carried to the United States Supreme Court," unless reversed by the Supreme Court of Alabama, defense attorneys lost an effort to have bail granted for two defendants and declared habeas corpus proceedings would be instituted for them.

These developments took place Tuesday morning, as a jury deliberated the fate of Clarence Norris in the same room where a jury last week decided on a death verdict for Heywood Patterson.

Defense Attorney Leibowitz's announcement of the appeals, which means that the cases are still to be kept alive many months, if not years, contained a declaration that there are points of constitutional law involved.

The two defendants for whom bail was asked are Olen Montgomery and Willie Roberson, declared by the defense attorneys to have been cleared by evidence in the trials here. Atty. Gen. Knight disputed this contention, and Judge Callahan ruled he had no power to grant bail, which resulted in the habeas corpus announcement.

All the defendants will be returned to the Jefferson County jail in a patrol wagon following disposal of the Norris case.

When the state announced ready to try the case of Charlie Weems, Leibowitz asked for postponement.

"There are points of constitutional law involved, and unless the Alabama Supreme Court reverses the two cases already tried, they will positively be carried to the United States Supreme Court," Leibowitz said, adding that the defendants are paupers and without funds.

Judge Callahan said he was not inclined to push the cases unless the defense wished.

Leibowitz then asked the court and attorney general to fix "a reasonable bail" for Willie Roberson and Olen Montgomery, declaring evidence had cleared them.

The court replied it had no power, and in opposing, Knight disputed that their innocence had been shown.

Leibowitz then said he would institute habeas corpus proceedings.

Judge Callahan then passed the remaining cases.

He then discharged all witnesses "until further notice."

The Norris jury received the last of the judge's lengthy charge shortly after 6 p.m. Monday and was sent to its hotel, at its own request, with instructions not to begin deliberations until Tuesday morning. Exhibits and written evidence were withheld until Tuesday morning.

Defense Attorney Leibowitz offered several exceptions to Judge Callahan's charge, to some of which the judge replied by adding to his instructions.

One of the exceptions was to the court's charge that unchastity of the prosecutix was not admissible, except where the defense consisted of consent, and that her character was not an issue because consent was not the defense. Another exception was taken to the charge that the jury "may and must consider the reputation" of this and all other witnesses in giving weight to their evidence. His instrutcions on conspiracy in the alleged attack was excepted to.

Leibowitz suggested at the close of evidence that arguments be limited to 30 minutes but agreed to the state's suggestion for 45 minutes and then, taking all of the defense's allotted time, spoke for more than an hour. At the trial of Patterson here last April he consumed more than four hours of the allotted six.

Knight Closes For State

Solicitor Wade Knight, of Decatur, opened arguments for the state and Atty. Gen. Knight closed.

Judge Callahan told the jury it must consider the written testimony of Ruby Bates, repudiating her charges of the attacks, just as if she had given it in person. This testimony was received too late for the Patterson jury and was first read here Monday, following affidavits that she was too ill in New York to come here.

She denied that she or Victoria Price was attacked on the train, declaring the charges were framed up to avoid their prosecution for violating the Mann law.

The defense presented Lester Carter to testify that Orvel Gilley told him in California that there were no attacks, but Gilley replied with a denial when called to the stand by the state.

These two boys left Chattanooga with the girls and Gilley remained on the car at the time of the alleged attacks, Carter testifying that he jumped off during the fight between Negroes and seven white boys which the state contends was followed by the assaults.

News

Morgan County Jury Locked Up In Second Trial

Advertiser

All-Day Deliberations Fail To Bring Verdict; Other Five Cases Postponed

12-6-33

Attorney Guarded

Montgomery,
Ala.

Two Additional Deputies To Attend Leibowitz As Long As He Is In State

DECATUR, ALA., Dec. 5—(AP)—Unable to reach a verdict after 12 hours of deliberation the jury sitting in judgment in the case of Clarence Norris second of seven negro defendants in the Scottsboro case, to be re-tried here, was ordered locked up a 9:30 p.m., with instructions to resume at 8:30 a.m. tomorrow.

A verdict was not apparent after the jury had deliberated over nine hours so Judge W. W. Callahan ordered supper sent the jury at 6:35 p.m., and declared a recess of an hour and 15 minutes. They resumed deliberations at 8 o'clock and at 9:30 were locked up.

Only twice during the day was the door to the jury room opened, once when the 12 Morgan County citizens sent for the exhibits and documentary evidence, and the other when Judge Callahan sent them to luncheon.

While the jury deliberated this morning Judge Callahan granted a motion of Samuel S. Leibowitz, chief of defense counsel, retained by the International Labor Defense, for an indefinite postponement of the remaining five trials, sent here under a change of venue from Jackson County

Two additional deputies to watch over Leibowitz, tonight were ordered to attend the attorney until he left the State.

Judge Callahan, who presided throughout the trials of Haywood Patterson and Norris, on charges of attacking Mrs. Victoria Price in Jackson County, March 25, 1931, assigned the additional guards.

In ordering the additional deputies to guard the attorney, Judge Callahan anstructed them specifically to attend him at all times.

Already Had Two Guards

Two guards were assigned to Leibowitz by Judge Callahan when the trials began here on Nov. 20, and they have been in constant attendance.

The Judge did not state why he had doubled the guard assigned to the attorney when the proceedings opened here.

Norris was tried on an indictment charged with participating in mass attacks of Mrs. Victoria Price and Ruby Bates aboard a Southern Railway freight train between Stevenson, Ala., and Paint Rock, Ala., on March 25, 1931.

The negro and his co-defendants were convicted by a jury in Jackson County in April, 1931 and sentenced to death. The convictions were set aside by the U. S. Supreme Court which held that the negroes did not have benefit of adequate counsel.

Norris is the second of the defendants to be brought to trial here.

Heywood Patterson, the first one, was twice convicted by a Mongan County jury and sentenced to death, the second conviction having been returned last Friday.

In moving for a postponement today Leibowitz told the court that, if the Alabama Supreme Court confirmed Patterson's sentence, it would be appealed to the U. S. Supreme Court.

Leibowitz said that in view of this "further trials at this time would be but a futile gesture." The attorney called attention to the constitutional questions raised in preliminary motions before the Patterson trial.

Motions to quash the indictments returned in Jackson County in 1931 and to quash the venire drawn for both the Patterson and Norris trials were overruled by Judge Callahan.

Racial Issue Involved

Each of the motions was based on allegations that negroes were "systematically excluded" from the juries in Jackson and Morgan Counties "solely because of race and color" and that exclusion violated the constitutional rights of the defendants.

A motion that Willie Roberson and Olen Montgomery be admitted to bail was denied by Judge Callahan, who told the attorney he was without authority to grant it. Leibowitz contended that their stories—Roberson that he was ill and remained in a box car from Chattanooga, Tenn., to Paint Rock, where all of them were arrested, and Montgomery that he was partically blind and rode in another box car—were substantiated in part by two State witnesses in the two most recent trials.

Atty. Gen. Thomas E. Knight, Jr., interposed objections to granting bail, contending that the State had not conceded that their stories were substantiated, and the "ends of justice demand that they be kept in jail."

Judge Callahan, as he granted postponement, said he would "merely pass" the cases on the docket, since the law "is very exact on me, and does not allow me to permit a man to remain in jail too long without trial." The next regular term of Morgan Criminal Court is in the early Spring, but it is doubtful if the Alabama Supreme Court will have acted on the Patterson case by then.

ynchings-1933
Legal Punishment for Rape

Alabama (Haywood Patterson)

4317

HUNT GIRL WITNESS IN SCOTTSBORO CASE

All Alabama Sheriffs Urged by Attorney General to Find Accuser of Negroes.

Times
3-26-33

TROOPS SENT TO DECATUR

Governor Miller Orders Company to Prevent Outbreak at Second Trial, Beginning Tomorrow.

New York

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., March 25.—Attorney General Thomas E. Knight ordered a Statewide search today for Ruby Bates, missing witness in Alabama's cause celebre, the Scottsboro case, involving nine Negroes.

Exactly two years ago today, the Bates girl and Victoria Price, her companion on a freight-train riding expedition, charged they were attacked by a dozen Negroes who threw seven white hoboes off the train after a furious fight.

For the second time in two years the State is ready to proceed against seven of the accused Negroes, and once more the prosecution will demand that they pay the penalty provided by the law of Alabama—death in the electric chair at Kilby Prison.

The first trial held in the feverish excitement which prevailed in Scottsboro after the prisoners and their victims were taken from the freight train by an armed posse, resulted in the conviction of all the prisoners save one, who then was only 13 years old. The sentences of death meted out by Judge A. E. Hawkins were set aside by the United States Supreme Court after the International Labor Defense entered the case.

While he made no secret of the fact that he was extremely anxious to locate the Bates girl, missing from her home in Huntsville since Feb. 28, Attorney General Knight did not regard her absence as an insurmountable barrier to a successful prosecution. He issued an order to the Sheriff of every county in the State to search for her.

Relies on First-Trial Evidence.

Should they fail to find the young woman, it was understood that he would attempt to introduce the evidence she gave at the first trial against those of the Negroes whom she accused of attacking her. This move probably will be fought by the defense.

While everything appeared quiet on the surface of this Tennessee River town, officials were not inclined to overlook the possibility of trouble when the Negroes are brought here from the Jefferson County Jail in Birmingham early next week.

Coroner Miller issued an order from the Capitol at Montgomery this morning, ordering a detail of thirty National Guardsmen to Decatur for duty Monday morning. They are to report to Judge James E. Horton, the troal judge. This precautionary measure was taken at the request of Judge Horton and Sheriff Bud Davis with the approval of Attorney General Knight.

The guardsmen will keep a twenty-four-hour vigil about the jail from which escape has been easy and frequent in the past.

A capacity crowd is expected to swarm into the second floor courtroom, where the trial is to be held, and orders have been issued to deputies to maintain order at all costs.

Among the townsfolk the attitude is that there will be no trouble unless it is started by "outsiders." By that they mean the Communist sympathizers of the Negroes. While the Negroes are not radicals themselves, they are being defended by lawyers for the International Labor Defense. Communists have been making the most of the opportunity the case has afforded them to carry on organization work among the Negroes of this and neighboring States.

Look for "Reds" at Trial.

Recently pamphlets were circulated in Southern cities announcing that a "labor jury" would be present in the court house to render a verdict after the trial. It would be composed, the announcements said, of Negro and white workingmen, professional men and white-collar workers and it would be representative of a cross-section of the country.

The Sheriff's forces will be especially watchful for radicals from New York, it was said.

Before the opening of the actual trial a defense motion to quash the indictments against the Negroes will be argued by Samuel Leibowitz and Attorney General Knight, both of whom have subpoenaed witnesses to support and contradict the contention that Negroes are systematically excluded from jury service in the State. This contention was one of the points on which the case was carried to the nation's highest tribunal, and it may well prove the peg on which to hang a second appeal if the motion is denied and the Negroes are convicted again.

In reviewing the original verdict, the Supreme Court based its decision solely upon the "inadequacy of the defense counsel "provided by the court in Scottsboro. The court have held, however, that the establishment of a color line in selecting jurors violates guaranties of equal rights provided by the Fourteenth Amendment.

Florida Case Will Be Cited.

In the case of Tarrance against Florida the Supreme Court ruled:

"An actual discrimination by the officers charged with the administration of statues unobjectionable in themselves, against the race of a Negro on trial for a crime by purposely excluding Negroes from the grand and petit juries of the county, will not be presumed but must be proved. An affidavit of the persons under inducement, annexted to a motion to quash the indictment on the ground of such discrimination, stating that the facts set up in the motion are true 'to their best knowledge, information and belief,' is not evidence of the facts stated."

Samuel Leibowitz, chief of defense counsel, intends to supply the lacking "proof" by examining twenty odd witnesses and attempting to prove that some of them, although Negroes, were qualified to serve as jurors and have never been called for such service.

In another case the court held that a Negro, who charged exclusion of members of his race from the grand and petit juries which indicted him and convicted him, waited too long before raising the issue. The court held:

"If appellant had desired to take advantage of discrimination against him because he was Negro it should have been taken in advance of his conviction."

While the question of racial discrimination was not raised in the Scottsboro case until after the conviction of the Negroes, the defense is prepared to cite the Supreme Court decision holding that the defendants were not adequately defended in denying that they waited too long to raise the issue.

Knight to Defendt Jury System.

Attorney General Knight, who is understood to feel that the defense motion challenges the jury system of his State, is prepared to defend it. He holds that the statute defining the qualification of jurors—a statute the constitutionality of which has been upheld by the Supreme Court—does not discriminate against Negroes as such. He will maintain also that the law is administered fairly.

Arthur Tidwell, one of the three jury commissioners of Morgan County, declared this afternoon that he did not know whether the venire from which the trial jury will be drawn would contain the names of any Negroes. While he admitted that he could not recall when a Negro had served on a jury here, and conceded it "was a long while back," he said, he never inquired about a man's color in placing his name in the jury box.

"As long as I know he is a man of good character and sound judgment, like it says in the law book, I put his name in the box," he said. "I don't never ask whether he is a Negro or not and I don't ever see them. I don't know very many persons in this county."

Notwithstanding Mr. Tidwell's assertion, court attendants declared that Negroes never have served on juries here.

NEW YORK TIMES
MAR 27 1933

RENEW FIGHT TODAY IN SCOTTSBORO CASE

Defense to Attack Jury System in Effort to Quash Indictments.

WITNESS STILL MISSING

Ruby Bates Is Widely Sought—Leibowitz Charges Witnesses Have Been Threatened.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., March 26.—The fight to save the lives of seven Negroes once condemned to death for ~~alleged assault~~ upon two white girls will open tomorrow in the Morgan County Court with an attack upon the jury system of Alabama.

Samuel Leibowitz, New York criminal lawyer who is chief of defense counsel in this famous Scottsboro case, arrived here today ready for a finish fight on the question of the right of Negroes to sit on juries deliberating the fate of men of their own race.

He charged that some of the twenty-six witnesses he had subpoenaed in an effort to prove that some Negroes qualified by Alabama law to serve as jurors had been barred because of their black skins, have been subjected to threats and intimidation since they were served.

He said he would ask the protection of the court for these witnesses and declared that, if necessary, he would call on Governor Miller to ask for Federal troops to supplant the National Guardsmen, who have already been ordered here.

The accused Negroes, in prison for two years as a result of charges made against them by Ruby Bates and Victoria Price, their accusers, will be brought here some time before Tuesday morning.

Whether their arrival will be the occasion for an outbreak of violence is an open question, but the answer depends to some extent upon the behavior of Negroes and sympathizers of the Communist party, which has come to the aid of the defendants.

Governor Pledges Fair Trial.

Judging from the comments of representative citizens of Alabama the case of the Negroes has ceased to be an isolated matter of jurisprudence and has become entangled with several extraneous matters.

Nevertheless, a fair trial has been promised by Governor Miller and Attorney General Thomas E. Knight Jr., who is making desperate efforts to find one of his star witnesses, the Bates girl, missing since Feb. 28.

The original verdict of guilty returned against eight of the nine prisoners at Scottsboro nearly two years ago has been upheld by the Supreme Court of Alabama, with the prevailing opinion of the court written by Justice Thomas E. Knight, father of the Attorney General who will prosecute the second trial.

This decision was overruled by the United States Supreme Court, which, reversing the original verdicts, set aside the death sentences and ordered new trials.

To many of the leading citizens of the State the Supreme Court decision was accepted as a rebuff to Alabama's highest court. To them the only satisfactory outcome of a new trial would be a second conviction and new sentences of death.

Also interwoven with the case is the South's traditional attitude toward the Negro—an attitude of benevolent paternalism which refuses, however, to recognize the equal rights guaranteed by the Fourteenth Amendment and invoked by the defense in its motion to quash the indictments on the ground that Negroes were excluded from the grand jury.

The Factor of Communism.

Most important of all is the implicit challenge to the State's jury system contained in the defense motion. It is that which brought Attorney General Knight into a case which otherwise would have been prosecuted by the regular circuit solicitor, and it is that which the people of Decatur really are agitated about to a much greater extent than the fate of the Negroes.

Another factor enters into the case which is about to go to trial. That is the fact that it was the International Labor Defense, an adjunct of the Communist party, which first came to the defense of the Negroes after they had been convicted and sentenced to death in the electric chair of Kilby prison.

The South is irrevocably committed to a policy of rugged individualism. Alabama is devoted to the protection of States' rights and is resentful of outside interference in the administration of its laws. Its officers are determined to administer them without "outside interference."

Its officials, from Governor Miller down, regard as "outside interference" the deluge of telegrams sent to them by Communist sympathizers and which threaten their lives if the accused Negroes are not acquitted.

These threatening telegrams and letters have been almost as important a factor in crystallizing sentiment against the Negroes as has been the nature of the crime charged against them.

Both Sides Ready for Trial.

The organization work being carried on by the Communist party among the share-croppers of the Black Belt—organization work that has already resulted in bloodshed—has had its effect, too.

The Scottsboro case, with its attendant threat of winning Negroes to the Communist cause, has come to hold a threat to the peace and security of the South, and the demand of the defense for equal rights under the law for peoples of all races and color has accented that threat.

It is in that sort of atmosphere that the trials of the accused Negroes are to open here this week. In spite of all the extraneous matters that have intruded upon a simple matter of guilt or innocence, Attorney General Knight is certain that the people of Decatur and Morgan County will be able to give the accused men a fair trial.

Mr. Knight, besides being Attorney General of the State, is chairman of the Board of Pardons, and he is determined that, regardless of the verdict of the jury, no Negro will be executed until both he and the Governor are convinced of his guilt.

The prisoners are now in Birmingham jail awaiting their transfer here. The first order of business before the court is the disposition of the defense motion to quash the indictments. If that is denied, the defendants will be arraigned for pleading, a jury will be drawn and the trial will start immediately. Both sides claim to be ready.

SPEAKERS PLEAD JUSTICE FOR BOYS FACING TRIAL

By Staff Correspondent

The voices of countless liberal minded citizens were raised in the big mass meeting on Sunday after

Commission, was the next speaker, and again earned the respect of all citizens of Birmingham, as a Christian gentleman in behalf of fairness. Dr. Edmonds, unlike the vast majority present, said he felt no apprehension over the trial being held in Decatur, because Decatur was a railroad and labor town, no race trouble had ever been there, and it was quite different from Scottsboro. He said that sentiment had been expressed by Rev. W. G. McDowell, bishop of the diocese of Alabama, who had recently returned from Decatur, and also by J. Ward Nelson, State Secretary of Y. M. C. A.

Dr. Kenneth Barnhart, professor of Sociology at Birmingham-Southern College, was the next to speak, he said, "We are not here because we belong to any party, but because we believe in justice and we would clear the fair name of our state." He reviewed the high spots in the decision of the Supreme Court of the U. S., which caused it to render its opinion that the trial at Scottsboro held April 26, 1931, had not been a fair trial, as there were no due process of law, no proper defense, and was against the Constitution of the United States, and the judge and jury had been swept away by the passion of the mob."

Dr. E. W. Taggart, president of the local branch of the N. A. A. C. P., spoke of the interest of his organization, adding that $1000 had been given to help on the expense of the appeal. He spoke of the prevailing practice of dealing with the Negro, and said this ante-bellum notion "of knowing the Negro, what he can do, and keeping him in his place," often outweighs evidence that the shrewdest council may introduce to the contrary. He made a strong appeal as a loyal citizen and World War veteran. At this point an appeal of funds was made by Rabbi Goldstein. As the economic condition which had been touched upon by Dr. Taggart, should be the concern of all who were interested in seeing the boys get a fair trial this time. At this point a solo, "Been in the Storm," was sung by Mrs. Louis Jackson. Mrs. H. C. Bryant, president of the Y. W. C. A., voiced the sentiments of the motherhood of the country when she said, "It might have been your sons, it might have been mine." She made a strong appeal for loyalty, hope and faith in the ultimate triumph of righteousness and called upon everyone to lay aside the daily task, and give a few minutes to silent prayer, during the trial. The closing remarks were made by Lawyer Taub, of New York, one of the young assistants, who promised that "the boys this time would have their day in court."

Birmingham Ala.

NEW YORK TIMES
MAR 25 1933

DEMANDS THE CHAIR FOR SEVEN NEGROES

Accuser of Scottsboro Case Defendants, on Eve of Second Trial, Repeats Charges.

OTHER WITNESS HUNTED

Sheriff Will Ask for Protection of Militia When Decatur Court Proceedings Start.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

HUNTSVILLE, Ala., March 24.—Victoria Price, who alleges that she and Ruby Bates were assaulted by a dozen Negroes on a freight train near Scottsboro two years ago, told her story again here today and expressed the hope that the men she accuses will die in the electric chair.

Seven of the nine Negroes who were seized by an armed posse near Paint Rock and are accused of the crime are to go on trial before Judge James E. Horton at Decatur next week, and Mrs. Price is the State's chief witness. Ruby Bates has mysteriously disappeared. Attorney General Thomas E. Knight Jr., who will prosecute the second trial of the Negroes, spent the day here directing efforts to locate her.

Meanwhile at Decatur, thirty miles away, the statement was made that Sheriff Bud Davis, whose responsibility it will be to protect the defendants from mob violence and guard against their escape from the dilapidated Morgan County jail during the trial, had decided after a conference with Judge Horton to ask Governor Miller to order thirty National Guardsmen to the city for special duty next week.

The understanding is that the Sheriff is swayed more by a realization of the danger of escape from the jail, which was condemned two years ago, than by fear of an attempted lynching. The order for the militia probably will not be issued until next week, since the defendants are not likely to be taken to Decatur from the Jefferson County jail in Birmingham until Tuesday or Wednesday, although argument on a motion to quash the indictments against them is set for Monday morning.

Deaf to Changing Venue.

The International Labor Defense, an organization with Communist affiliations which has interested itself in the case of the accused Negroes, has been campaigning actively for another change of venue to Birmingham, but thus far Samuel S. Leibowitz, chief of defense counsel, has not moved in that direction before any court. The International Labor Defense, however, made public in Birmingham a telegram to Mr. Knight, urging him to consent to a transfer of the trial "in the interest of fairness and justice."

The telegram was signed by Kenneth E. Barnhart, Professor of Sociology at Birmingham-Southern College; David Hutto, a student; L. J. Baptiste, pastor of the First Congregational Church, and Ernest W. Taggart. Mr. Knight's only comment was:

"I shall not ask for a further change of venue from Morgan County to Jefferson or any other county.

"The citizens of Morgan County did not ask that the trial be held there, and I am sure the defendants will receive from them a fair and impartial trial."

So fearful is the State of losing its remaining star witness before the trial opens that a deputy sheriff has been assigned to watch night and day at the barely furnished little shack where Mrs. Price lives with her mother, a widow for seventeen years. Mrs. Price is her mother's sole support. She earns $6.50 every other week, when she works as a hand in a local cotton mill. She has been twice married.

She told her story of what took place on the afternoon of March 25, 1931, when she and Ruby Bates boarded a freight train in the yards at Chattanooga to return from a fruitless job-hunting expedition to the latter city without mincing words or sparing details, while her mother rocked to and fro before a dull fire in the coal grate.

Tells Story of Attacks.

She and Ruby Bates, Mrs, Price stated, decided to seek their fortunes in Chattanooga when the mill where she had been employed after leaving school at the age of 14 was closed. With their clothing covered by men's overalls, they made their way to Chattanooga on freight trains, spent the night at the home of one Callie Broches, whose address Mrs. Price could not remember, and were told that there was no more chance of finding work in Chattanooga than in their home town of Huntsville.

Without so much as going to a mill in Chattanooga, Mrs. Price admitted, they decided to give up their search and return home "because Ruby wanted to go right back." About 11 A. M., clad once more in overalls, the two girls boarded an oil tank car in the yard at Chattanooga and rolled out with the train when it started for Memphis.

"We didn't see no white boys or colored boys either then," she said. 'But when we got to Stevenson we were getting cold and we decided to look for a box car when the train stopped there. The box cars were closed up, but we did see a gondola car and got into that."

"A few minutes later some white boys—I think there were seven of them—climbed in and said:

" 'Hello, girls, do you mind if we ride with you?'

"Ruby and I said we didn't care if they behaved themselves. We were sitting at the rear end of the car and the boys went to the front and lay down. They were singing 'Pass Around the Bottle,' when we heard some yelling and a big Negro jumped into the gondola car from the roof of a box car, shooting a pistol.

"There was a big fight and the Negroes pushed all the white boys off the train about two miles and a half past Stevenson—all of them except one, I mean. Two of them held me and one held a knife over my throat. I don't remember much until at Paint Rock the train stopped."

Insists on Identification.

Mrs. Price denied that she or the missing Bates girl had been guilty of any improprieties with the white men on the train and asserted she never had seen any of them before. She had told nothing but the truth at the first trial, where she identified one after another of the defendants, and she said she would do so again next week at Decatur.

"Nothing ain't going to stop me from telling my story," she declared with emphasis. "They made me suffer and I want to see them punished. They deserve to be electrocuted."

A few blocks away is the cabin where the Bates girl's mother lives in apparent poverty on "thickening gravy and bread," as she explained. The last she saw of her daughter, she said, was on Feb. 28, when a voice called to her from an automobile at the gate and Ruby ran out of the house.

"I was lying down with a sick headache and I don't know who it was who called," said Mrs. Bates. "None of the boys she had been going with since last Fall is missing."

Mrs. Bates is convinced that her daughter was "kidnapped," but by whom she professed to have no idea. She was greatly worried by her daughter's continued absence, especially since the girl, she said, had been under a physician's care since her journey in the freight train, but it was a week after Ruby had vanished before her mother informed Sheriff Giles of the disappearance.

Then she sent him a letter which she had received from her daughter, postmarked in Montgomery. In the letter Ruby advised her mother not to worry, but said she was afraid she might die. According to Mrs. Bates, the girl took with her only the clothes on her back. Her delay in notifying the authorities of her daughter's disappearance, Mrs. Bates said, was caused by fear that publicity might bring harm to the girl.

New York American
MAR 27 1933

7 NEGROES FACE 2D TRIAL TODAY

By CARTER JONES,

Universal Service Correspondent.

DECATUR, Ala., Mar. 26.—The case which Left Wing labor organizations all over the world have taken up—the second trial of the seven Scottsboro Negroes, charged with assaulting two young white women—will open tomorrw morning, with Alabama militiamen guarding the courthouse.

The first trial brought a death sentence for the seven, but the United States Supreme Court granted a new trial on the ground they had not been allowed to prepare an adequate defense.

Samuel S. Leibowitz, New York criminal lawyer, arrived today to take charge of the defense. He said he would ask that the Negroes be placed under protection of the National Guard because of death threats made against them.

Thomas E. Knight, Jr., Attorney-General of Alabama, heads the prosecution. The prisoners are being held in the Birmingham jail for safe keeping.

Ruby Bates, one of the two young women assaulted while bumming from Chattanooga to their homes in Huntsville, Ala., on a freight train, disappeared from her home two weeks ago. Wide search for her was under way. The other asserted victim, Victoria Price, is under guard at her home.

Lynchings-1933

Legal Punishment for Rape

Alabama (Haywood Patterson.)

4318

NEW YORK CITY MIRROR
APRIL 10, 1933

JURORS FIND NEGRO GUILTY; DECREE DEATH

By CARTER BROOK JONES.
International News Service Staff Correspondent.

DECATUR, Ala., April 9 (INS).—Another Alabama jury said guilty and decreed death today in the Scottsboro case.

The case of the seven Negro hoboes, who won new trials from the United States Supreme Court and enlisted the sympathy of labor organizations all over the world, suffered another setback.

The 12 men from Morgan County, taking the case on change of venue from Jackson County, imposed the extreme penalty on Haywood Patterson, first of the Negroes to be retried.

The verdict was guilty of criminal assault despite the fact that Ruby Bates, Huntsville mill girl, changed her testimony she gave at Scottsboro and denied she and Victoria Price were attacked by a group of negroes on a freight train two years ago.

Mrs. Price stuck to her original story of attack. This time, instead of deliberating 20 minutes, the jury stayed out 21 hours, but its finding was as inexorable.

Turns to Defense

Ruby Bates who retracted story of attack by Negroes.

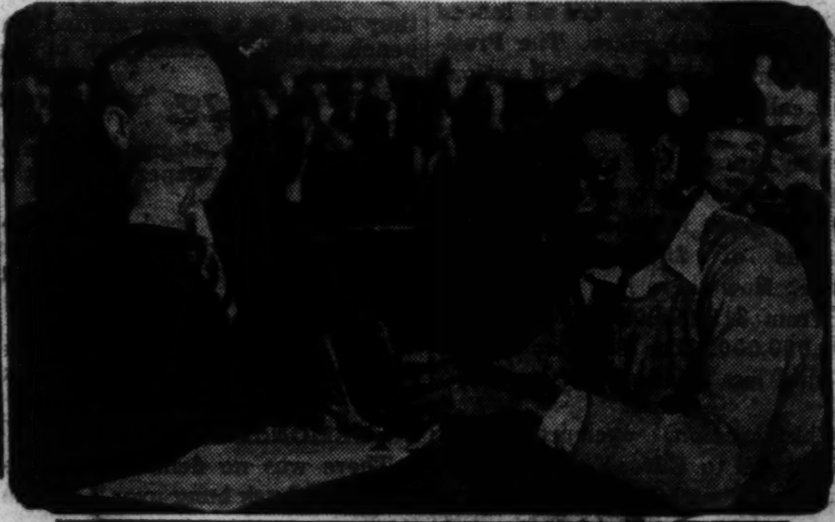
APPEAL TO SUPREME COURT.

The defense will seek to carry the case to the Supreme Court again.

The nine townsmen and three farmers deliberated from 12:45 o'clock until 11:30 last night, when they were sent to their hotel for the night. Three of the men did not take off their clothes all night. The jurors were back in their room at 9 o'clock this morning, and shortly after 10 o'clock came the rap on the door that signalled a verdict.

The attorneys were present, but there was a delay of an hour while Circuit Judge E. Horton drove from his home at Athens.

Then the defendant, a 22-year-old Negro, dressed in blue denim overalls, was brought in, flanked by half a dozen National Guardsmen, holding their riot guns at the port.



(International)

Showing little sign of emotion, Haywood Patterson, negro, in Decatur, Ala., court, heard jury give death sentence in criminal assault case. He is pictured with defense attorney. Samuel Leibowitz.

PRISONER SMILES.

The young Negro was the least concerned of all. He smiled broadly once or twice at the guards who sat beside him on a bench against the wall, only a few feet from the locked door of the jury room.

The verdict took the town by surprise, and the courthouse was almost deserted when the jury was brought over from the hotel. Less than 30 men sat in the courtroom on the second floor of the trim brick building. The courtroom seats 300. Outside the Sabbath tranquillity was unbrokn. There was not a person loitering around.

The National Guard captain detailed 10 more men to guard the single entrance to the courtroom.

Judge Horton placed his hat and coat on the bench and ordered the jury brought in.

JUDGE APOLOGIZES.

The Judge in his informal way apologized to the jurors for keeping them waiting. Instead of taking their seats in the jury box they stood in a group around the bench, which is customary in the County.

"Gentlemen, you have agreed upon a verdict?"

The foreman stepped forward and handed the paper up to the bench.

Judge Horton read it deliberately, then announced:

"We the jury find the defendant guilty as charged and fix his punishment at death."

The jury could have set the punishment of life imprisonment or at any term from 10 years.

NO DEMONSTRATION.

There was no demonstration, a breathless hush hung over the room for a moment.

Then Judge Horton gave the jurors the customary thanks for their diligent attention to the case and dismissed them. They would not discuss their deliberations, but there was a report that at first several had held out for acquittal and that later the wrangle was mainly over the degree of punishment.

Patterson dropped his head slightly when the verdict was announced, but gave no other sign of emotion. He and his six companions were held in the death house at Kilby Prison in Montgomery for nearly two years while the legal forces enlisted in their behalf fought the case until the United States Supreme Court set aside the conviction, holding that they were not allowed an adequate defense at Scottsboro.

Samuel S. Libowitz, the New York attorney who headed the defense staff, seemed amazed at the verdict, he said:

"This is another black chapter in American Justice. It is a triumph of bigotry. It means that because a man's skin is black he can be brought in here, and no matter what the evidence may be, smirking hypocrisy will go out and condemn him to death. I shall fight these Scottsboro cases as long as there is breath in my body and as long as I live."

Joseph Brodsky, chief counsel of international labor defense, and G. W. Chamlee, Chattanooga attorney, were associated in the defense of Patterson, but neither took an active part in the trial. Chamlee made a brief summation.

PUBLIC INFLAMED.

Brodsky told the court that feeling had been inflamed by the appeal of Wade Wright, local circuit solicitor, in his summation for the jury to show them that Jew money from New York can't buy and sell justice in Alabama."

The spectre of violence hung over the Patterson trial, but Decatur remained calm and there was no trouble. Several times Judge Horton made speeches from the bench warning the community that no interference with the trial would be tolerated and the guardsmen would shoot to kill if necessary.

The Patterson trial began last Monday, after a week of arguments on preliminary motions. The defense sought to quash the indictment and the jury venire on the ground that Negroes were excluded from Grand and Petit juries in Alabama. This is expected to be one of the main issues in the attempt to have the Supreme Court review the case again.

While the attorneys and court officials were waiting for the judge to receive the verdict, a score of telegrams lay on his desk. These were from liberal and radical organizations all over the country. They demanded protection for "the Scottsboro boys and their attorneys" from mobs and urged acquittal.

VICTORIA PRICE.

Protest

PLANS were under way in Harlem, last night, to have 50,000 Negroes from all parts of the country go to Washington to protest to President Roosevelt against the conviction in Decatur, Ala., of Haywood Patterson, in the Scottsboro case.

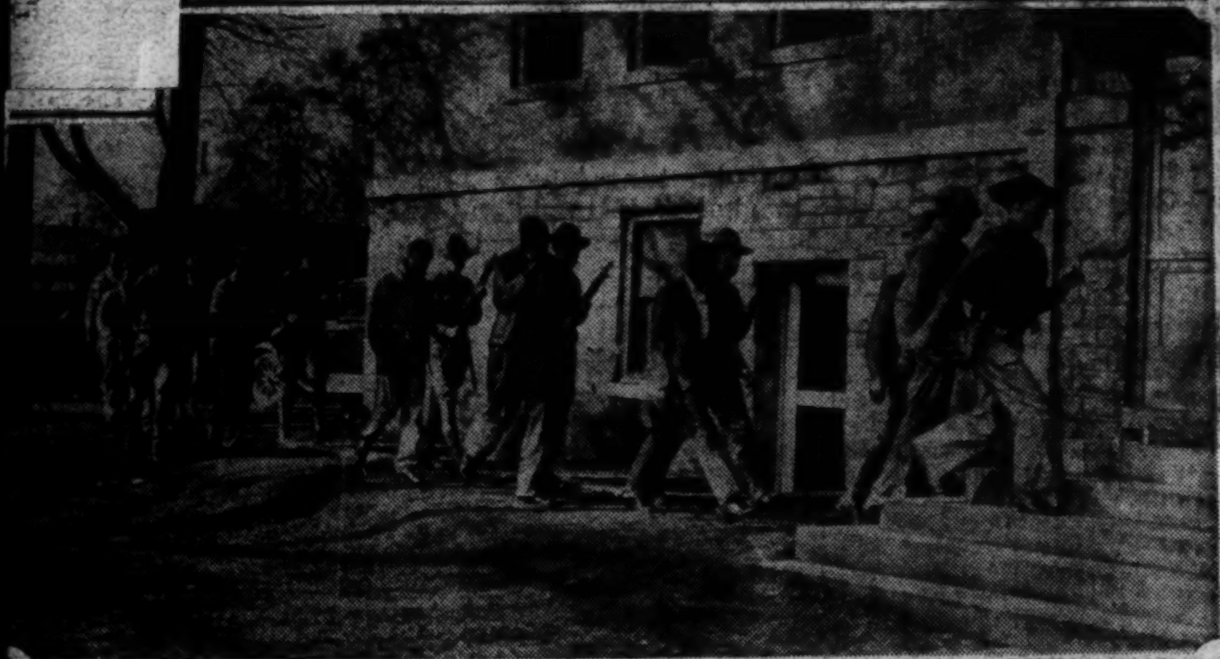
William Davis, publisher of The Amsterdam News, put up a notice outside his office, calling on persons to sign a petition and signifiy their intention of going to Washington. By evening more than 20,000 persons had signed.

The International Labor Defense announced that an appeal will be taken immediately in the Patterson case.

EIBOWITZ EXPLAINS.

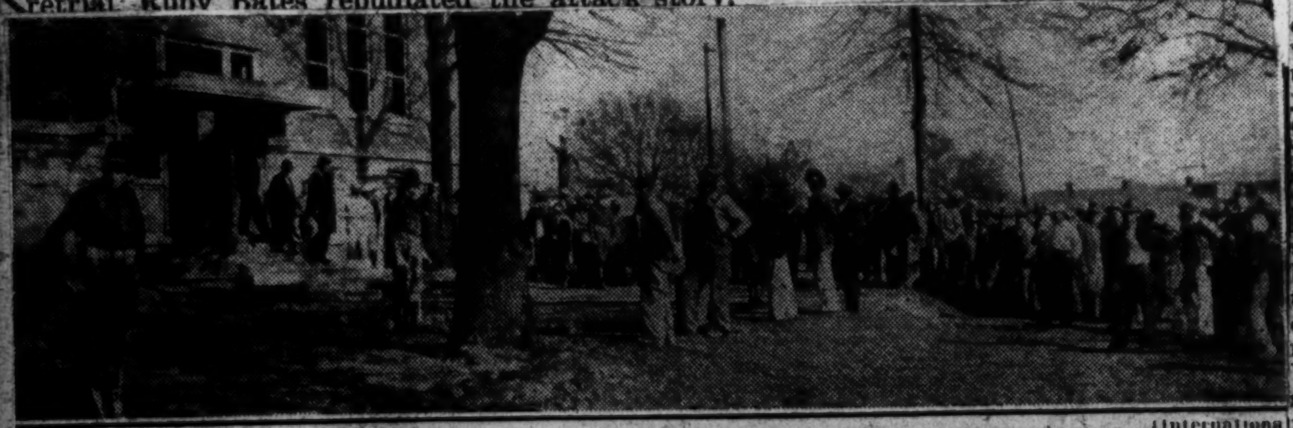
Leibowitz told the jury in his ummation that he had taken the ase without fee and did not represent any of the organizations hich were enlisted in the defense, ut was acting only for himself. He was hopeful of an acquittal, specially when Ruby Bates, the white mill girl, took the stand dramatically for the defense and repudiated her testimony at Scottsboro that a group of Negroes had ttacked her and Victoria Price on a freight train between Chattanooga and Pwintrock, Ala., tw years ago.

Jury Convicts Patterson in 21 Hours



NEGRO FOUND GUILTY; TO DIE—Haywood Patterson, first of 7 Negroes to be retried on charges of attacking Ruby Bates and Victoria Price, white girl hoboes, was convicted and condemned to die by a Decatur, Ala., jury which was out 21 hours. Troopers armed with riot guns are shown guarding all Negro defendants. At the retrial Ruby Bates repudiated the attack story.

Story on Page 3



(International)

While trial of the seven Negroes charged with criminal assault in the "Scottsboro Case" continued in the Decatur, Ala., Court House (shown), State troopers stood guard to prevent possible lynchings. Death verdict was passed yesterday on Haywood Patterson, one of accused.

Defense Witness

(NEWS photo)

Ruby Bates, in her "New York Clothes," testifies at Decatur, Ala. trial of Haywood Patterson, one of seven colored youths, charged with attacking her.

NEW YORK
NEWS

APR 11 1933

TODAY'S EDITORIAL MAY HELP EXPLAIN.

Manhattan: That Scottsboro colored boys' case bewilders and grieves me. The prosecution's star witness takes back her first story, claiming intimidation before the first trial. If that wouldn't blow up any criminal case, what would? Yet the jury goes out, and eleven of its twelve members immediately vote for conviction. They stay put until the twelfth comes around. It just looks as if the South in this case is taking out some kind of revenge on the North, probably for sending Northern money and lawyers down there. If the Northern lawyers hadn't gone down there, the seven colored boys would have been dead long ago. In spite of all the law and two-thirds of the evidence, the Southerners seem determined to get these boys anyway. What can anybody do about such a situation? JUSTICE.

Lynchings-1933

Legal Punishment for Rape.

Alabama. (Haywood Patterson.)

4319

Gazette
CEDAR RAPIDS
IOWA

MAR 30 1933

GOAL YET TO BE REACHED.

Down at Decatur, Ala., nine Negroes are on trial for their lives on charges of which they once were convicted. They still live by virtue of a supreme court decision that their first trial was not conducted in a fair manner. The opening skirmishes of the present episode indicate that the attorneys for the defense are seeking a similar supreme court decision with reference to this trial.

Most of the sparring thus far has been over the contention of the defense that the indictments should be quashed because they were drawn by a jury from which Negroes were systematically excluded. Efforts have been made to show that no Negro in the last twenty-five years has served on a jury in the county in which the nine defendants originally were indicted and convicted on charges of attacking two white girl hoboes. The Alabama law places several important restrictions on jury service. In prescribing the qualifications of jurors, it says:

> The jury board shall place on the jury roll and in the jury box the names of all male citizens of its county who are generally reputed to be honest and intelligent men and are esteemed in its community for their integrity, good character and sound judgment; but no person must be selected who is under twenty-one or over sixty-five years of age or who, being afflicted with a permanent disease or physical weakness, is unfit to discharge the duties of a juror; or cannot read English or who has ever been convicted of any offense involving moral turpitude. If a person cannot read English and has all the other qualifications prescribed herein and is a freeholder or householder, his name may be placed on the jury roll and in the jury box.

The defense in the present case contends that the 666 Negro men between twenty-one and sixty-five years of age in the county where the defendants were indicted are discriminated against solely because of their color. The state denies that. One witness' explanation of the fact that no Negro had served on a jury in the county, within his recollection, was:

"I don't believe there are any Negroes in our county that I'd care to risk in any case which involved justice and law. Some have the education and they might have the character but they would not have all the qualifications. . . I don't think Negroes have been trained for jury duty. . . You could not depend on their judgment. They haven't made a study of justice and law and such."

Further questioning disclosed that jurymen in that county get the "training" which results in sound judgment by "attending court, listening to cases and discussing public questions at the country store and at crossroads all the time." It is most unfortunate that this system of training, evidently so successful in Alabama, does not prove more successful in other sections of the country.

What all this questioning and testimony proves or disproves is not for us to say. It does convince us that if we were a Negro citizen of that county we should not care to serve on a jury, even if the jury commission decided that we were fully qualified under the law. We should say it would be a courageous Negro juryman who would cling to his own opinion if it happened to conflict with that of a majority of his white colleagues. All of which perhaps is none of our business, except insofar as it leads to the conclusion that despite Lincoln's emancipation proclamation, and the Thirteenth, Fourteenth, and Fifteenth amendments to the Constitution, the last word on racial equality in the United States is yet to be said.

4319

NEW YORK TIMES

MAR 30 1933

DEFENSE TO ASSAIL SCOTTSBORO VENIRE

Plea That Failed to Quash Indictments Will Be Used in Attack on Trial Jury.

LEIBOWITZ GETS THREATS

He Smiles at 'Crank's' Warnings—Bates Girl's Father Seeks to Aid Hunt for Her.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 29.—A petition asking Circuit Judge James E. Horton to quash the venire from which a jury is to be drawn to try Haywood Patterson, one of nine Negroes accused of an attack on two white girls, was drawn up today by Samuel Leibowitz, chief of defense counsel.

Mr. Leibowitz, who has lost one fight to quash the indictments on the ground that Negroes were systematically excluded from the grand jury which returned the true bills against them, leveled the same objection to the venire drawn from the trial jury.

With the court in recess today, Mr. Leibowitz spent his time preparing to carry his fight on Alabama's so-called "selective jury system" into Morgan County, where the present trial will be held. He was ready, he said, to subpoena nearly 200 Negro citizens of the county to testify that, while qualified in every way to serve as jurors, they have been excluded from the rolls.

In connection with his motion to quash the indictments the defense attorney presented evidence from thirteen witnesses in an effort to prove that racial discrimination in Jackson County, where the alleged attack on Ruby Bates and Victoria Price took place two years ago, kept Negroes off the juries in that county.

New Circumstances Different.

While the new petition raises a question similar to that already disposed of by the court, the circumstances are different. In arguing the motion to quash the indictments Mr. Leibowitz was handicapped by his inability to prove that no Negro names were on the jury rolls of Jackson County.

Judge Horton's ruling came after he consented to issue a subpoena duces tecum for the jury rolls of Jackson County, but before they had been produced or any ruling made regarding their admissibility as evidence.

The defense lawyer had rested his case with the reservation that he would submit further proof when the jury rolls were produced.

In arguing the new petition Mr. Leibowitz will have before him the names of all prospective jurors and it will be possible for him to establish definitely the color of each man on it.

Leibowitz Gets "Crank" Warnings.

During the day while his associates, Joseph Brodsky, chief counsel for the International Labor Defense, and G. W. Chamlee, former Attorney General of Chattanooga, were preparing motion papers and conferring with their witnesses, Mr. Leibowitz visited the jail where the defendants are imprisoned under guard of militiamen and deputy sheriffs.

He conferred briefly with the prisoners and upon leaving the jail declared it was "unfit for human habitation," saying that he would ask the court to set aside a room in the court house where he might consult his clients without the necessity of visiting the jail again.

Mr. Leibowitz said that since his arrival here he has received half a dozen threatening letters from "cranks," who warned him against continuing his attack on the laws and customs of Alabama and advised him to "stay home where you belong."

The defense attorney dismissed the letters with a shrug and a smile.

"It should be understood though," he said, "that I have no interest in attacking either the customs or laws of this or any other State.

"I am doing only what any lawyer would do in this case—demanding the full protection of the law for my clients."

Renew Hunt for Girl Witness.

Thomas E. Knight Jr., the young Attorney General who is prosecuting the Negroes, spent the day in conference with his associates, Wade Wright, J. G. Bailey and Thomas E. Lawson. They interviewed several witnesses and prepared their arguments against the expected defense assault upon the venire.

Among the witnesses interviewed was the father of Ruby Bates, who gave Mr. Knight several addresses at which he said he thought his daughter, mysteriously missing since Feb. 28, might be found.

Sheriff Bud Davis of Morgan County and Sheriff Ben Giles of Madison started out immediately in automobiles to try to find the missing witness.

Miniature Train to Be Shown.

In order to illustrate graphically the testimony of the witnesses regarding what happened aboard the freight train on which the crime is said to have been committed, Mr. Leibowitz brought with him a miniature of the train.

It is complete in every detail, consisting of a locomotive with brass fittings and thirty cars, replicas of the box cars, flat cars, tank cars and gondolas which figure in the testimony of witnesses at the earlier trial.

Assembled, the model freight train is about thirty-two feet long, about half the width of the courtroom inside the rail.

NEW YORK TIMES

APR 4 1933

GIRL REPEATS STORY IN SCOTTSBORO CASE

State's Witness at Decatur Trial Screams Denial of 'Framing' Negro Defendants.

MORAL ATTACK RULED OUT

Judge Rejects Court Records as Not Affecting the Credibility of Her Testimony.

4319

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., April 3.—Victoria Price, whose testimony two years ago at Scottsboro led Jackson County juries to condemn eight of nine Negro defendants to death, repeated her charges today before Judge James E. Horton and a jury in the Morgan County Court House at the first of the retrials ordered by the United States Supreme Court.

Called to the witness stand by Attorney General Thomas E. Knight Jr. as the main witness against Haywood Patterson, the first of the nine prisoners placed on trial, she identified him unhesitatingly as one of six Negroes who, she testified, had attacked her on a freight train between Stevenson and Paint Rock.

Her direct examination took just twelve minutes of the court's time. When it was finished she settled back in her chair, crossed her silk-stockinged legs and met a day-long attack upon her character and credibility with angry defiance. At times when Samuel S. Leibowitz, chief of defense counsel, pressed searching questions regarding her past, her lip curled and she snapped her answers in the colloquialisms of the "poor white."

Mrs. Price entered an angry denial when Mr. Leibowitz asked if she had not concocted the whole story of the mass attack by the Negroes and forced Ruby Bates, the other victim of the alleged crime, to corroborate her in order to forestall the danger of her own arrest for vagrancy or a more serious offense. She joined the Attorney General in challenging Mr. Leibowitz to produce the missing Bates girl to "ask her about it."

Shouts Answers to Questions.

"That's some of that Ruby Bates' dope," she shouted in a voice that shook with anger.

"You can't prove it," she shouted another time when Mr. Leibowitz promised to show the court that the condition in which doctors found her when she was examined at Scottsboro after an armed possé had taken the girls and the Negroes off the train on which the attack supposedly took place, was the result of her misconduct the night before in a hobo jungle on the outskirts of Chattanooga.

Certified copies of court records from Huntsville where Mrs. Price lived with her widowed mother were offered by Mr. Leibowitz to show that prior to March 25, 1931, she had been arrested for offenses against the moral code.

Judge Horton rejected one of the copies on the ground that an offense under the prohibition law is not a reflection on the credibility of a witness and barred the others on the ground that they charged violations of city ordinances rather than State laws.

Mrs. Price came to court wearing a black dress with a fichu of white lace at the throat. The little blue straw hat on her head was enlivened by a small red feather sticking above the crown. A string of glass beads adorned her neck and on three fingers of her left hand were large and showy rings.

She defended the testimony she had given with as much fire as she defended her reputation, heatedly denying at one moment that she had wrecked the home of a married woman with two babies, and in the next breath thrusting aside seeming inconsistencies in her testimony with apologies for her lack of education and faulty memory.

Doctor Describes Injuries.

Although Mrs. Price insisted that she had fought the Negroes off until her strength gave out, and declared that her head was cut open by a blow from the butt of a pistol wielded by Patterson, Dr. R. R. Bridges, the Scottsboro physician, who testified just before adjournment, said he had found only superficial bruises and scratches when he examined her.

While the doctor was on the stand Judge Horton took a hand in the examination, showing particular interest in the physician's statement that neither Mrs. Price nor her companion, the Bates girl, were hysterical or nervous when they were brought to his office. Not until the next day, he said, did either of them show any signs of nervousness and then, after a night in jail, it manifested itself in tears.

The star witness for the State told the sordid details of the crime before a crowded court with unabashed frankness and plain-speaking. She repeated the lewd remarks she said the Negroes made to her without the flutter of an eyelash and in a voice that carried to the furthest corner of the court room. The only women in the crowd which heard her story and the very clinical medical testimony which followed it were two visitors from New York. At times they looked as though they wished they had not come.

There was little that was new in the testimony Mrs. Price gave under direct examination by Mr. Knight. She and the Bates girl, a mill worker like herself, decided, she said to go to Chattanooga in search of employment. Wearing overalls over three dresses they wore to avoid carrying hand luggage, she said, they hopped a freight train and arrived in Chattanooga on the evening of March 24, 1931.

Sought Work in Chattanooga.

There, Mrs. Price said, she was directed to the home of Mrs. Callie Brochie, where she and Miss Bates spent the night. In the morning upon finding that jobs were as scarce in Chattanooga as in Huntsville she and her companion retrieved their overalls from the corner of the station where they had hidden them and started homeward on an outgoing freight train.

They were in a gondola car with seven white boys, Mrs. Price declared, when Patterson, with the other Negroes at his heels, jumped in from the top of a box car waving a pistol and ordering the white boys to "unload." Mrs. Price related all the rest of the conversation that she could remember without sparing any of the details. One of the printable remarks she attributed to the Negroes follows:

"We're going to take you girls up North and make you our women."

There was a fight in which all the white boys except one named Orville Gilley were thrown off the train soon after it left Stevenson, a way-station between Chattanooga and Scottsboro. Gilley, according to Mrs. Price, was afraid to jump off the train and said he would "rather stay in the car and die with these girls." Mrs. Price said that she too told the Negroes that she was "going to get off at Huntsville or die."

The seven white men were rounded up and held in the jail at Scottsboro until the first trial of the Negroes was over. Only one of them, Gilley, was called upon to testify in the first trial, but it was indicated today that Lester Carter, another of the white hoboes, would be a surprise witness for the defense, if the State does not locate and call him first.

Refuses to Go Over Crime Again.

Mr. Leibowitz opened his examination of Mrs. Price, who had testified that she was 21 when the attack occurred, by asking if she was now 27 years old.

"I ain't that educated that I can figure it out," she replied.

The New York lawyer asked her to describe in detail how she resisted the Negroes.

"Judge, your Honor, I've answered four times and I ain't going to say no more," she said as she turned to face Judge Horton.

Once she protested that she could not understand the questions of Mr. Leibowitz.

"Do I use words you don't understand?" he asked.

"You speak them too fast," she said.

The witness refused to identify a miniature train of box cars, gondolas and tank cars as similar to the freight train and the identification was made later by R. S. Turner, conductor of the train the girls had boarded at Chattanooga. He also testified that he had heard no shots or screams as he rode in the caboose, twenty-six cars behind the gondolas in which the attack is alleged to have occurred.

Several times Mr. Leibowitz, angered at what he termed Mrs. Price's "speech-making," asked the judge to warn her to confine her remarks to answering questions. Twice Mr. Knight warned her to "be calm." When she leaned forward and screamed that Patterson had attacked her, Mr. Leibowitz said:

"You're a little bit of an actress, aren't you?"

"You're a pretty good actor yourself," she retorted.

Mr. Leibowitz asked how many mills she visited in Chattanooga in search of work.

"It's been two years ago and I disremember," she answered.

Denies Accompanying White Boys.

Mr. Leibowitz sought vainly to get Mrs. Price to admit that she and Miss Bates left Chattanooga with Gilley and Carter, but the witness insisted that she and her "friend girl" were "the onliest ones on the oil car" in which they started out.

Denying intimations that the whole case was a frame-up, Mrs. Price declared she had urged Miss Bates to "tell nothing but the truth," and she denied that she had quarreled with Gilley and Carter in jail because "they wouldn't commit perjury."

Mr. Leibowitz asked the witness if she had not known Negroes and spent considerable time with them in Chattanooga. This she strongly denied.

Before Mrs. Price left the witness stand she identified photographs of herself and Ruby Bates, produced by Mr. Leibowitz and offered in evidence. One, showing one of the girls with a Negro, was marked for identification and will be introduced in evidence later.

When Attorney General Knight objected to introduction of the pictures, Mr. Leibowitz replied that he would use them to show that Mrs. Price was on friendly terms with Negroes.

Court adjourned until tomorrow after the testimony of Dr. Bridges

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NEW YORK CITY TIMES
APRIL 2 1933

BAILIFFS ISOLATE SCOTTSBORO JURY

Judge Forbids Talk of Case and Movies and Jigsaw Puzzles Fill In Their Time.

NEW YORKERS ARRESTED

Pamphlets Are Taken From Muriel Rukeyser and Others Seized by Decatur Police.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., April 1.—Remote from the discussions of their fellow-citizens of Morgan County regarding last week's assault upon its jury system, the twelve jurors who will begin hearing evidence against Haywood Patterson, one of the nine Scottsboro Negroes, at his second trial next Monday, amused themselves today with jigsaw puzzles and playing cards.

This evening they were taken to a motion picture show and tomorrow they will be escorted from the hotel where they have a suite of eight rooms to church by the bailiffs whose duty it is to protect them from outside influences and contacts. Judge James E. Horton has warned them against discussing the case before then, even among themselves.

Meanwhile in this North Alabama city, filled with Saturday night visitors from the neighboring countryside, the opening of the trial Monday was awaited calmly.

Judge Horton's exhortation to the people of the community to do nothing to impede the course of justice has made the local folk determined that nothing shall happen here to reflect discredit upon the county or the State.

Nevertheless, there is beneath the surface a smoldering resentment at defense efforts to open the jury rolls to the Negro population and at the accounts of the proceedings in the court published in some Negro and radical newspapers. The community is particularly incensed at a story published in a Negro newspaper in Chicago, indicating that Decatur prepared for the trial in holiday mood—"the kind of holiday Morgan County likes."

Hold Negroes Dare Not Be Jurors.

As a matter of fact, thus far the townfolk have shown little interest in the proceedings, except for a small minority which is on hand each morning to scramble for seats in the court room.

Most of the residents of Decatur gain their information about the proceedings exclusively from The Decatur Daily, which, as a matter of policy, has printed only The Associated Press accounts and has refrained from editorial comment.

The tactics of the defense in moving to quash the venire from which the jury was chosen, on the ground that Negroes were barred from service by maladministration of the jury law, has had the effect of shifting whatever feeling existed toward the nine Negro defendants, accused of assaulting Ruby Bates and Victoria Price two years ago, to the lawyers who are defending them.

It was amusing during the long legalistic arguments and conflicting testimony regarding the right of Negroes to do jury duty, to hear the comments among the spectators.

While Arthur J. Tidwell, the president of the jury board, was disavowing racial exclusion and admitting that he knew of not one Negro in the county who could qualify as a juror, one man in the front row turned to his neighbor and said:

"We've never had niggers in our juries yet and we never will."

His friend bent over and whispered:

"If we told them they could, there isn't a nigger here who would dare to try to sit on a jury."

Leibowitz Wary of Radicals.

It was because of the resentment engendered by Samuel Leibowitz's determined fight to produce a court record showing systematic exclusion of Negroes in the event that he has to appeal from a verdict of guilty, that Captain Joseph Burleson, who is commanding the National Guardsmen on duty at the trial, decided to assign a guard to the New York lawyer.

At the request of Mr. Leibowitz, it was withdrawn after a few hours and he continued to go about town on foot and by automobile without encountering any open hostility.

Mr. Leibowitz is more concerned over the possible activities of visiting radicals than he is over the unfriendliness of the people of Decatur. He has repeatedly asked that these persons stay away from the court house and abandon any plans they may have for demonstrations or agitation among local Negroes.

With the same desire to preserve the peace, police officials took five persons into custody early this morning for investigation.

Three of them, two men and a woman, said they were New Yorkers here in the capacity of observers with journalistic aims. The other two were Negroes from Birmingham.

The three New Yorkers, who were released and ordered to appear before Judge Horton Monday morning, described themselves as Muriel Rukeyser, Edward Sagarin and Hank Fuller. Fuller says he was run out of Scottsboro two years ago.

The two Negroes said they were James Cooper and William A. Christal of Birmingham. Patrolman A. S. Brazelton saw the three white New Yorkers in the Negro section of Decatur with Cooper shortly after midnight and took them to Police Headquarters for investigation.

Literature is Seized.

Miss Rukeyser, according to Brazelton, had in her possession some literature of the National Students League and letters relating to the Scottsboro trial.

Christal was found at the address given by Cooper and in the room, Brazelton said, was a quantity of pamphlets and appeal for funds for the Scottsboro Negroes, together with enrolment cards of the Workers Ex-Servicemen's League.

The Negroes and the others were held at Police Headquarters while Wade Wright, circuit solicitor, was notified.

After questioning them, Mr. Wright ordered all five released, but he confiscated the literature found on them. He ordered them to appear in court Monday and said that the pamphlets would be offered to Judge Horton.

Lynchings-1933
Legal Punishment for Rape

Alabama (Haywood Patterson.)

4320

NEW YORK CITY TIMES
MARCH 31, 1933

NEGRO DEFENSE GETS TEST OF JUROR LIST

Judge in Scottsboro Case Grants Right to Inspect Roll for Racial Bar.

COURT CLASH ON MOVE

County Official and Prosecutor Resent Challenge as to Knowledge of 'Color Line.'

NEGROES TESTIFY IN ISSUE

Point Raised Over Jury System in South Brings Request for Briefs to Aid Virginia Trial.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 30.—Samuel Leibowitz, chief counsel for the Negroes whose conviction two years ago at Scottsboro for an attack on two white girls was reversed by the United States Supreme Court, won the right today to inspect the secret roll from which jurymen are chosen in Morgan County.

Circuit Judge James E. Horton, who is presiding over the Negroes' second trial for their lives, ordered the jury roll produced over the objection of Attorney General Thomas E. Knight Jr., while Arthur J. Tidwell, one of the county's three jury commissioners, was on the stand.

Mr. Leibowitz, who has lost one fight to quash the indictments against the Negroes on the ground that members of their race were excluded from the grand jury and is now waging another similar battle to quash the venire for the jury for Haywood Patterson's trial, immediately set about the task of proving that all of the 2,000-odd names inscribed upon the rolls are those of white men.

Mr. Tidwell was called by the defense after J. H. Green, clerk of the Circuit Court, and eleven Negroes, most of them boasting college educations, testified that for as long as they could remember there had been no Negroes on the juries of Morgan County.

List of Negro Witnesses Checked.

Three physicians, two preachers, a dentist, a bill poster, a motion-picture exhibitor, an undertaker, a high school principal and an operator of a billiard parlor were among the witnesses whom Mr. Leibowitz sought to prove were qualified to perform the duty of citizens on juries, except for the fact that they were Negroes.

From what might be described as an impromptu blue book of the Negro citizenry of Morgan County, prepared last night by the defense attorneys, the witnesses read into the record the names of about 180 colored acquaintances, whose qualifications, they averred, were as good as theirs.

When the procession of witnesses stopped at the direction of Judge Horton, who ruled that further testimony along this line would be merely cumulative, Mr. Leibowitz announced for the record that he had requested subpoenas for about 400 other Negroes whose qualifications for a place upon the jury roll he was prepared to prove.

The court allowed the names of all these uncalled witnesses to be entered upon the record with as much probative force as though they had testified.

Ever since the defense, supported by the International Labor Defense, an adjunct of the Communist party, raised the question of the right of Negroes under the Fourteenth Amendment to sit on juries in State courts officials have maintained that it was a challenge to the selective jury system of the entire South.

Today they found justification for that belief in a letter from John Galleher, Commonwealth's Attorney for Loudon County, Va., who wrote asking briefs on the matter in the Scottsboro case. He wanted the brief to aid him in preparing to meet the issue in the case of a Negro now awaiting extradition from Boston, Mass., to answer a charge of murdering two white women in their beds in Virginia.

The letter, received by John K. Thompson, Solicitor of Jackson County, was turned over to Mr. Knight, who indicated that he would comply with the request.

Communist "Observers" at Trial.

Meanwhile the peaceable atmosphere that has marked this proceeding against the Negroes, who are accused of criminally assaulting Ruby Bates and Victoria Price on a freight train, continues to exist not only in the court room but in the town as well. A noticeable increase in the number of Communist sympathizers and "observers," coupled with reports that agitators were trying to arrange "mass demonstrations" among the Negroes, however, led to concern in some quarters regarding its preservation.

Mr. Leibowitz, who is not a sympathizer with the Communists, however, has made it clear he will remain in the case only so long as demonstrators are held in check, and that, more than anything else, is counted upon here to prevent unfortunate developments. The Communist sympathizers who were in court during the day conducted themselves circumspectly and quietly, and there was no parading or displaying of placards.

The climax of the day's session came with the production of the jury roll, a huge loose-leaf tome bound in red leather. It was borne into the court by the towering Sheriff, Bud Davis, who stooped a little under its weight and bulk. Tuesday, when Mr. Leibowitz sought to obtain a similar volume from Jackson County, where the first trials were held, Judge Horton granted his request, but then denied the defense motion before the rolls were producd in court.

At the outset of his examination, Mr. Tidwell, who was appointed to the jury board by Governor Miller, testified that the list, from which Judge Horton had culled a venire of 100 names for the trial of Haywood Patterson, was made up last January and February and that it had not been tampered with or changed.

"I ask you to produce that list," said Mr. Leibowitz.

Jury Roll Offered in Evidence.

Mr. Tidwell sat stock still, darting puzzled looks first at Attorney General Knight and then at Judge Horton. Judge Horton said that the jury roll was in the custody of the Sheriff, and he directed that official to bring it into the court room. As soon as Mr. Tidwell had identified it, Mr. Leibowitz offered the document, which under the Alabama law is protected from public scrutiny, in evidence.

Mr. Knight objected on the ground that the jury roll was immaterial evidence, even though a study of it should disclose that there were no names of Negroes written on its pages. He argued that, since the commissioners held discretional powers, "which no one can go behind," the absence of Negroes from the list could not show an arbitrary misuse of power. Judge Horton, however, held the roll to be "proper evidence."

Turning to Mr. Tidwell, sitting with the bulky jury roll propped up before him on a chair, Mr. Leibowitz continued his examination as follows:

"You and your fellow-commissioners are required to place on that roll the names of all citizens who possess the qualifications prescribed by law—all citizens—isn't that true?"

Mr. Tidwell conceded that such was his understanding of the law.

"Now, isn't it a fact," demanded the New York defense attorney, "that all the names written in that book are names of white citizens?"

"I don't know," said Mr. Tidwell.

"Do you mean that for an honest answer?" shouted Mr. Leibowitz.

Tidwell Resents Question.

Mr. Tidwell swung around in his chair and seemed about to rise. Several onlookers in the first row of spectators leaned forward.

"Do you mean to say that I would swear falsely?" demanded the Jury Commissioner, color rising in his cheeks.

"I don't mean to say anything, I'm asking you a question," snapped the defense attorney with a rising voice.

The heated colloquy abated when Mr. Knight objected to the "badgering of this witness" and what he called an "attempt to grill him" on the operations of his mind. Judge Horton's calm voice quieted the brewing storm, and Mr. Leibowitz asked:

"Can you point to the name of any colored citizens on that page?"

The defense lawyer's finger was pointing to the first sheet in the book, and Mr. Tidwell bent forward to study it better.

"I don't know whether they are white, black or yellow," he insisted.

The witness then explained that many of the names were placed upon the rolls without any personal examination by him. There was no member of the commission, he declared, who could say from an inspection of the names which represented white citizens and which, if any, denoted Negroes.

Mr. Leibowitz interrupted his examination to ask that the Attorney General stipulate on the record that the rolls contained the names of only white men. This Mr. Knight refused to do, asserting that he regarded the whole line of inquiry as "immaterial, anyway."

Mr. Leibowitz explained that he made the request only in the interest of saving time in order that the trial of Patterson, which is being held up pending the outcome of the fight on the jury system, might proceed. Then he added:

"If you are going to put me to my proof, all right. It is my purpose and intention to prove that no Negro's name appears upon that jury roll, and I'll do it if it takes till doomsday. Go ahead."

Scrutiny of Roll Begun.

A little later Mr. Tidwell conceded that some persons whose names appeared on the roll were known to him, and under the direction of Mr. Leibowitz, he began a page-to-page scrutiny of the book, telling the color of those whose names were familiar to him. While this was going on, the judge left the bench, the lawyers gathered about the jury commissioner and the stenographer joined the huddle.

When court recessed until 8:30 o'clock tomorrow morning Mr. Tidwell had failed to point to any Negroes on the roll, but there were many names which he alleged were unfamiliar to him. This evening the volume was being checked by defense attorneys in an effort to discover whether any of the Negroes, whom the defense holds to be qualified for jury duty, are included in the roll.

Tomorrow it is planned to call the other two jury commissioners to continue the process of elimination. When that is done, Mr. Liebowitz said, it is his intention to cause subpoenas to be issued for all those on the roll whose color remains in doubt, in order that there can be no doubt that no Negroes are included; then this court and those above it may decide whether their absence results from a recognized system of exclusion or mere coincidence.

Unofficial estimates placed the number of names upon the roll as between 2,000 and 2,500 and it was a question of some concern to residents of this State, already in such financial straits that it is threatened with a shutdown of its schools, how far Judge Horton would allow the defense to go. It was hoped that some compromise could be effected to shorten the proceedings, but Mr. Liebowitz was determined to complete his record and Mr. Knight was unwilling to surrender.

Negroes Called As "Qualified."

The Negroes whose qualifications for jury duty Mr. Liebowitz sought to prove in court were Dr. Frank S. Sykes, Dr. N. E. Cashin and Dr. N. M. Sykes, physicians; Hulett J. Banks, bill poster; the Rev. L. R. Womack, J. J. Sykes, motion picture exhibitor; W. G. Wilson, a lay preacher; J. D. Pickett, high school principal; Robert Bridgeforth, billiard hall proprietor; George H. Reynolds, undertaker, and Dr. Willis James Wood, dentist.

The testimony which these men gave differed only in minor details of personal experience. All had a wide acquaintance among the Negro population of the county and all were able and willing to name scores of other Negroes, who in their opinion were "esteemed in their community for their intelligence, good character and sound judgment." None of the men they named, the witnesses all said, could be disqualified because of their age, unsound mind or convictions for offenses involving moral turpitude.

Each of the witnesses declared he had never seen a Negro on a Morgan County jury. Objections from the State, upheld by Judge Horton, prevented each of the witnesses from answering the following hypothetical question propounded by Mr. Leibowitz:

"If it should be proved conclusively that the names of none of the Negroes you have named appear on the jury roll of this county, would you not be forced in all honesty to believe that they were excluded solely because they were members of the African race?"

In cross-examination, Mr. Knight drew admissions from each that he had no first-hand knowledge regarding the inclusion or exclusion of his name for jury duty. Each admitted also that, if his name were excluded, he could not name the specific reason for which it was barred by the jury commissioners.

Status As Voter Insufficient.

Mr. Leibowitz in re-direct examination of his witnesses, two of them veterans of the World War, one a former student of Phillips-Exeter Academy and Howard University and one a leader of the local Negro Civic League, established that none had ever been called upon to submit to examination on his qualifications. Several of the witnesses were voters who, Mr. Leibowitz maintained, had won the right to suffrage only by demonstrating their ability to interpret the Federal Constitution, but Judge Horton would not let them display their knowledge on this subject, holding that the qualifications of voters and jurors were different.

Dr. N. M. Sykes, who attended the University of Illinois, was asked by the prosecutor:

"Did you ever serve on a jury while you were in Illinois?"

"I was called, but didn't serve," was the answer.

Before ordering Mr. Leibowitz to submit proof of his charge that Negroes are systematically and arbitrarily barred from jury service, Judge Horton denied a motion by the defense to try all the defendants jointly, as they were indicted.

The day's proceedings concerned only Patterson, whose case is the only one thus far set down for trial. He was the only one of the nine defendants, two of whom will be tried in Juvenile Court, who was brought to the court room from the nearby jail. He sat through the proceedings, taking no part in them and showing little interest

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One Negro Gets Horseshoe; Eight Prefer Rabbit's Foot

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 30.—G. W. Chamlee, Chattanooga attorney helping defend the prisoners in the Scottsboro case, presented Haywood Patterson, who is being tried first, with a horseshoe for luck at the opening of court today.

A rabbit's foot was presented earlier to each of Patterson's eight co-defendants in the county jail.

Mr. Chamlee explained that, in his conversations with the prisoners in jail yesterday, when the hearing was in recess, he had asked if there was anything they wanted especially. Eight of them said they would sleep easier at night if they had a rabbit's foot to stroke, but Patterson said he preferred to put his trust in a horseshoe.

First Scottsboro Retrial Opening

4-3-33

Testimony Begins Today At Decatur Courthouse In Case Of Negro Youth

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., April [illegible]—Once within the shadow of the electric chair, Heywood Patterson, 19-year-old Chattanooga negro, tonight again faced trial with his life at stake as one of nine negroes indicted in the "Scottsboro attack case."

With his eight companions, Patterson was in the Morgan County Jail, less than a stone's throw from the courtroom in which his appearance tomorrow will attract world wide attention.

Less than five months ago the negro, with six of his companions, was confined in Kilby Prison at Montgomery under sentence of death which the U. S. Supreme Court set aside, ordering a new trial.

Unlike the previous trial, when he was defended by attorneys appointed by the court, the negro tomorrow will be flanked by four attorneys, three employed by the International Labor Defense, which for nearly two years has been active in the case, and a fourth who volunteered to defend them without cost.

Samuel S. Liebowitz, of New York chief of counsel, who is directing the defense, volunteered to defend the negroes on invitation of the I. L. D., but without remuneration. The attorneys associated with him are Joseph R. Brodsky, of New York; George W. Chamlee, of Chattanooga; and T. C. Almon of Decatur.

On the opposite side of the courtroom, Atty. Gen. Thomas E. Knight, Jr., represents the State, with T. E. Lawson, assistant attorney general, Solicitor H. G. Bailey, of the Ninth District, who prosecuted the negroes in Jackson Countyo two years ago, and Solicitors Wade Wright, of the Eighth District, assisting him.

As in the trials in Jackson County two years ago, in which the negroes were convicted and sentenced to death for an alleged attack on two white girls aboard a Southern Railway freight train, Patterson will be the first to face trials.

Atty. Gen. Knight, who asked a severance for Patterson, indicated the other six would be tried jointly. They are: Andy Wright, 19, and Clarence Norris, 19, both of Chattanooga; Charlie Weems, 22, and Ozie Powell, 19, both of Atlanta; Olen Montgomery, 19, of Monroe, Ga., and Willie Roberson, 19, of Columbus, Ga.

Liebowitz who sought trial of all seven at once, has indicated that, since Patterson was granted a severance, he also might seek separate trials for the other six. If each is tried separately, the trials undoubtedly will continue into the next week.

The court has the question of the age of the other two negroes, Roy Wright 16, and Eugene Williams, 16, both of Chattanooga, to determine before any disposition may be made of their cases

Wright was given [illegible] two years ago and Williams's death sentence was reversed by the Alabama Supreme Court because of the question of his age.

Under Alabama laws, a juvenile must first be brought before a juvenile court which, at its discretion, can place him in the jurisdiction of a circuit court for trial. Both gave their ages as 14 when arrested at Paint Rock, Ala., two years ago and charged with attacking the girls.

The first trials of the negroes charges of attacking Mrs. Victoria Price and Miss Ruby Bates aboard a freight train on which they were "hoboing" their way to Huntsville from Chattanooga were held in Scottsboro, from which the trials have taken their name "Scottsboro case."

Only four weeks ago, Judge A. E. Hawkins, probably the first judge in Alabama to sentence eight men to death simultaneously for the same offense, granted a change of venue to Morgan County on allegations by the defense that they could not be given a fair trial in Jackson County.

Mrs. Price was ready tonight to take the stand as the principal witness for the State, but the Bates girl, wso disappeared on Feb. 27, 1933, still was the object of a widespread search.

Approximately 35 witnesses have been called to testify, but whether each side would use all the persons they have subpoensed to testify was a matter of speculation.

Except for the presence of national guardsmen around the jail where the negroes were confined, Decatur today was as quiet as any other bustling North Alabama city

Citizens of the city for the most part have remained away from the courthouse during the time motions to quash the venire and the indictments were argued. Outsiders from the rural sections, and even distant States, have filled the courtroom to capacity, however, each day as the defense argued absence of negroes from Alabama juries deprived the defendants of their constitutional rights.

Both of these motions were denied by Judge James E. Horton, presiding, and a jury was empanelled late Friday for the Patterson trial on charge of attacking Mrs. Price.

The jurors spent yesterday and today in custody of bailiffs waiting the opening of court tomorrow, when the actual trial begins.

What Scottsboro Means To America

SOME of our readers may already be weary of the Scottsboro case, now being retried at Decatur, Alabama, because so much has been written and printed about it and the public [illegible] tired of even great human questions with [illegible] Scottsboro case — involving the fate of nine Negro boys accused of a capital crime about which there are strong elements of doubt — means more than the ordinary criminal court trial. It means more than just acquittal or conviction of those nine defendants. It means more than the vindication of Alabama's course in hurrying the boys on to the electric chair under the pressure of inflamed public opinion.

Upon the outcome of the Scottsboro case depends whether Negroes accused in the South shall have fair and impartial trials; whether they shall have the benefit of proper counsel and whether this counsel shall have a full opportunity to defend them; whether the Negro shall have a right to be tried by a jury of his peers—the right to serve on juries; whether in the estimation of those having in their hands the fate of all Negroes accused of crime a Negro is ever competent to serve on a jury; whether after all the infamous Dred Scott decision is dead or yet alive. All of these constitutional questions, these questions of procedure and of policy will be thrashed out in the trial of the Scottsboro boys. In addition to the very natural interest which attaches to the outcome as far as the boys themselves are concerned, there is the larger interest aroused on account of the fundamental questions of the law and the constitution which are involved. The Scottsboro Case has a large meaning for America.

NEW YORK CITY MIRROR
APRIL 10, 1933

The Verdict in the Scottsboro Case

If the Scottsboro case is to become historical, whatever may be the ultimate fate of the accused Negroes, the charge of Judge James E. Horton to the jury will always stand out as the act of a brave man and an American of the purest type.

While at a distance it seemed the Communist agitation worked almost as strongly as race prejudice against Heywood Patterson, higher courts will have to decide the justice of the verdict. Nevertheless it was apparent that throughout the trial there hung over the courtroom the threat of lynch law should there be an acquittal.

We of the North cannot appreciate the social phases of that Alabama trial, nor the character and intensity of feeling engendered by it. In the face of this, Judge Horton, a Southerner in every fibre, pleaded for tolerance, human rights and justice with an eloquence born of love of country.

"On both sides," said Judge Horton toward the close of his charge, "as far back as I know, my people have always been a Southern people, and I have no desire to live anywhere else. I am getting old, and it is my home, my native land, and I want to see righteousness done and justice done...It seems sometimes as though love has deserted the human bosom and hate has taken its place. It is only for a time, gentlemen, because in the great things in life it is God's great principles, matters of eternal right, that alone live. Wrong dies. Truth forever lasts. We should have faith in that."

The verdict of guilty may not have been just. But the condemned man had a fair trial so far as it lay in the power of one great and fine human being to give one.

Lynchings-1933
Legal Punishment for Rape. 4321

TammanyFrameNegro to 25 Years in Local Scottsboro Case

Daily Worker
4-24-33
New York N.Y.

NEW YORK.—A local "Scottsboro," the kind of Negro oppression here in New York that many who thunder their "concern" for the Scottsboro boy,s remain silent on; the case of Edward Griffin, has also found the revolutionary workers of New York napping. The Daily Worker prints the fa[illegible] to Party sections not to lose sight of the fact that there are daily acts of Negro oppression which we must fight if we are to prove our leadership to the Negro masses.

Edward Griffin, 18, of 183 Mckibben St., was sentenced Wednesday April 12, to 10 to 15 years for manslaughter and 5 to 10 years for carrying [illegible]. Griffin was accused of slaying Benjamin Salite, 202 Varet St., on Dec. 3 of last year. A cap was found on the body of the slain man with the initials of the owner and the name of the store from which it was purchased. the initials were not those of Griffin.

The police interviewed the store in which the hat was sold. The storekeeper claimed to know who had bought the hat. He "identified" Griffin. This was a store in Griffin's neighborhood and the storekeeper would not have to put other initials in the hat if it had been Griffin who purchased it, since he claimed to know Griffin. Griffin was at the funeral of an aunt at the time of the crime.

The facts are clear. The Daily Worker printed the story months ago. The ILD issued a statement that the case was a frame-up. The court made it impossible for anyone to see Griffin except the Tammany lawyer who got $1,000 whether Griffin got the death chair or went free. Despite this information being published in the Daily Worker, the section in which the case occurred did not carry on a wide protest activity for Griffin, linking his case with Scottsboro and the local struggles.

SCOTTSBORO PROTESTS

4-[illegible]-33

BALTIMORE, Md., April 19.—Twelve hundred were present at a Scottsboro protest meeting held here last night. The workers voted to call another meeting for next Monday night. April 24, which over 2,500 are expected to attend. Frank Spector, assistant national secretary of the International Labor Defense, will attend

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BALTIMORE, Md., April 19.—Nearly a thousand workers took part in a Scottsboro-Euel Lee parade and demonstration here, through Pennsylvania Ave. main business street of the Negro neighborhood, to Perkins Square. Large detachments of police surrounded the Square, but did not dare bar entrance to the paraders who were followed by hundreds of workers.

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KANSAS CITY, Mo., April 19.—A broad Scottsboro Unity Defense Committee of Negro and white workers and intellectuals has been formed here to perfect plans for participation of a mass delegation in the Free the Scottsboro Boys March to Washington, April 28. Many churches and the local of the U.N.I.A. have endorsed the International Labor Defense program in the Scottsboro case.

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PITTSBURGH, Pa., April 19.—A united front Scottsboro district conference will be held here at Walton Hall, 220 Stanwyx St., to which delegates from many social, political, and economic organizations are now being elected. More than three hundred Negro and white workers attended a recent mass Scottsboro protest meeting at Universal Hagers Spiritual Church.

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SCHENECTADY, N. Y.—Protest resolutions against the frame-up of the Scottsboro boys were adopted at an open air meeting here. Many expressed a desire to join the International Labor Defense. Negro churches visited by members of the I.L.D. showed a great willingness on the part of members to help in further action. Signatures are being collected.

Here and There

By Thomas Walker Wallace

4-23-33
Birmingham Ala.

Thomas W. Wallace

The Scottsboro case has about engaged the attention of the entire country and of course every reader of the papers was looking to see what the verdict would be in the recent trial of one of the accused boys. Nearly all the comments upon the outcome heard by this [illegible] were [illegible] that the verdict was no surprise. Well, I confess I was surprised because I cannot see for the life of me how any jury would convict one who had been exonerated of a crime by one of the plaintiffs. There could not help but be some element of doubt. Why believe one woman more than the other? The fact that the one who had elected to change her testimony had been to New York and had had a conference with one of the greatest preachers in America surely would not ordinarily influence a jury of intelligent men to believe that she was influenced by money to change her testimony. It is altogether too plain a case of race prejudice and hatred dictating a verdict of guilty in the face of the charge of the judge that the defendant must be believed to be guilty beyond the shadow of a doubt. The case of the next defendant has been postponed because of the alleged criticism uttered by the chief counsel for the accused. The judge avers that this counsel would be a veritable millstone around the neck of the accused and hence a fair trial could not be held at this time. I doubt very much whether time will have anything to do with making this any different. The long time that has elapsed since the first trial did not seem to have any effect. An impartial jury could not have given a verdict of guilty in the face of the vidence submitted in this recent trial. But the people of the South may as well admit now that a colored man has little chance of an unbiased verdict where he is accused of a crime against a white person unless there are some people of his own color on the jury since color seems to be a part of his crime. In some cases he can secure justice if the person against whom he commits a crime is also colored. And there have been cases where this was not even true because the jury had a higher regard for one colored man than the other. In other words it is difficult for one colored man to get justice when he is accused of a crime against what is sometimes called "a white man's Negro." Of course the last word is not really the one used but simply the translation of that ugly epithet usually applied to folk of color. I would say again it would be a fine thing if a white person could wake up some morning and find himself changed into a colored man and have the experiences of such a one for a year or so. I do not doubt but that he would [illegible] change his entire racial attitude. I would not like to see him continue throughout the remainder of his life as colored because that would seem like vindictiveness; for the remainder of his life would be a veritable hell on earth especially if he were unfortunate enough to have high ideals. The colored man of ambition and education suffers intensely because it seems that no account is taken of his efforts to make himself a good citizen of the republic.

UNITE TO DEFEND SCOTTSBORO CASE

Political, Fraternal, Religious Groups Form Conference to Aid Condemned Negroes.

4-17-33

MARCH TO CAPITAL APRIL 28

New York

Benjamin Davis Heads Group, With Heywood Broun and William Patterson Aides.

Representatives of political, fraternal and religious groups interested in obtaining the acquittal of the nine defendants in the Scottsboro case, joined forces yesterday afternoon and formed the Scottsboro Unity Defense Conference, at a meeting at the Harlem Masonic Temple, 310 Lenox Avenue. About 250, both Negro and white, attended.

The principal aim of the conference, as voiced by Heywood Broun of the Socialist party, is to create favorable opinion among all classes for the release of the Scottsboro defendants. After that, he added, the conference should work for "the freedom of the Negro race in the South."

Friday, April 28, was set tentatively as the date on which the march to Washington to protest the alleged violation of certain constitutional rights of the defendants in the case, will start. Those participating hope to petition President Roosevelt to take immediate steps "to guarantee the Scottsboro boys and the Negro people full constitutional rights."

The march will be under the auspices of the Scottsboro Unity Defense Conference, the International Labor Defense, the National Committee for Defense of Political Prisoners, and supporting organizations. These groups are working now to obtain 1,000,000 signatures protesting the recent conviction of Haywo[illegible] [illegible]rson, the first of the defendants to be retried, to present with their petition to the President.

Congress also will be urged to pass a bill providing for immediate and strict enforcement in the South of the Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution.

The speakers at yesterday's meeting emphasized the march must be a peaceful one and that no disorder of any kind will be tolerated by the sponsoring organizations.

Mrs. Janie Patterson, mother of Haywood Patterson, also spoke at the meeting. Among the other speakers were John Brown, of the Tom Mooney Molders Defense Committee; A. J. Muste, head of the Conference for Progressive Labor Action, and John Gerber, of the same organization, all white men, and the following Negroes: Benjamin Davis, Atlanta, lawyer; William Patterson, of the Labor Defense; Bishop Collins, of the Samaritan Rescue Episcopal Synod; Edwin Welsh, of the Harlem Interracial Forum; Adrian Johnson, secretary of the Universal Negro Improvement Association, and James Ford, 1932 vice presidential candidate of the Communist party.

Mr. Davis was elected chairman of the conference, Mr. Broun and Mr. Patterson, vice chairman, and Miss Louise Thompson, assistant secretary of the National Conference for the Defense of Political Prisoners, secretary.

NEW YORK CITY TIMES
APRIL 18, 1933

SCOTTSBORO CASE OFF INDEFINITELY

Judge Says Leibowitz Criticism of Jury Makes Fair Trial Now Impossible.

SENTENCES NEGRO TO DIE

Erroneous Idea Exists About Southern Justice, Asserts Jurist, Recalling Cases.

DEFENSE WILL 'CARRY ON'

Attorney General Scores New York Lawyer Who, Here, Reiterates Bigotry Charges.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., April 17.—Judge James E. Horton sentenced one of the nine Scottsboro Negroes to death today in accordance with the finding of a jury which found him guilty of attacking a white girl two years ago and postponed the trial of his eight co-defendants indefinitely.

In doing so, Judge Horton declared that statements issued by opposing counsel since Palm Sunday when the jury convicted Haywood Patterson, the first of the Negroes to be retried in accordance with a United States Supreme Court order, made an impartial trial here and now impossible.

Some time between now and July 6, when the next regular term of court opens, defense counsel, who already have obtained a change of venue from Jackson County, where the alleged crime was committed, will move once more for a transfer of the case to Mobile or Birming[illegible]

[illegible] week ago last Sunday, [illegible] jury considering Patter[illegible] reported, driblets of in[illegible]on regarding the activities [illegible]uel S. Leibowitz, chief of de[illegible] counsel, have been trickling [illegible] Decatur. Persons here have read that he has addressed meetings of Negroes in Harlem churches and that colored women have embraced him in New York.

This has prejudiced the populace against him and this morning, when Joseph Brodsky, International Labor Defense lawyer, declared that Mr. Leibowitz believed in social and economic equality between black and white, there was a tense situation in the courtroom, relieved only by Judge Horton's hasty adjournment of the proceedings.

Death Sentence Mandatory.

The session opened with Judge Horton on the bench ready to pronounce sentence upon Patterson, who was found guilty a second time and condemned to death by the jury after the United States Supreme Court held that his first trial was unfair. The verdict of the jury left Judge Horton no choice, since under the Alabama law the jury has the power to fix punishment as well as decide the guilt or innocence of the accused.

Patterson, escorted into the court room by National Guardsmen, leaned upon the bench, his eyes focused upon a corner of the court room remote from Judge Horton. When the court asked him if he had anything to say before sentence was pronounced, he said:

"I ain't had a fair trial. Ain't seen no girls on that train. I ain't had a fair trial."

Judge Horton, unperturbed by the Negro's statement, outwardly at least, informed him that the jury which convicted him had decided otherwise and said that it was the judgment of the court that he should die in the electric chair at Kilby Prison on June 16.

Mr. Brodsky then filed notice of appeal and offered a "skeleton motion" for a new trial. Judge Horton said that he would not hear motions "piecemeal" and called the trial of Charlie Weems, for which 100 veniremen had been summoned. Before anything could happen, however, Judge Horton read a statement from the bench.

Judge Horton's Statement.

"Gentlemen, there has been set for trial this morning the case of the State vs. Charlie Weems," Judge Horton said. "This is the second of what are known as the 'Scottsboro cases.' Something over a week ago the case of the State vs. Haywood Patterson was tried by a jury of this county. The nature of these cases, being a case where a Negro is accused of the rape of a white woman, is such as would naturally excite resentment, and it is always difficult, even under the most favorable circumstances, to obtain a fair and impartial verdict.

"The law has always recognized in cases of rape, whether committed by one on a person of their own

[illegible] for [illegible] r, and it enjoins upon the court to see to it that this undue influence is removed so far as the court may be able to do.

"There is a great deal of misinformation in the minds of the public generally in regard to rape cases in the South. I have been on the bench for over twelve years; more than ten of these years among my duties has been the trial of criminal cases. The district which I now serve is composed of four counties lying on both sides of the Tennessee River, and the counties contain a mixed population. Formerly Madison County was also in this district, and it is one of the larger and more populous counties of the State, and it also contained a great number of Negroes.

Recalls Previous Cases.

"During this period I have had only three cases where a Negro was accused of an attack upon a white woman. Two of the indictments were for rape, and one was for an assault with intent to rape. This assault with intent to rape occurred within Limestone County, the county of my residence. This was a case where a young Northern girl, unsophisticated, and who was making a long trip for the first time, went aboard an L. & N. train at Cincinnati to come South. There was a Negro porter on that train. As the train entered Limestone County the porter followed her into the dressing room, and tried to take liberties with her. Her screams caused him to desist and brought help. He was tried and convicted.

"The other cases were tried in this the county of Morgan. In one of these cases a woman accused a negro of committing rape upon her, and the trial was had before a jury. During the taking of the evidence many facts casting doubt upon the guilt of the accused were introduced, and after the case went to the jury a former solicitor, Daven Almon, a man with a big heart, who now sleeps in your city cemetery, came to me and told me that some things he had heard convinced him of the innocence of the accused, and he was much disturbed lest the jury convict. The jury stood eight for acquittal and four for conviction. Afterward upon the motion of the same solicitor, the case was dismissed.

Holds Ideas of South Erroneous.

"There was another case in this court. I will not go into details, but the evidence was of such a nature that the innocence of the accused appeared certain and the unwholesome case was thrown out of court. I live in the county of Limestone, across the river from this city, and that county has between 30,000 and 35,000 population, about one-third of whom are Negroes. That county has contained a mixed population 115 years.

"During that entire period, except for the one instance I have cited to you that occurred on the L. & N. train, the parties to which were residents of far-distant States, there has not been a single instance, so far as my information goes, and so far as I have been able to find out from diligent inquiry, of either rape or an attempted rape by

the fac[illegible] sufficient to [illegible] the egregiously erroneous [illegible] which exist in regard to the relations of the races in the South, and that conviction follows accusation.

"On account of certain influences, many of which to this court appear sinister and are actuated by a desire to stir up and foment strife between the races in the South, it has been difficult to try what are known as the Scottsboro cases upon the real facts. I am not now passing judgment upon the verdict in the case already tried. I know the court had great difficulty in preventing extraneous influences having some effect on the jury. With these influences still existing, with the public mind still disturbed, with thousands of true and deeply patriotic citizens desiring that justice be done and that the South appear in its true light, there has come to my attention a statement published, which to my mind makes it impossible at the present time to fulfill the high purpose of a court of justice.

Defense Counsel's Statement Cited.

"I do not know whether the leading counsel for the defendant made the statement imputed to him. I am not stating that he did, but so far as it might influence this trial it could make little difference whether he actually made it or not. The effect will be the same. The published statement was uncalled for. It was addressed to a panel of highly intelligent jurors, and men who wished to do what was right in the case.

"But the statement itself must of necessity make impossible any just and impartial verdict to be arrived at at this time. The accused Negro must be the victim of this statement. His leading attorney would be a millstone about his neck.

"It therefore becomes the unquestioned duty of this court at the present time to enter of its own motion a continuance of this case until such a time when in its judgment a fair and impartial trial may be had. Therefore the case of the State of Alabama vs. Charlie Weems is continued, and the court so orders."

Judge Horton also deplored a statement attributed to the Attorney General which was published in a Decatur newspaper. This, he said "contributed to the already heated atmosphere which surrounds this case."

Knight Protests "Slur."

As soon as Judge Horton had finished, Attorney General Knight was on his feet. He said that he could not sit idly by and hear an Alabama jury maligned.

"No," said he, "the people of Jackson and Morgan Counties—of Alabama are not bigots. Jackson County and the people of Morgan County—of the South have been and will be fair. I have no apologies to make for any statement I have made."

The statement to which Judge Horton referred and over which all Morgan County is steaming is the one Mr. Leibowitz [illegible]ade immediately after the verdict of guilty was returned. He said nothing else could be expected of twelve men swayed by considerations of race prejudice after Wade Wright, Cir

Negro upon a white woman.

"I think th[illegible] reflection of [illegible] justice [illegible] Alabama."

After Mr. Leibowitz's statement was published in newspapers of Alabama, Attorney General Knight said:

"A statement in The New York Herald Tribune quoting Samuel Leibowitz as reflecting upon the people of Morgan County and members of the Haywood Paterson jury has been called to my attention.

"Leibowitz is quoted as stating, when asked how the jury could find the verdict it did, that 'if you ever saw those creatures, those bigots, whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice bewhiskered and filthy, you would not ask how they could do it.'

"If this statement was made by Leibowitz it can be taken only as a wail of a contemptible loser, particularly in view of the fact that in his address to the jury he lauded the people of Morgan County and the members of the jury to the skies.

"I was very glad, indeed, that Leibowitz's insincere flattery of the court, myself and the jury could not swerve the jury from a just verdict in this case when they believed, as I do, that Haywood Patterson was guilty beyond a reasonable doubt."

Patterson and Weems, brought here from the Jefferson County jail in Birmingham, where they and their fellow defendants are imprisoned for safekeeping, were taken back there tonight under heavy guard.

After they had gone, and the National Guardsmen on duty here had been dispersed, a fiery cross was burned on the viaduct over the Southern Railroad tracks. Alec Brazelton, night Police Chief, said investigation disclosed that the cross was set off by two Negroes, unknown here, who jumped into an automobile and drove away.

Leibowitz Reiterates Charges.

Samuel S. Leibowitz, chief defense counsel in the Scottsboro case, reiterated yesterday his charges of bigotry against some citizens of Alabama.

"The millstone around the necks of the Scottsboro boys is that Alabama attitude which made twelve Decatur jurors guffaw as they push Haywood Patterson toward the electric chair," he stated. "It is a piece with the action of Attorney General Knight in gleefully clapping his hands during the trial and in calling a defendant made in the image and likeness of God 'that thing.'

"I respect Judge Horton and the fair-minded people of the State who are willing to extend to their colored fellow-citizens the protection of the law which we take as a thing for granted in New York. As for the rest, the baying pack, the wolves of bigotry, who raised the Hitler cry of 'Jew money from New York' because we dared to demand a square deal for a poor unfortunate whose skin was black, I stand pat. They are bigots. Their very faces do betoken it.

"We have fought the good fight. We have kept the faith and we will carry on. 'The nine innocent Scottsboro boys will not die so long

[illegible] your land.'"

Mr. Leibowitz had just boarded a train en route for Decatur when word of the postponement was received at his office. A telegram was dispatched to the train and he got off at Manhattan Transfer and returned to this city.

Rabbi Alexander Lyons of the Eighth Avenue Temple, Brooklyn, himself a Southerner, asserted in a formal statement that it was impossible for Patterson to have obtained a fair trial in view of the "atmosphere of prejudice and antagonism" which obtained at Decatur.

"The decision at this late day of the presiding judge to postpone the trial indefinitely is to me a confession of weakness," he said. "It implies an acknowledgment of an atmospheric condition where justice could not obtain. Mr. Leibowitz may have contributed to this by his remarks. If he did he simply reacted naturally to a situation which prevailed."

4321

[illegible] Ala. [illegible]

April 16, 1933

WHAT'S HAPPENING in ALABAMA

by PERCY TAYLOR

The coming week will see the second of the Scottsboro case trials get under way at Decatur and on April 25 there will be brought to trial at Dadeville five Negroes charged with assault with intent to murder in connection with the racial disorders of Tallapoosa County last December. Behind both trials are the forces of Communism with the International Labor Defense supplying defense attorneys.

The attack against Alabama's jury system, argued for a week at Decatur, will be renewed at the second Scottsboro trial and at the Dadeville trials. In both instances the defense allegations are the same—that jury commissions of Alabama have systematically excluded Negroes from the jury rolls because of their race and color. The United States Supreme Court has held that a Negro is not deprived of a fair trial simply because there is no Negro on his jury, but the question of systematic exclusion because of race is another question. The trial of Charlie Weems, beginning at Decatur Monday, will probably be ended by the close of the week and further trials there are likely to be halted for the time being. This will shift interest on this question to Dadeville where proceedings in some phases may transcend in importance the Scottsboro trials. Convictions in the Scottsboro cases will be appealed. They will again be carried to the United States Supreme Court if necessary, defense attorneys avow. This means that it will be a long time before Alabama will find itself rid of this unfortunate affair.

* * *

The directors of the Walker County Strawberry Association are making plans for moving the season's berry crop from that section, and has ordered a carload of crates in preparation for the first picking.

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4322

NEW YORK CITY AMERICAN
APRIL 10, 1933

Negro Found Guilty, Condemned to Die In Scottsboro Case

Appeal to Supreme Court of U. S. Is Planned.

DEFENSE SHOCKED

Retrial of Second Defendant to Begin Next Monday.

By **CARTER BROOKE JONES,**
Universal Service Correspondent.

DECATUR, Ala., April 9.—An Alabama jury brought in a verdict of guilty today in the case of Haywood Patterson, first of seven Negroes granted a retrial by the United States Supreme Court, on a charge of attacking two white girls.

The penalty again was fixed at death. The Southern jury deliberated twenty-one hours.

The verdict came as shock to Defense Counsel, headed by Samuel Leibowitz of New York, who had been confident of an acquittal after the surprise testimony of Ruby Bates, one of the two alleged victims. She repudiated her statements at the original trial, denying that either she or the other young woman, Mrs. Victoria Price, had been attacked by the negroes.

PLANS APPEAL.

Immediately after the verdict Leibowitz, whose entrance into the [illegible] has aroused resentment in this little Alabama town, announced his intention of carrying an appeal to the United States Supreme Court again he said:

"This is another black chapter in American justice. It is a triumph of bigotry. It means that because a man's skin is black he can be convicted to death by smirking hypocrisy, no matter what the evidence may be."

The young negro evidenced little concern as he heard the jury foreman pronounce the words which doomed him for the second time to death.

He smiled broadly and shrugged before he was led from the courtroom, to be taken back to the jail at Birmingham, where his six companions are held.

TOOK THREE BALLOTS.

Under the Alabama law the jury could have fixed the penalty at anything from ten years imprisonment to life, or death.

It was learned that the jury took only three ballots. The jurrors agreed on a verdict of guilty at the first ballot and the argument was over the question of the penalty. The second ballot was 11 to 1 for the death penalty and the third was unanimous.

There was no demonstration at the verdict, and the Sunday calm of the sleepy little Southern town was unbroken.

Today's verdict climaxes a two-year fight against the convection and sentencing to death of the negroes, first tried in Scottsboro, Ala.

2ND TRIAL NEXT WEEK.

The International Labor Defense, championing the "Scottsboro boys," took the fight to the highest court, where the original verdict was set aside and a new trial ordered for each of the

The retrial of the second Negro of the group, Charlie Weems, is scheduled to open a week from tomorrow.

The trial of Patterson began last Monday, after a feek of arguments on preliminary motions. The defense sought to quash the indictment on the ground that Negroes were excluded from the jury panels. This is expected to be one of the main issues in the attempt to have the Supreme Court review the case again.

Daily Worker
4-5-33
New York, N.Y.

MOB DANGER GROWING IN DECATUR; WHITE RULERS RESENT "NEGRO ISSUE"

Pick All-White Jury for Haywood Patterson Trial; Scottsboro Lynch Gang Formed

Decatur Police Arrest 5 for Aiding Defense; Negroes Support I.L.D. Fight

(By Special Correspondent)

DECATUR, Ala., April 2.—The tension which has existed during the past week in this little Southern town is gradually breaking through the illusory peaceful exterior which has prevailed here.

With a jury picked to try Haywood Patterson, first of the innocent Negro Scottsboro boys to be tried, the state is expected to begin the presentation of its case Monday morning. The defense, on the other hand, is marshaling its evidence to tear to shreds the frame-up case which Prosecutor Knight is building in an effort to send the Negro boys to the electric chair.

The superficially easy-going, languid atmosphere which for a time lulled some into a sense of false security is rapidly passing. Rumblings are beginning to reveal a volcano which, if it erupts, will set fire to the accumulated passions and prejudices engendered by the Southern white ruling class.

Floodlights Over Jail.

On Saturday night five floodlights illuminated the little Decatur jail with extra guardsmen around it—indicating the growing tension which has arisen as a result of the bold fight being made by the International Labor Defense on the question of Negroes on jury—an issue which brought out into the open the whole system of national oppression of the Negroes in the South.

Officials announce that when court opens in the morning everyone entering will be searched for weapons.

All-White Jury.

Alabama legal procedure resulted in swift "selection" of the jury. Following a hasty examination of 100 prospective jurymen by the judge for general "qualifications," they are turned over to the attorneys for the state and defense. First the prosecution struck off one name, then the defense eliminated two until 12 were left. This constituted the jury, and this method left, of course, little opportunity for the defense to guage the nature of the jurors.

One out of three veniremen on examination admitted prejudice and stated a conviction that the evidence could not change his opinion. These were dismissed.

The all-white jury and the occupations they gave are as follows: Eugene Bailey, Jr., draftsman, of Decatur; John J. Bryant, farmer, of Falkville; Eddie Edwards, hosiery mill worker, of Decatur; William L. Grimes, bookkeeper, of Decatur; Robert L. Lander, unemployed, of Decatur; James F. Steward, Jr., merchant, of Hartselle; G. Forman Wallace, farmer, of Danville; Irwin Craig barber, of Decatur; Cecil B. Crawford, farmer, of Joppa; John Davis, bookkeeper, of Decatur; Eugene E. Graves, bank cashier, Decatur; Robert L. Kitchens, automobile salesman, of Decatur.

Judge Admits Mob Danger.

The undisguised prejudice of the veniremen was shown when, during the questioning by Leibowitz, a prospective juror arose and objected heatedly, declaring: "We are not accustomed here to choose jurors that way."

The first official admission of the danger of mob action was made by Judge Horton when, in addressing the jury following their selection, said: "The citizens know their duty is to abide by the decision of the court. There is no other way to enjoy liberty. It would be a blot on any of you to let anything, any action of yours, mar the course of justice."

Feeling Running High.

Feeling in Jackson County, where Scottsboro is located, is running high with resentment growing due to the mounting cost of the trial which this county—and not Morgan County, where the trial is being held—must bear. Characteristic sentiment among Jackson County residents who are bitter at the prospect of a long, drawn-out trial is: "We should have strung up those niggers long ago."

Especially after the heated arguments in the court on the issue pressed by the defense showing systematic and deliberate exclusion of Negroes from Morgan County juries, Leibowitz, I. L. D. attorney, was called a "Russian Jew Nigger who ought to be hung."

Scottsboro Mob Formed.

Further evidence of the sinister forces growing which endanger the lives of the Scottsboro boys is seen in the fact that immediately after Judge Horton on Friday over-ruled the defense motion to quash the venire of white jurors, an organized crowd of 50 left Scottsboro following their declaration that they would come back "about the middle of the week," thus revealing the extreme danger of extra-legal action in the vent that Haywood Patterson is acquitted.

Photographers hired by the defense to take pictures in Paint Rock, Jackson County, the scene of the arrest of the Scottsboro boys, were threatened by a menacing crowd. In Decatur "poor whites," steeped in decades of vicious prejudice against the Negro—as a result of ruling class propaganda—declared: "If they don't burn we'll string 'em up. They'll never get out alive."

Following the receipt by defense attorney Leibowitz of threatening letters, and as a result of verbal threats muttered in the courtroom, Judge Horton placed seven members of the national guard and plain clothes men before the apartment in which Leibowitz is living, but the atorney requested that the guard be removed.

Negroes Back Defense.

Negro leaders of the community, as well as the Negro masses, are responding enthusiastically to the issue of the right of Negroes to serve on juries, and Negro witnesses remain unmolested due to the world-wide attention which the Scottsboro case is receiving.

One locally prominent Negro declared: "If a mob comes from the outside to try to attack the boys they won't have it so easy." Another said: "If the Reds are responsible for all this, I'm with the Reds."

Despite the efforts of the leading whites to influence the Negro Ministers' Alliance here, many are openly sympathetic to the defense, and state so in their churches.

Friday night, William A. Christol, a Negro bearing credentials from the Birmingham I. L. D.; Muriel Rukeyser, a member of the National Student League who is writing about the trial for the National Student Review; two other white workers and one Negro, were arrested and held four hours by the police, who later released them after confiscating their personal papers. They were ordered to appear before Judge Horton tomorrow morning. Christol, who was authorized to raise funds for the Scottsboro case, declared that he will appear in court.

Defense Moves.

Two moves to be made by the defense in proving that the nine Scottsboro Negro boys are absolutely innocent of the charges against them, and that these charges were framed, have been revealed by the I. L. D.

An important exhibit in the case it was stated, will be a miniature train, a replica of the now famous freight from which the nine boys and two girls were taken by a sheriff's posse in April, 1931. Using this miniature, the defense will prove that it was impossible for any such attack as is charged by the state to be made, and that the movements of the boys over the train as described by prosecution witnesses were impossible.

It will be proved by this replica also that the testimony of witnesses at the first trial, who claimed they saw the "attack" from such various points as haystacks and farm roofs along the right-of-way, must be false since it was impossible for them to view portions of the train they claim they looked into.

Another important move by the defense will be the introduction of medical evidence which will prove the impossibility of the stories told by the two girls, Victoria Price and Ruby Bates, at the original trial about the mythical "attack."

Four-Hour Quiz Fails To Shake Attack Victim's Story

4-4-33

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., April 3.—(AP)—Under a lengthy cross-examination, Mrs. Victoria Price, 23, of Huntsville, Ala., today clung to her story that six negroes attacked her aboard a freight train two years ago, and that Heywood Patterson, one of nine indicted in the "Scottsboro attack case" was one of the six.

Montgomery

Samuel S. Leibowitz, of New York chief of counsel, supplied by the International Labor Defense to defend the negroes, led the woman through a maze of details covering a three-day period culminating in the attack.

Advertiser

Just before Mrs. Price left the stand after nearly four hours of questioning, Leibowitz introduced as an exhibit the record of the other trials in Jackson County two years ago in which Patterson and seven others were convicted and sentenced to death.

4-4-33

Introduction of the record was not objected to by Atty. Gen. Knight, directing the prosecution, who insisted immediately that it be marked as an exhibit.

Montgomery, Ala.

Calm through the recitation of sordid details of the attack on direct examination, Mrs. Price frequently displayed flashes of temper as she [illegible] negative answers to Leibowitz's questions.

While the long questioning went forward, Patterson, flanked by National Guardsmen, sat stolidly behind the defense counsel table.

Examination of Mrs. Price was interrupted to permit R. S. Turner, of Sheffield, conductor of the freight train on which the attacks were purported to have taken place, to testify.

As Turner called off the location of various types of cars Leibowitz assembled a miniature train on a table before the jury. The train assembled with its brightly colored cars looked like a circus train just out of Winter quarters for the Summer tour.

Frequent clashes between Leibowitz and Atty. Gen. Knight interrupted the cross-examination of Mrs. Price in which her veracity and general reputation were subjected to a search.

Twice Judge James E. Horton warned the attorneys that objections must be directed to the court and not to each other personally.

On direct examination, Mrs. Price said she and Ruby Bates had gone to Chattanooga aboard a freight train to seek work, but failing, had begun the return journey the following day on a freight.

They started on a tank car, but at Stevenson, Ala., moved to a gondola car, half filled with chert. As the train pulled away from the water tank at Stevenson, she said, seven white youths piled into the opposite end of the car from her and her companion.

"Five or 10 minutes" out of Stevenson, she said, 12 negroes came running over the top of box cars and jumped into the gondola.

"Heywood Patterson was one of them and he carried a pistol which he fired over the top once or twice," she testified. In the fight that followed, she said, six of the seven white boys were knocked from the car. Orrville Gilley, she said, was the seventh youth and he remained, because he was afraid he would be killed if he jumped, and said "I'll stay here and be killed with these girls."

In a clear voice but with eyes downcast. she told a gruesome story of the happenings after the youths were forced from the train.

The spectators leaned forward as she related her story.

When the train halted at Paint Rock, where nine of the 12 negroes were taken into custody, Mrs. Price said she climbed from the gondola but collapsed unconscious as she reached the ground.

"I didn't know nothing more until I woke up in a grocery store at Paint Rock." she said.

Leibowitz opened his cross-examination seeking to have Mrs. Price identify cars of the miniature train as similar to those making up the freight on which she averred she was attacked.

"Them are toys and don't look like the train we rode," she said.

The first show of temper came from the witness as Leibowitz persisted in his questions as to whether she bit, scratched or kicked any of the negroes, and raised her voice to reply "I don't know. I won't say. I just fought."

A cross-examination of minute details as to her struggles during the alleged attacks was begun by Leibowitz and once the witness, with eyes flashing and lips drawn tight shouted "I answered you four times."

Frequently throughout the three-hour cross-examination the witness protested she was not educated and that Leibowitz was talking too fast. "I ain't got no education." she said.

A long question was put to Mrs. Price concerning her alleged actions the night before she and Ruby Bates left for Chattanooga to seek work.

"That's some of Ruby's dope," she retorted.

"Ruby who?" Leibowitz asked.

"Ruby Bates and where is she?" shouted Knight as he rose from the State counsel table.

"Didn't you concoct this story after the negroes were arrested in Paint Rock because you feared you would be arrested for vagrancy?" Leibowitz shot at her suddenly near the end of his examination. The witness was not permitted to reply. Just before leaving the stand she identified photos of herself, Ruby Bates, and the latter with a negro.

Conductor Turner told of finding a snuff box in one of the eight "chert" cars near the front of the train and that a pistol also had been found. Evidence on the pistol was ruled out when it was proven hearsay.

Roscoe Allen, a member of the train crew now on vacation, found the pistol, Turner said on cross-examination.

The examination of Turner was brief. Under redirect examination Mrs. Price told of oaths the negroes used as they piled into the car and a knife she identified as one held at her throat was identified as evidence.

Dr. R. R. Bridges, of Paint Rock, who examined the two girls after they were taken from the train at Paint Rock, said that neither woman was hysterical at the time, but the following day appeared nervous.

Leibowitz cross-examined him on the technical phases and the court also questioned the physician.

The Scottsboro Trials

America rather than the [illegible] Negro boys who were arraigned in Decatur, Alabama, on Monday last is on trial. The fate of these unfortunates, as important as this is, is but an incident in the mighty issues underlying those cases which have attracted the attention of the civilized world. Can the Negro get justice in the prejudiced-ridden, intolerant Southland? Is there any chance of civilizing its barbarous people who rule the section? These are the important questions as the trials proceed.

Only a confirmed optimist after following the incidents of the first two days of the trial will answer the questions in the affirmative. The verdict will again decree a massacre, unless all present signs fail and again give the lie to America's profession to justice, equality and fair play.

The world must look to the Supreme Court of the United States to act summarily and dismiss the cases. It is the only hope of escape from the disgraces continually heaped upon the country by an unregenerated and shameful section.

Lynchings-1933
&
Legal Punishment for Rape
&

Alabama (Haywood Patterson.)

4323

SCOTTSBORO LYNCHING THREAT CALLS TROOPS

By TOM CASSIDY.
(Staff Correspondent of The News)

DECATUR, Ala., April 5.—This mill city was an armed camp tonight as an impassioned speech by the presiding Judge in the famous Scottsboro case trial decreed death for mobs who have just threatened to lynch the seven prisoners and ride out of town on a rail Samuel S. Leibowitz, New New York attorney.

Machine guns were ordered placed on the roofs of apartments where the defense counsel and newspapermen reside and two extra companies of militiamen have been ordered ready for duty as the result of mass meetings of citizens held secretly late Tuesday night and early this morning.

Judge Dismisses Jury.

The voice of Judge James E Horton, presiding in the retrial of the seven Scottsboro colored youths charged with assaulting two white girls on a train two years ago, quavered with emotion as he halted the trial to take cognizance of the situation reported to him by National Guard officials.

"The Court wishes to make an announcement," the fair and Lincolnesque Justice declared, after ordering the jury from the room. "It is known that these prisoners had protection at the former Scottsboro trial, and the Sheriff's force and the National Guardsmen are to protect them now.

"The Court also wants it known that it will protect any one else connected with this trial. Whether or not the reports of impending trouble have any foundation, the Court does not know. But sometimes rumors reach the point where notice must be taken of them."

Here the jurist paused for effect, and then raised his usually easy drawl to a high pitch.

Calls Lynchers Murderers.

"Any group of men—and I don't say there are such," Judge Horton continued, "who attempt to take the law into their own hands, are unworthy of the protection of the State of Alabama. Men who would join in anything that would cause the death of these negroes are not only murderers but cowardly murderers.

"I haven't any tolerance for mob spirit. Your very civilization depends upon the carrying out of your laws in an orderly manner. I am going to strengthen the guard if necessary, and remember (this latter is almost a shout), you've got to kill these guards before you get these prisoners. The guards understand that. When it comes to a question of right and wrong, there can be no compromise. If these defendants are guilty, they should be punished, if they are not guilty, they should be acquitted. The court intends to protect them."

Meetings Called by Phone.

Late tonight Capt. Joseph Burleson, in charge of the guardsmen here, revealed he had been informed mass meetings were planned in adjoining communities.

"I have never [illegible] statement to the press," Burleson said, "but I think this situation calls for it. I want it to go abroad that, because we are Southerners and these defendants colored men, has no bearing on our oath to protect them. We are still wearing the uniform of the United States."

Today's proceedings at the trial consisted for the most part of denials by the four of the septet doomed to the electric chair for attacks on Mrs. Victoria Price and Ruby Bates, and their cross-examination.

Denies Attacking Girl.

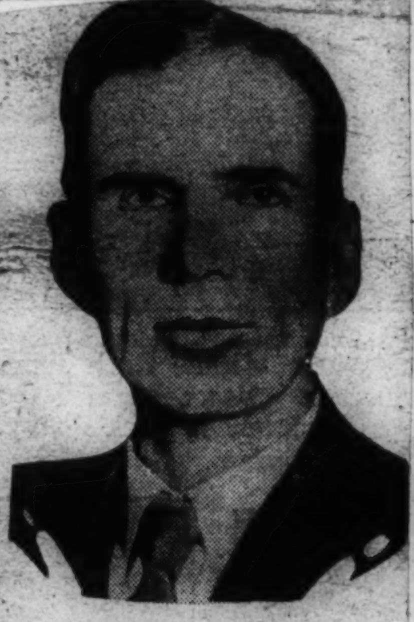
Haywood Patterson, the one of the seven being tried on the present indictment, candidly admitted fighting with some white male hoboes on the train and throwing them off just before the supposed attack in a gondola car.

He denied seeing any girls on the train and, although his testimony in the first trial was read to dispute this, under re-direct examination by Leibowitz it was brought out he had said he had seen no attacks and took part in none.

After telling Attorney General Knight that a white boy was on the train with him, he said: "I wouldn't attack no white woman with a white boy on board would I, I aint that much of a fool."

"You were tried at Scottsboro?" he was asked. "No, he rejoined, I was framed at Scottsboro."

Dr. E. F. Reisman, Chattanooga gynecologist, was called as the last witness of the day. He testified that Victoria Price's story that she was attacked by six colored men an hour or two before her examination at Scottsboro was inconsistent with medical evidence offered by the prosecution.



Judge Horton
Warns against lynch rule.

Scottsboro Case Proceeds Under Guard of Troops

Defense Attorney Samuel Leibowitz (left) and an associate, with Haywood Patterson, defendant, in courtroom.

Colored youths on trial for assaulting two white girls file into the Decatur, Ala., courthouse well protected by National Guardsmen. Threats of reprisal against the prisoners and their attorney brought warning from judge yesterday.

Telegraph 4-7-33

Missing Witness in Scottsboro Case Appears and Recants Assault Story

DECATUR, Ala., April 6 (AP)—In a dramatically tense courtroom, the long missing witness in the "Scottsboro case" Thursday denied her testimony in previous trials in which eight of nine Negroes indicted for an attack on two girls, were sentenced to death.

The girl, missing since Feb. 27, appeared just as the defense was prepared to rest its case in behalf of Heywood Patterson, 19-year-old Chattanooga Negro, and the first of the Negroes to face retrial.

"No, sir," she replied, raising her voice slightly, in reply to a question from Samuel S. Leibowitz of New York, chief of defense counsel, "Were you attacked aboard the freight train that afternoon?"

"I told it because I was excited," she replied to Leibowitz's question as to why she testified in the trials in Jackson county two years ago that she had been attacked by six Negroes.

Through a long cross examination during which at times she was obviously flustered and hesitated on some questions, she reiterated that she was not attacked.

"I Can't Remember"

"I can't remember," she replied to several questions propounded by Attorney General Thomas E. Knight, Jr., particularly the surname of a woman for whom she said she worked while in New York. "[illegible]rite, is all I remember," she said.

The court was in informal recess at the time she entered. Judge James E. Horton, presiding, but a minute or two before had said "the court will wait eight minutes" to a whispered request from Leibowitz.

That remark was the only inkling the spectators who took every available seat had that something unusual was impending, less than 10 minutes before Leibowitz had rested for the defense "with reservations."

The girl, clad in a grey coat and close-fitting hat to match, was accompanied by Mrs. May Jones, social workers of Birmingham, who said she had driven her here at the request of Rev. Charles Clingman rector of the Episcopal church of the Advent there.

Minister Will Be Summoned

Mrs. Jones was sworn to testify that she drove the girl here from Birmingham and Attorney General Knight immediately asked a subpoena for the Birmingham minister.

Taking the stand the girl identified herself, then in a hushed courtroom faced her companion on the freight train, which Patterson was charged with attacking, and identified her.

Lester Carter, of Knoxville, Tenn., who was on the stand during the morning, was brought in and the girl identified him.

Carter in the forenoon had told of a clandestine meeting with the girl and of intimacies with her.

Taking up a recital of her movements from March 23, 1931, until she was taken from a Southern railway freight train at Paint Rock, Ala., two days later and with the other woman accused the Negroes of attacking her, she admitted intimacies testified in the forenoon by Cater.

She said she spent the night with Carter, Jack Tillery and the other woman in a box car when the "hobo" trip was planned.

On March 24, 1931, she said, she, the other woman and Carter caught a freight train to Chattanooga and there they met Orville Gilley (Carolina Slim) and spent the night in a "hobo swamp."

Unable to find work, she said the quartet boarded a freight train the next day to return to Huntsville and rode a box car to Stevenson.

"Me, ——, Lester, and Gilley boarded a box car which we rode to Stevenson, and there we got in a gondola," she said. The fight between the Negroes and seven white boys occurred in the next car, she testified.

When taken from the train at Paint Rock, she said she was excited and continued in that state in jail.

"She (the other woman) told me if I didn't say it (that she had been attacked) they would put us in jail," the girl testified when asked by Leibowitz if any one told her what to say.

The girl said she came here from New York, leaving there Monday and going to Birmingham.

"I certainly did," she said, when Leibowitz asked her if she met Dr. Harry Emerson Fosdick, pastor of Riverside Baptist church, in New York.

The girl said she told him her story and that Dr. Fosdick sent her to Birmingham to Dr. Clingman.

National guardsmen Thursday night were placed on duty at the apartment hotel of Leibowitz as reports were received here that a crowd had formed at Huntsville to come here.

The alleged victim of the attack who appeared here unexpectedly Thursday afternoon at the trial was under Leibowitz's protection until court opens Friday.

Captain Joe Burleson, commanding the guard, said early Thursday night he had checked the reports and believed them unfounded but guards armed with automatic rifles were kept stationed at the apartment as a precautionary measure.

Hunsville police announced that rumors of a crowd forming there to move on Decatur were without foundation.

Fosdick Supports Her Story

NEW YORK, April 6 (AP)—The Rev. Dr. Harry Emerson Fosdick, pastor of the Riverside church, confirmed Thursday night that Ruby Bates called upon him but said he regarded what she told him as confidential.

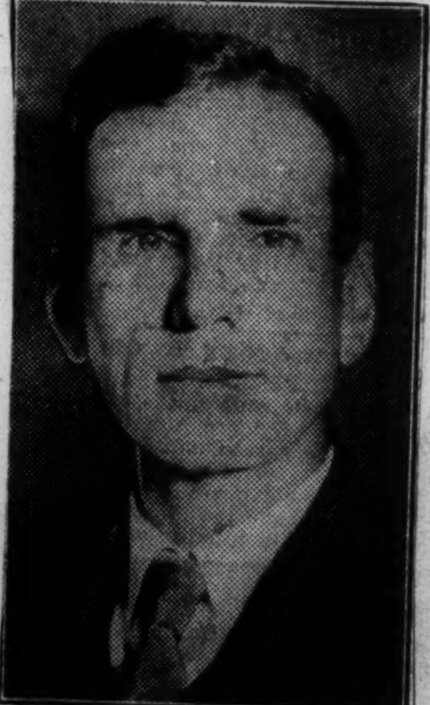
"I can make no statement further than to confirm the fact that Ruby Bates came to me for a private confessional conference concerning her testimony at the trial," Dr. Fosdick said.

"That was on Friday, March 24. To the best of my knowledge and belief, she came alone and of her own free will.

"She was disturbed in her conscience about her testimony in the previous trial. Of course, when she came and told me her state of mind about her previous testimony, I, as a clergyman, advised her to tell the truth. She promised me that she would go back to the second trial and do so."

Dr. Fosdick said she called upon him at his home. He knew nothing about her stay here, he declared beyond the one visit she made to him.

Here are the 12 Morgan county men chosen to weigh the evidence in the trial of Heywood Anderson, 19, first of seven Scottsboro, Ala., Negroes to face re-trial on charges of attacking two white girls. The trials were transferred to Decatur, Ala., on a change of venue. Judge James E. Horton, presiding at the trial, is shown in the lower photograph.



Lynchings-1933

Legal Punishment for Rape.

6

4324

Police Disperse I. L. D. Lawyer's Negro Admirers

Montgomery

3-11-33

NEW YORK, April 10.—(AP)—Disorder attended the return of Samuel Leibowitz ate today from Decatur, Ala., where he defended Heywood Patterson in the "Scottsboro case."

A group of negroes carried the lawyer on their shoulders from his train to a taxicab and then whites and negroes which police numbered at 3,000 formed a parade on Broadway, starting at 34th Street near Pennsylvania station.

Police in the 30th Street precinct, taken unawares by the marching column of four, telephoned ahead to the 47th. Street station. When the column reached Times Square police charged them with night sticks and ordered them to disperse.

Hand to hand fighting followed. Patrolman William Griffin was beaten by a group of negroes until white pasers-by fought them off. Griffin arrested George Northcroft, 36, negro house painter, as the man who had kicked him in the mouth and knocked out a tooth.

The parade reformed and got as far as 53rd Street before the police charged again. Half the marchers scurried into side streets but the others reassembled, marched on to 59th Street and attempted to hold a meeting in Columbus Circle.

The emergency squad from the 88th Street precinct reinforced the policemen already on the scene and attempted to disperse some 1,000 persons listening to speakers. Many of the marchers fled as policemen swung night sticks at their legs, but the others marched on.

At 68th Street they tried again to hold a meeting and the police broke them up. At 86th. Street the final set-to occurred. The harried marchers broke up into pairs and small groups and continued quietly up-town toward Harlem.

Leibowitz had driven homeward in the taxi before the parade.

THE MOCK TRIAL ENDED

When the Decatur (Ala.) jurors announced their verdict in the now celebrated Scottsboro case, it was no surprise to either America or the rest of the civilized world. It did not matter that the defendant was innocent, or what the testimony showed, the results would have been the same. The very environment in which the case was tried precluded any other kind of verdict.

The temple of justice itself was charged and surcharged with hate, hypocrisy and prejudice. The very atmosphere was per-

of centuries of bigotry and sham. The word LAW when applied to a black man in the state of Alabama means the sophistry by which the ruling class of the South explains its murderous acts.

No black man can get a fair trial in the South so long as those who make and execute the laws drink from the fountain of hate. In a country where Jim Crowism is allowed to thrive all the people who live under its baneful influences will be affected by the poison it emits. The savage instinct of Decatur called for blood, which means that it ran true to the system of southern conception of chivalry and honor.

No judge can be free to act in the performance of his duties under the shadow of such slimy influences. The whole trial was a mockery, a pretension of justice and a crime against our national honor. The prosecuting attorney—in keeping with the spirit of the state—spewed from his lips all the additional racial antipathy he thought essential to consummate his purpose. He not only attacked the black man, but went out of his way to blaspheme another.

In fact the verdict had been arrived at when the jury was selected, therefore no evidence was required. Samuel S. Liebowitz, the New York attorney who headed the defense staff, said: "This is another black chapter in American justice. It is a triumph of bigotry; it means that because a man's skin is black he can be brought in here and no matter what the evidence may be, smirking hypocrisy will go out and condemn him to death. I shall fight these Scottsboro cases as long as I live."

A community in which such a verdict could be obtained on such evidence shows that the civic morality of that community has reached a decadence in ethical ideals. The American people should organize to fight against the "Hitler spirit" in this country instead of in Germany. Our fight is to prevent America from returning to the jungle thought and action of barbarians who once fed upon human flesh.

To all decent minded people Decatur, Ala., will forever be looked upon as a place from which justice has fled, where truth has no standing, morality no incentive, and honor and respectability no place of abode.

Alabama (Haywood Patterson)

ALABAMA WINS HER CASE.

Columbus

Imagine a jury of white men deliberating for twenty-one hours over the guilt or innocence of a Negro accused of criminal assault by white women complainants; and after having deliberated twenty-one hours return a verdict of guilty. That is what happened in the celebrated case Alabama vs. Patterson tried recently at Decatur in the sovereign state of Alabama. Haywood Patterson is the first of the boys now internationally known as the Scottsboro boys to be retried under the ruling of the United States Supreme Court granting them a new trial.

In the light of the conduct of the Patterson trial it is our opinion that if a jurist were ever justified in rendering judgment "non obstante verdicto" (notwithstanding the verdict), the trial judge in that case had been more than justified in adjudging Patterson not guilty in spite of the jury's verdict of guilty.

No power of divination is needed to know that on that jury there were those who considered the evidence in the case and contended for Patterson's acquittal, but what with intimidation, threats and other forms of torture capitulated before the force of superior numbers and local color. Some day it will be known that those jurors had the disposition but not the guts to do by a fellow human what was right.

Whatever may be said about the International Labor Defense, it must be said to their credit that their fight for justice for the man farthest down has been valiant. Its representatives have given the enemy no quarter. If in the end they lose they will have shown the world just how sub-normal is the universal Southern mind. They have already causd white juries to become more deliberative over cases given them for consideration where Negroes are concerned. Fully deserving was Samuel Leibowitz of the great ovation given him on his return to New York where thousands of Negroes and whites took him and placed him on their shoulders to triumphantly bear him to his conveyance. Leibowitz had the courage to face the cowardly pack and scourge their idea of justice with his Herculean brain and rapier like tongue. So devastating was his aetack that his adversaries were stripped of every defense save their traditional appeal to prejudice. They wanted to know if Alabama justice could be bought with Jewish money. They stated frankly that if these Northern Jews came down there and won their case Alabama justice would be lynched. These rabid fulminations of a hysterical Negrophobe were actually made part of the Court record. This, of course, is cause for reversible error being allowed and a new trial granted on appeal.

Whatever Ruby Bates may have been, her testimony in this case certainly stamps her as a woman of some little courage to say the least. Although the prosecution accused her of having "sold out," it is more likely that at last the poor girl discovered that she had such a thing as a conscience and when the proper appeal was made to that conscience decided that even though death be her reward she must tell the truth and liberate from durance vile, if she could, those whom she knew to be innocent of the charge she and Victoria Price had placed against them. When the final chapter has been written in this case it will be found that these United States of America have crept a little nearer to the ideal of operation in accordance with the spirit and the letter of its Constitution.

Resents Slur On South

THOMAS E. KNIGHT, JR.

Knight Answers Liebowitz Slurs

Advertiser

3-16-33

Calls Them 'The Wail Of A Contemptible Loser'; Defends Morgan Jurors

Montgomery

DECATUR, ALA., April 15.—(Special)—Resenting the slurring reference by Samuel Liebowitz as reported in The New York Herald Tribune, to the people of Morgan County and the jury in the case of Heywood Patterson, first of the seven Scottsboro negroes to be retried. Atty.

Gen. Thomas E. Knight, Jr., in a statement issued here this afternoon, denounces the quoted remarks of the principal defense counsel for the negroes as "the wail of a contemptible loser."

Whatever excitement the declarations of Liebowitz may cause in Harlem, they will have no effect whatever upon Morgan County citizens, he says.

Following is the text of Mr. Knight's statement:

"A statement in The New York Herald Tribune quoting Samuel Liebowitz as reflected upon the people of Morgan County and the members of the Heywood Patterson jury, has been called to my attention.

"Liebowitz is quoted as stating when asked how the jury could find the verdict it did, that: 'If you ever saw those creatures; those bigots, whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it.'

"If this statement was made by Liebowitz, it can be taken only as the wail of a contemptible loser. Particularly in view of the fact that in his address to the jury, he lauded the people of Morgan County and the members of the jury to the skies. Referring to members of the jury, he characterized them as highly intelligent, painstaking and honorable men.

"This was before the jury returned a verdict sentencing Heywood Patterson to death for raping Mrs. Victoria Price.

"I, like every other Southerner, resent his despicable slurs. However, we must remember that whatever excitement his forensic discourse causes in Harlem it cannot and will not cause the citizens of Morgan County and Alabama to deviate from the orderly and dignified course which was followed in the Patterson trial.

"I was very glad indeed that Liebowitz's flattery of the court, myself and the jury could not swerve the jury from a just verdict in this case when they believed as I do, that Heywood Patterson was guilty beyond a reasonable doubt.

"Liebowitz, having borne his gift of compliments, now wishes to take it back."

Letters To The Editor

Please be brief. We reserve the right to cut letters more than 300 words long.

THE DECATUR TRIAL

(Copy of a letter by Sidney G. Weil, written to a New York friend)

The Scottsboro case affords no grounds for criticism of Alabama justice. The people behind the whole agitation—the I. L. D. and the Communists—are not concerned with justice. They do not care a rap for the accused Negroes. What they are attempting to do is to stir up strife between all races and creeds in the United States.

They had engaged the services of the greatest criminal defense lawyer in the country, Clarence Darrow, who, after learning what they wanted to do, withdrew from the case. Why? Because he was willing to try it only on its merits. That did not suit them.

The most irritating, unbearable, arrogant overbearing human being in the world is a smart, shrewd, New York attorney, thoroughly exemplified in Mr. Leibowitz. His conduct during the trial was about the same as after he had lost his case. Reread his caustic comments, "The jury spat on the tomb of Abraham Lincoln," "Bigots, Morons," and more of like savour. You will note that he could not but praise the fairness of the judge, yet I am told on good authority that the jury was made up of the same kind of people. As a matter of fact it was one of the most intelligent juries ever to try a case in Alabama.

If this crowd had really been interested in defending the negroes, they would not have sent a lawyer from New York, who, in the judgment of most people familiar with the case, mishandled matters by attempting to put on trial the State of Alabama and the people of the State, who was continually playing to the gallery—in New York—but would have engaged the services of competent Alabama lawyers who could play rings around Mr. Leibowitz. Mr. Leibowitz tried his case in New York newspapers to make a name for himself. If he lost, he was a hero. If he won, fame, renown, and principally, riches.

The chief idea of the I. L. D. and the Communists is agitation, strife, trouble—here, there, everywhere. Take the Mooney case in California, the Sacco-Vanzetti case in Massachusetts, this Alabama case. They do not know whether there was guilt or not, and do not care. Smiply a chance for them to ply their trade. Note how they had the whole world flood the Governors, and the courts, with telegrams and letters demanding the instant release of "these innocent people," before the trial, and without even hearing the evidence.

As to the merits of the Scottsboro case itself, I will confess that I do not know. Do you know? Does anyone in New York, or Maine, or Kansas, or Oregon? Most people in Alabama state frankly that they do not know—that is why we have law—courts and juries—to find out, and to do the uttermost to reach the truth, after hearing the evidence.

The opinion here among fair-minded, honest, God-fearing people (and there are the same proportion of them here as elsewhere) is that this is a matter for Alabama to handle. I believe that most people think that the Negroes are guilty, but do not want them executed. They are unanimous in wanting them punished if guilty, and quickly released and acquitted if innocent. They feel that the women are a rotten pair, but under the law, no man has the right to rape them.

Do these New York feature writers realize that in this city last year a white man was convicted for raping a Negro woman? Did you read then that Lincoln's tomb was spat upon, or that we were then bigots or morons?

There is another angle to this case which would bear inspection. How clean are the skirts of New York, or New Jersey, Colorado Michigan, Kentucky, Pennsylvania, or any of the rest of the States? When a New York gangster shoots down a baby on the sidewalks of New York and a jury acquits him; when the Mayor steals everything in the city but the Empire State Building and as punishment is sent on a trip to Europe, with his mistress, all expenses prepaid; when gangsters are more important and more influential and make more money than the outstanding professional men; when the presidents of some of the largest banks of the United States are a crowd of crooks, by their own confession; when in an adjacent State babies are stolen out of their cribs and knocked in the head; when, in Illinois, a dozen men are lined up against a stone wall and mowed down with machine guns and gangsters own the courts and the police departments; when cold-blooded money-making murder goes unpunished, and bribery and graft flourish—in these States, and in many more in the same sections, it would seem that the press of other sections has plenty to worry about, without concerning themselves so much about Alabama's justice.

Montgomery, Ala., April 15, 1933.

Advertiser
3-16-33
Montgomery Ala.

Alabama Justice

WHEN the Scottsboro case was appealed to the United States Supreme Court in November, three points were raised: (1) there was not a fair, impartial, and deliberate trial; (2) the boys were denied the right of counsel; and (3) qualified Negroes were systematically excluded from the jury. The court chose to put aside as "without merit" the first and third points, although, as Morris L. Ernst pointed out in our issue of December 7, they were socially much more significant than the second. A new trial was ordered on the ground that the defendants were denied the right of adequate counsel. In the trial which has just ended at Decatur, Alabama, Haywood Patterson had the right of counsel. The defense of Samuel Leibowitz was a brilliant example of legal art. He succeeded in dramatizing the utter helplessness of nine Negro boys, innocent or guilty, once they were caught in the destroying passion of race hatred.

Judge James E. Horton was scrupulous in his conduct of the case, and his charge to the jury indicated his own awareness of the violent forces at work in his court. The most casual reading of newspaper accounts of the testimony—and the press is to be highly commended for its covering of the Decatur trial—indicates reasonable doubt of the guilt of Haywood Patterson. The girls involved were common prostitutes. Their testimony was flatly contradictory and one of them repudiated her previous testimony. Yet the jury not only brought in a verdict of guilty, but imposed the savage sentence of death, although Alabama law provides an alternative sentence for rape of ten years to life imprisonment.

In so doing the jury expressed the will of a community which hates and fears the Negro because it has wronged him so deeply through so many generations. Mr. Leibowitz obviously foresaw this all-too-probable conclusion. By his insistence on bringing out convincing evidence that Negroes have been systematically excluded from jury service in Alabama, he established that issue so firmly that the Supreme Court will find it difficult to dismiss it as "without merit" when the case again goes to Washington—as it will unless the Alabama Supreme Court should reverse the Decatur decision. Furthermore, in the course of his defense Mr. Leibowitz was careful to hold up to the public view the race prejudice of more than one variety that showed itself on every hand. Aside from the continuous threats of mob action, two remarks by the prosecution in the course of the trial should be sufficient for any person of sound mind outside of Alabama. "Show them that Alabama justice cannot be bought and sold with Jew money from New York," shouted Solicitor Wade Wright. "I don't care what her [Victoria Price's] previous convictions or actions may have been," said Attorney-General Knight, "but she never lived with niggers." Surely no human being, though he might be guilty of the worst crime, should be forced to submit his right to live to the passions that were flaunted inside and outside the courtroom at Decatur.

The Scottsboro boys still have a chance for liberty, but it may be a matter of years—and years pass slowly in the cells that the South reserves for its Negro "citizens." Meanwhile, we urge our readers to contribute as generously as they can to the Scottsboro defense fund.

The Nation
5-16-33
New York NY

Lynchings-1933
6
Legal Punishment for Rape.
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4325

Alabama (Haywood Patterson.)

4325

Nation — N.Y.

APR 19 1933

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BOSTON, MASS.
TRAVELER

APR 11 1933

Laughter from the Jury Room

DURING the forty minutes he waited for the judge to arrive, Haywood Patterson, 19-year-old Alabama Negro, heard frequent laughter coming from the jury room where twelve white men had decided whether he would live or die.

It was Palm Sunday, and folks were at church. The jury had been out for hours and now had completed its work. The courtroom clock ticked off the seconds. The judge arrived, the jury came in, some of the men smiling, and the foreman handed the judge a slip of paper upon which was written:

"We find the defendant guilty as charged and fix the punishment at death in the electric chair."

Another chapter had been written in the famous Scottsboro case in which nine Negroes were charged with attacking two white girls in a gondola freight car. One girl denies she was attacked.

The sovereign state of Alabama has spoken. Counsel for the defence publicly thanked the presiding justice, Judge James E. Horton, but bitterly condemned the jury.

At this distance it is difficult to approve of the verdict in the face of what appeared to be reasonable doubt of the guilt of the accused. If the rights of the defendants were ignored or jeopardized, we have the United States supreme court at hand to uphold these rights. It has done so once, in this same case. If the facts warrant further intervention, we have confidence that the highest court will not hesitate to protect the defendant. There the case is best left.

MONTGOMERY, ALA
JOURNAL & TIMES

APR 10 1933

AT DECATUR

It is hard for Alabama to be patient under the trying circumstances of the trials at Decatur. Yet Alabama must by all means be patient. The second verdict of guilty just rendered by a jury composed of representative citizens of the Tennessee valley is going to arouse another storm of outside interference. It is going to mean further effort to try these cases th[illegible] telegraph and mail intimidation and through the lowest forms of appeal to race prejudice and intolerance and sectional abuse.

Unfortunately the leading defense counsel in his comment on the verdict indicates the line that future abuse of Alabama is to take when he said: "It is only a pity that, amid these beautiful surroundings and glorious country, where there is on every hand hospitality and courtesy, such race hatred and bigotry should live."

The International Labor Defense has been the chief offender in seeking to make capital out of these cases and by prejudice and false propaganda to prevent them from being decided upon their merits. This organization is frankly subversive, communistic and unpatriotic in its purposes and objects. What but [illegible]tempt can lovers of justice feel for [illegible] expressions as this official statement [illegible] by this league following Sunday's ver[illegible] at Decatur:

> The demands will be made not only to the courts and state authorities of Alabama, but to President Roosevelt, who, as chief executive, will be called upon to give protection to the boys, their witnesses and lawyers, whether they are menaced with lynching by a jury or by extra-legal agencies.
>
> The lynchers of the South, the landlords and mill owners, whose system of oppression and terror against the negro people and the poor whites has been most sharply challenged in the fight to save the lives of the Scottsboro boys, are determined to murder them.
>
> These rulers of the South have common interests with the rulers of the North. The United States supreme court is the common tool of both.

Even under such provocation as this Alabama must remain patient; must bear the enormous expense that this interminable litigation involves; must see that every possible means is exhausted to insure that the truth is determined and justice is permitted to rule in these cases. It is a trying time for every one concerned with the cases. The people of Alabama, in spite of misrepresentation on a world-wide scale, are fortified by the knowledge that all they seek is justice. They know there is not a qualified juror in the state who would want these defendants injured if they are innocent. There is likewise no such juror who would want them to go unpunished if they are guilty of the crime charged.

Even a layman can see that this Sunday verdict of guilty is probably destined to run the gamut of another trip to higher courts, and confidence in having the verdict sustained is measurably lessened by recollection of various incidents of the trial such as the clapping of hands by the attorney general of the state when an answer which pleased him was given by a witness, and such as the open appeal to race prejudice by the solicitor in his conspicuous reference to New York Jews in his argument before the jury.

Conflict in testimony of the two prosecuting witnesses and the reversal of her previous statements by one of them no doubt have helped to cause a certain amount of confusion in the minds of those not actually present at the trial. Under such circumstances we can only trust in the wisdom and fairness of a Morgan county jury. After all, we must abide by the judgments of our juries in these and other matters, or our courts of justice become a farce.

KANSAS CITY, MO.
JOURNAL POST
APR 11 1933

A Little Progress.

Heywood Patterson, the first of the Negroes to be retried in the Scottsboro, Ala., case, has been found guilty by a jury which voted the death penalty for him. It looks as if local resentment of outside criticism will cause all seven of the defendants to be sentenced to death. (Nine were accused of attacking two white girls, but two were turned over to the authorities in charge of juvenile offenders.)

Alabama apparently is taking the same attitude as Massachusetts took toward Sacco and Vanzetti. Southern race prejudice is reinforced by alarm over participation of Communists in the defense. Southerners not only are anti-Communistic but are alarmed by the fact that the reds are avowedly using the Scottsboro case in an appeal for Negro members.

Because she is a person of bad reputation, the jury evidently concluded that the repudiation of her testimony by one of the two women allegedly attacked was worthless, forgetting that her first testimony would be subject to doubt for the same reason. Meanwhile, additional race prejudice has been aroused by attacks upon some of the defense lawyers because they are Jews.

There is one encouraging thing in the Scottsboro case, however. It is that the Negroes have actually been tried, though the first trials were travesties, and are now being retried with deliberation. Not many years ago they would have been lynched, militia or no militia. That is some gain, at least.

TROY, N. Y.
RECORD
APR 12 1933

Current Comment.

JUDGE HORTON OF ALABAMA.

(From The New York Times.)

Judge Horton of Alabama may be said to belong to the oldest American stock, being descended from those who ventured beyond the mountains instead of clinging to the seaboard. An ancestor of his, he said, was "the first that came down that country." It could be wished that in a passage of his charge to the jury he spoke for all America to the world: "We are a white race and a Negro race here together—we are here to live together— our interests are together. The world at this time

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and in many lands is showing intolerance and showing hate. It seems sometimes that love has almost deserted the human bosom. It seems that hate has taken its place. It is only for a time, gentlemen, because the great things in life, no matter what they are, it is God's great principles, matters of eternal right, that alone live. Wrong dies and truth forever lasts, and we should have faith in that."

AKRON, O.
BEACON JOURNAL
APR 10 1933

The Scottsboro Case

If a change of venue meant removal of a trial to another state, then justice might be done with reasonable speed in the "Scottsboro cases." But the law allows only a switch of counties and for that reason the case of Heywood Patterson, 19, colored and under penalty of death, must again be carried to the United States supreme court.

Unthinking, frenzied race prejudice is the only possible explanation for the Patterson guilty verdict which not only went against the evidence but against the implications of the judge's charge. Unless the supreme court intervenes again, that act of bigotry will forever remain a stain on American justice.

MONTGOMERY, ALA.
JOURNAL & TIMES
APR 10 1933

AN UNFAIR BURDEN

One of the sad and deplorable features so far as Jackson county is concerned is the terrible cost the negro trial is inflicting upon our county. Our county has already borne the cost of one trial and now having to bear the cost of the one at Decatur. The cost of taking witnesses to Decatur is enormous. Some of the witnesses will cost the county $20 to $25 each. We have to pay the jurymen and all the costs of the trial except possibly the state pays for the National Guard. It comes at a time when our county needs every dollar it can possibly get and we are the sufferers. The state ought to help us.—Scottsboro Progressive Age.

Scottsboro and Jackson county have been innocent victims of circumstances all through the ugly mess of these cases. The name of Scottsboro has resounded around the world simply because of incidents occurring on a train which happened to be passing through the county of which Scottsboro is the county seat.

The county is really entitled to sympathetic consideration in its suggestion that some help should come from the state in caring for the enormous and undeserved financial burden which has been placed upon it.

STAMFORD, CONN.
ADVOCATE
APR 8 - 1933

PREJUDICE AND INJUSTICE

The dramatic turn that the Scottsboro case has taken in Decatur, Alabama, is of the sort that would seem improbable if placed in a work of fiction. Occurring as a fact of authentic history, it arouses a thrill as an incident in a trial of national concern. More than that it becomes of great social importance as an illustration of the way in which prejudice almost inevitably leads to injustice.

The two words, prejudice and injustice, are derived from the same Latin word "jus." They are far more alike in meaning than some of those who rather pride themselves on their prejudices realize. If a man is prejudiced, it is impossible for him to deal justly.

Many of those in the southlands of our country glory in their prejudice against the colored folk. The result is that the colored people in those Southern states have had to suffer under a long series of unjust laws and conventions. It apparently is a custom in Alabama to reject Negroes as members of a jury. The excuse is that the Negro juryman would be prejudiced. The actual result is that the Negro who is being tried fails to obtain justice at the hands of prejudiced white jurymen.

Two years ago eight Negro young men were condemned to die for a crime laid at their charge by two girls whose testimony was open to suspicion and whose testimony was also extremely "fishy." Fortunately it became possible on a technicality to bring the case before the Supreme Court of the United States. This Court ordered a new trial which has been going on now for several days with every obstacle thrown in the way of the defenders of the eight Negro youths.

The end of the second trial had come. The position of the defense appeared hopeless and the lawyers for the defense were about to rest their case, when suddenly one of the two girls, who had brought the charges, the one who had been missing for this second trial, appeared in the court room. It is reported that the Southern judge, who had appeared throughout desirous of upholding the dignity of Southern justice, left the bench and joined the excited throng who craned their necks to watch the advent of this girl who came as a witness for the defense.

It seems that she had been in New York City, and there, under the constant goadings of her conscience which assailed her for her false charges against the eight Negro youths, she went to the Rev. Dr. Harry Emerson Fosdick for advice. He advised her to go right back to Alabama and to tell the truth. Her seeking out in Birmingham the Rev. Charles Clingman for further advice corroborates the impression of complete sincerity on her part.

On the witness stand she repudiated her testimony of two years ago and gave what appeared to be sufficient reasons for her perjury at that time. It is difficult to see, in the light of what has taken place, how even a Southern jury can avoid bringing in a verdict of not guilty. The counsel for the prosecution did what he could to inflame the jury by speaking of the defending counsel as a Jew and a Communist. It may be that the Southern courts will pursue with relentless vigor this girl, Ruby Bates, on her confession of perjury, but the trial as a whole ought to be a new reminder to the country at large of the incompatibility of justice and prejudice.

Again and again have those eight Negro young men been in jeopardy of their lives, either at the hands of a senseless mob bent on lynching, or at the hands of a tribunal manned by white officials, supposedly seeking to administer justice but with no serious effort to fight their prejudices. It is possible that if the counsel of the International Defense organization of New York City had not intervened in an effort to give the young men a fair trial they would all have been electrocuted, and even the mere lad of sixteen years of age, who was with them, would have been condemned.

WASHINGTON, D. C.
NEWS
APR 10 1933

Reader Cites Issues of the Past Similar to Scottsboro Case

Editor, The News:

THANK YOU for the splendid reporting of the Scottsboro trial.

This is not the first instance in which the Negro has been the instrument of bringing American justice back to bed rock. In 1787, slavery caused the insertions of restrictions into the Northwest Ordinance that later resulted in strong union sentiment in five states.

In the Dred Scott case, the unjust obiter dictum aroused the entire nation to the tyranny of the cotton aristocracy, and the Anthony Burns capture as a slave in free Boston, under the fugitive slave laws, aroused abolition enthusiasm and secured increased Americanism and democracy,

The 14th Amendment has been

used to cover the corporation a thousand times to one for the Negro for whom it was apparently adopted. CHARLES M. THOMAS.

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4326

New York American

APR 10 1933

ANOTHER TRIAL FOR NEGRO SEEN BY DR. FOSDICK

Pastor Believes Ruby Bates 'Told Truth This Time'; Protest Signed by 9,000 Here

Dr. Harry Emerson Fosdick, pastor of Riverside Church, declared yesterday "There probably will be, and ther should be, another trial" in the case of Haywood Patterson, Negro, first of the seven Scottsboro defendants to be given a retrial.

Patterson was found guilty in Decatur, Ala., yesterday, the jury's verdict decreeing death as the penalty.

Dr. Fosdick was mentioned at the new trial in the testimony of Ruby Bates, one of the two women allegedly attacked by the Negroes. She said she went to the minister to ask him what she should do about the case, and was advised to return to Alabama and "tell the truth." The minister she said, gave her a new coat and hat.

BELIEVES SHE TOLD TRUTH.

Dr. Fosdick said yesterday:

"I have followed the trial closely. I believe Ruby Bates told the truth this time, although I am unable to understand why she said I bought her the hat and coat. Apparently, though, the jury chose to believe Victoria Price's testimony and to discredit that of Miss Bates."

The Bates girl repudiated her testimony at the first trial and denied either she or Mrs. Price had been attacked by the Negroes.

News of the verdict against Patterson brought vigorous protest here yesterday. William Davis, publisher of the Amsterdam News, a Negro paper, put up a sign outside his office at 2293 Seventh ave., calling on persons to signify their intention of going to Washington to protest to President Roosevelt.

9,000 SIGN PROTEST.

The notice by last night had been signed by about 9,000 persons.

The International Labor Defense announced last night that an appeal will be taken, and the case fought to the United States Supreme Court if necessary. William L. Patterson, national secretory said:

"The immediate demands of the I. L. D. now will be for a new trial, a change of venue to Birmingham for the remaining boys to be tried, adjournment of their trials until after the appeal in the Patterson case, and immediate, unconditional, safe release for all the nine boys.

"The demands will be made not only to the courts and State authorities of Alabama, but to President Roosevelt."

Arthur Garfield Hays, of the Civil Liberties Bureau, said of the verdict

"Nothing worse has happened in other countries under Stalin, Mussolini or Hitler.

"Shocking as was the first verdict when these boys were railroaded, this is worse. This time the evidence proved a frame-up, and still there was a conviction."

NEW YORK CITY POST
APRIL 11, 1933

OUTDOING ALABAMA

We said yesterday that the apparently race-prejudiced verdict of guilty, against one of the nine young Negroes in the Alabama rape cases, was largely due to the unnecessary passions thrust into the trial by the International Labor Defense Committee's choice of a defending attorney who was a political radical, a Northerner and a Jew. Our opinion was strongly buttressed yesterday when that attorney was interviewed by a reporter for the *Herald Tribune*. Asked how the Alabama jurors arrived at the verdict of guilty, he said: "If you ever saw those creatures, those bigots, whose mouths are slits in their faces, whose eyes pop out at you like a frog's, whose chins drop tobacco juice, bewhiskered and filthy, you would not ask how they could do it." We submit that no one who talks thus of Alabama can expect to get from Alabama anything but what Alabama has already given himself or his client. Because he is just as bad as, if not worse than, Alabama at it's worst.

NEW YORK CITY MIRROR
APRIL 12, 1933

Doubtful Method Of Defense

Calling names is not going to do the accused Negroes in the "Scottsboro Case," nor the convicted one, much good.

Samuel Leibowitz, who defended the Negro Patterson at Decatur, is no doubt wholly sincere in his indignation over the verdict, but the language he chose to express himself on his return to New York, if it ever reaches Alabama, and it probably will, will do more to inflame race and political hatred than the tirade of any prosecuting officer.

"When I got home," said Mr. Leibowitz, after vividly describing the physical characteristics of the people of Decatur, "I felt that I needed a moral, mental and physical bath."

In the circumstances, abuse will not further the cause of justice, if an injustice was done.

KANSAS CITY, MO.
STAR

APR 1 1933

Scottsboro and Mooney.

The retrial of the so-called "Scottsboro case" at Decatur, Ala., has been begun almost simultaneously with the announcement that a new trial is to be granted to Thomas J. Mooney, who now is serving a sentence of life imprisonment in California in connection with the bombing of the San Francisco Preparedness day parade in 1916. Although the charges involved are entirely different, the two cases have several points of similarity, including the use of both for political purposes by the Communists and the consequent tendency of obscuring the real issues of justice raised in each of them.

In the Scottsboro case seven Negroes were sentenced to death by juries in the trial court, located in the small Alabama town of that name, on charges of assaulting two white girls, and the sentences subsequently were affirmed by the state supreme court. Communists, as well as many defenders of civil liberty, interested themselves in the case on the general ground that the Negroes had been denied a fair trial bcause of racial prejudice. The case was appealed to the United States supreme court, which held that in view of the failure of the trial court to give the defendants "reasonable time and opportunity to secure counsel" they were denied due process of law and must be given a new trial.

In the Mooney case, while the United States supreme court did not interfere, a special committee of the Wickersham commission, as well as President Wilson's mediation commission, reported that the original trial had been unfair. The new trial of Mooney, however, has come on another indictment than the one upon which he was convicted. In both cases, it should be noted, many persons who have no sympathy with Communism have been convinced that justice was denied in the original trials and will welcome the new hearings. The tactics of Communists whose interest in abstract justice may be doubted should not be allowed to prejudice either the Scottsboro or the Mooney case before the bar of public opinion.

NEW YORK TIMES

APR 7 1933

GIRL RECANTS STORY OF NEGROES' ATTACK

Ruby Bates Makes Dramatic Reappearance at Alabama Trial to Deny Assault.

SENT BACK BY DR. FOSDICK

Girl Came to New York for Work and He Advised Her to 'Tell the Truth.'

SHE ACCUSES MRS. PRICE

Declares the Latter Concocted Her Testimony to Avoid Arrest on a Moral Charge.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., April 6.—Making a dramatic reappearance in the Scottsboro case today, Ruby Bates, previously missing State's witness, repudiated all her testimony given at the first trial two years ago and swore that Victoria Price had "framed" the Negro youths condemned to die at that trial for an alleged criminal attack on the two women while they were "hoboing" on a freight train.

Just before her entrance, Lester Carter, her former friend, produced by the defense as the first surprise witness, had given evidence before Judge James E. Horton and the jury trying Haywood Patterson, one of the Negroes, which was borne out by the story of Ruby Bates on the stand. Greed for witness fees was one of the motives attributed to Mrs. Price by Carter.

The Bates girl had been missing from her Huntsville home since Feb. 28. She declared she had come back to Alabama on the advice of Dr. Harry Emerson Fosdick, pastor of the Riverside Church of New York City.

On his advice she said she had traveled from New York to Birmingham by motor bus "all by myself," and reported to Dr. Charles Clingman, rector of the Episcopal Church of the Advent, at 6:30 this morning. There she was met by Joseph Brodsky, counsel for the International Labor Defense, whom Dr. Clingman notified of her arrival.

When Samuel S. Leibowitz, chief counsel for the accused Negroes, called her name in the crowded court room, the consternation of the lawyers for the State, seated with Attorney General Thomas E. Knight, was apparent.

Judge Horton left the bench and stood in the railed enclosure as every one turned and looked at the single entrance to the court room.

Through that door, guarded by militiamen with business-like bayonets, Ruby Bates walked slowly, a trim, girlish figure with dark complexion and downcast eyes.

Behind her, in some confusion at the attention she was attracting, there walked a stout, middle-aged, bespectacled woman, who obviously had the missing witness under her matronly wing.

Identifying herself as Miss May Jones, the elderly woman testified that she had been called upon by the Rev. Dr. Clingman to deliver the missing witness at the court house "because he could not come himself."

Miss Jones made her retreat from the tense court room and Ruby Bates took the witness stand to declare that her former friend and fellow-accuser of the Negroes had concocted the whole story of the attack.

The Price woman was brought into court from an ante room to be identified, and for several minutes the two women, one in stylish clothes and the other in a calico skirt and black woolen sweater, glared at each other.

Mrs. Price was panting with anger and excitement. Attorney General Knight edged his way in between the two women and cautioned the State's main witness to "keep your temper." The Price woman was hurried out of court and the Bates girl continued her sensational evidence.

From the testimony of the girl and her friend, Carter, the defense spread upon the record an entirely new version of what happened on and just before March 25, 1931, when the Negroes were taken from a freight train by an armed posse after a fight with seven white hoboes.

They had met, Carter and the Bates girl testified, some time before the alleged attack, when Victoria Price took the Bates girl to visit the former's friend, Jack Tiller, working with Carter in a chain gang on a road near Huntsville. It was decided that all four would go hoboing together when Tiller and Carter were released from the chain gang.

Says Mrs. Price Inspired Tale.

When the men regained their freedom, all four spent the night of March 23, 1931, at Huntsville, both the girl and Carter testified. They decided to go to Chattanooga in the morning.

Both testified that Victoria Price's statement that she and Miss Bates spent the night of March 24 at the home of "Callie Brochie" in Chattanooga was false. They declared they slept instead in the hobo jungle near the railroad yard described by previous witnesses.

There they met Orville Gilley, a young hobo known as "Carolina Slim," who accompanied Carter and the two women on their journey to Huntsville, which ended in the arrests at Point Rock, Ala.

Ruby Bates described the tussle between the Negro and white hoboes in the next car of the freight train to the one on which they were riding, and then, in answers to Mr. Leibowitz, denied that any of the Negroes had attacked them.

When Attorney General Knight confronted the Bates girl with the testimony she had given at the first trial, she answered:

"I told it just like Victoria did because she said we might have to stay in jail if we did not frame up a story after crossing a State line with men."

When the witness had described going to New York, finding work there, visiting Dr. Fosdick because "she had seen his name in a paper" and her return to Alabama, under Mr. Knight's questions, the court stenographer protested that he could not take another word and court adjourned.

Troops Act on Mob Reports.

The defection of Ruby Bates caused an immediate and bitter reaction among residents of this and neighboring counties.

Tonight the situation was so alarming that Samuel S. Leibowitz, chief of defense counsel, had a National Guardsman for a room-mate and Cornelian Court, where most of the defense lawyers and newspaper men are staying, was guarded by nine militiamen with riot guns.

Just before midnight the Bates girl was taken from the apartment house by a detail of deputy sheriffs and guardsmen and hidden. The reason for these precautions, Captain Joseph Burleson, commanding the troops, revealed, was a report that mobs were forming in Huntsville and neighboring towns to storm the jail.

Attorney General Knight was certain that the mob spirit would exhaust itself in talk, but the atmosphere in Decatur was tense. Mr. Knight offered to Mr. Leibowitz the protection of his apartment, but the latter declined it.

It was reported that a detail of deputies and National Guardsmen had left town to head off any invasion from Huntsville, but newspaper men patrolling the highways encountered no signs of trouble.

Dr. Fosdick Urged Girl to Appear.

The Rev. Dr. Harry Emerson Fosdick, pastor of the Riverside Church, confirmed reports from Decatur, Ala., yesterday that Ruby Bates had called upon him here, but regarded her admissions as confidential.

"I can make no statement further than to confirm the fact that Ruby Bates came to me for a private, confessional conference concerning her testimony at the trial," said Dr. Fosdick.

"That was on Friday, March 24. To the best of my knowledge and belief, she came alone and of her own free will."

Dr. Fosdick said that she came to his home, not to the Riverside Church.

"She was disturbed in her conscience about her testimony in the previous trial," Dr. Fosdick explained in answer to another question as to her motive in seeking him. "Of course, when she came and told me her state of mind about her previous testimony, I, as a clergyman, advised her to tell the truth. She promised me that she would go back to the second trial and do so."

Dr. Fosdick knew nothing of her stay in New York beyond the one visit which she made to him.

N. Y. HERALD

APR 8 1933

Alabama Trial 'World Issue,' Leibowitz Says

Asks Jury to Disregard Race and Creed as He Gives His Final Argument

Perjury Issue Is Raised

State Sums Up Today, Deliberations Will Begin

By The Associated Press

DECATUR, Ala., April 7.—Samuel S. Leibowitz, of New York, chief of defense in the retrial of the Scottsboro case, closed his argument to the jury tonight with the statement that a "world issue" was involved in its decision on the fate of Heywood Patterson, nineteen-year-old Negro charged with attacking a white woman.

Leibowitz had called attention of the jurors to the international interest in the case and added: "You are deciding more than the guilt or innocence of this Negro. You are deciding a world issue."

Since March, 1931, when Patterson and eight other Negroes were taken from a train at Paint Rock, Ala., and charged with attacking Mrs. Victoria Price and Ruby Bates, individuals and organizations throughout the world have sent protests on the handling of the case to Alabama authorities.

Jury Likely to Get Case by Noon

Even during the current trial, as reports of mobs forming have been circulated, Thomas E. Knight jr., Attorney General, has received many telegrams demanding protection for the defendants and their counsel. The Negroes have been under protection of National Guardsmen throughout the trial. There was no demonstration during the arguments.

Leibowitz asked the jury to disregard race or creed and pleaded for tolerance and reason. Previously he had shouted his defiance of "any mob."

After three hours of arguments the court recessed until tomorrow and Leibowitz said he would consume about one hour more. After he finishes Attorney General Knight will close for the state. The jury probably will get the case by noon tomorrow.

Machinery of the trial whirred swiftly following the surprise appearance yesterday of Ruby Bates, who had been missing from her Huntsville, Ala., home for several weeks.

The girl walked into court yesterday saying she had just arrived from a hitch-hike trip to New York. Before tense jury and spectators she repudiated her testimony in the first trial of the Negroes at Scottsboro, that she and Mrs. Price had been attacked on a freight train.

Mrs. Price, in this second trial, has reaffirmed her previous testimony, declaring the Negroes attacked her after they had thrown several white boys from the train as it sped across Sand Mountain.

Alternate pleas for death in the electric chair and acquittal were presented as attorneys summed up the evidence late today.

"The State of Alabama wants you, if this testimony shows the defendant innocent, to turn him loose," said Solicitor H. G. Bailey, of Boaz, Ala., who was prosecutor in the Negroes' trials in 1931. "But, on the other hand, if he is guilty, the State of Alabama wants you to send him to the electric chair. I believe you will be fair."

Mr. Bailey spoke of "sinister influences" in New York and contrasted the appearance of Mrs. Price, in obviously cheap attire, with that of Miss Bates.

"She (Mrs. Price) didn't come here in New York clothes," Mr. Bailey said. "She could have rouged her lips and cheeks and stood on the streets of Huntsville without going out to seek honest toil. We don't say that she is what she should have been. She has erred, but our laws say no man shall lay a hand on a woman against her will."

The argument of Solicitor Wade Wright, of Decatur, was twice interrupted by Leibowwitz to enter motions for a mistrial, both of which were overruled by Judge James E. Horton. When Judge Horton overruled his motion for a mistrial, Mr. Liebowitz said, "I submit, your honor, that a conviction in this case will not be worth a pinch of snuff."

A moment later, as Wright disparaged the testimony of Lester Carter, a defense witness, he referred to him as "Mr. Carterinsky, now," and again Mr. Leibowitz entered a motion for a mistrial on the grounds that it was raising prejudice. Mr. Wright had previously referred to witnesses being "bought with Jew money."

He declared Ruby Bates had perjured herself. The charge was declared by George W. Chamlee sr., of Chattanooga, first speaker for the defense, to be a "fabrication."

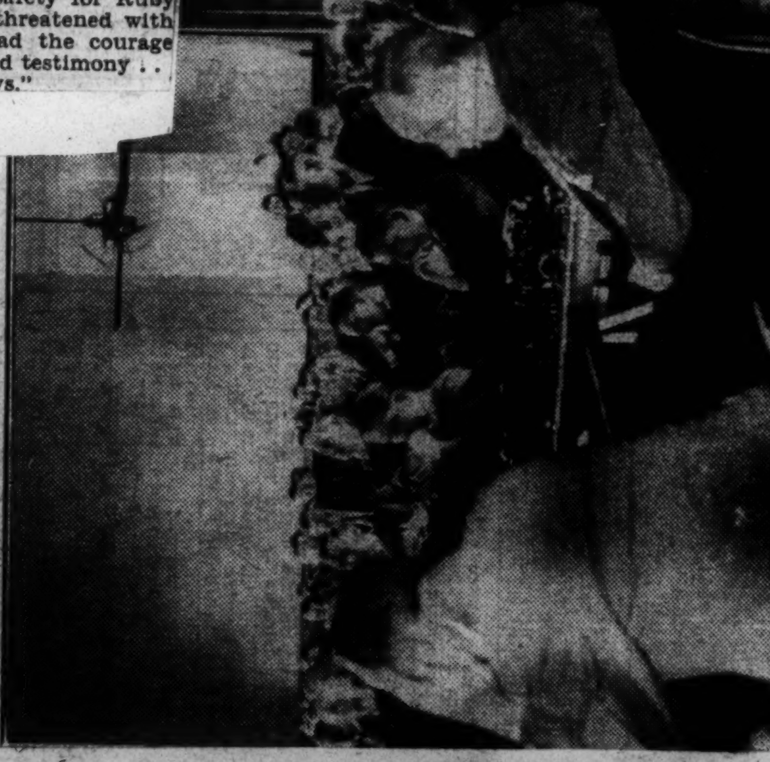
Lynchers Ready, Roosevelt Told

Charges that "Ku-Klux Klan lynch mobs are being organized to murder the Scottsboro boys" were contained in a telegram sent to President Roosevelt last night by William L. Patterson, secretary of the International Labor Defense, according to The Associated Press.

The International Labor Defense, which has provided counsel for the Negro youths, announced that demonstrations would be held today in New York and other cities in protest against these "lynch attempts."

The demonstrations also will demand "freedom and safety for Ruby Bates, who has been threatened with injury because she had the courage to repudiate her framed testimony . . against Scottsboro boys."

Where the 'Scottsboro Case' Is



Herald Tribune photo—Acme

General view of the courtroom in Decatur, Ala. In the foreground are the lawyers for the defense.

Lynchings-1933
Legal Punishment for Rape

Alabama (Haywood Patterson.)

4327

SURPRISE DEFENSE WITNESS MAKES DRAMATIC APPEARANCE IN DECATUR COURT; STATE'S CASE SHATTERED

Denies Victoria Price's Story and Repudiates Her Own Testimony at First Scottsboro Trial; Defense Rests Its Case

4-7-33

Lynch Gangs Menace Scottsboro Boys As Collapse of Frame-Up Infuriates Southern White Rulers and Klan Supporters

Daily Worker
New York N.Y.

(BY OUR SPECIAL CORRESPONDENT)

DECATUR, Ala., April 6.—Ruby Bates walked into the Morgan County courthouse here today, took the stand, and categorically denied that any of the nine Scottsboro boys had attacked either her or Victoria Price as charged by the prosecution.

Thus she completely repudiated all the testimony she gave at the first trial.

Her testimony fell like a bombshell in the crowded courtroom. She was called as a defense witness and appeared in custody of Mrs. May Jones, a social worker for the Episcopal Church of the Advent at Birmingham, Ala. Mrs. Jones was called to the stand as a state rebuttal witness and said she brought Ruby Bates here at the request of Dr. Chas. Clingman, rector of the church.

Dramatic Entry

Originally one of the two star witnesses for the prosecution at the first Scottsboro frame-up trial which doomed the nine innocent Negro boys to the electric chair two years ago, the 19-year-old Ruby Bates made her dramatic entry into the courtroom—after having disappeared from her home two weeks ago—as the state opened its rebuttal.

Samuel Leibowitz, chief trial counsel of the International Labor Defence, had announced at the afternoon session of the court that the defense rested its case, but added he reserved the right to call any tardy defense witnesses appearing before the state completes rebuttal testimony.

Ruby Bates, who was along with Victoria Price during the time of the alleged attack on a moving freight train near Scottsboro, Ala., in the Spring of 1931, declared that if her companion was assaulted, "I knew nothing of it."

Bates and Price Were Not Where Fight Occurred

Delivering a body blow at the prosecution's frame-up, Ruby Bates swore on the witness stand that she and Victoria Price were in a different part of the train from that in which a fight occurred between the Negro and white boys.

As this testimony, completely demolishing the prosecution's frame up case, was being presented in the courtroom, Decatur officials were forced to admit that Capt. Burleson had brought him reports of a plan to storm the jail Friday at midnight, distracting attention from the attack on the jail by a simultaneous hostile demonstration in front of the place where Defense Attorney Leibowitz is staying. The lawyer's wife left Decatur for New York yesterday.

Late tonight Capt. Burleson, in charge of the state militia, revealed that he had been informed K.K.K. mass meetings were planned in adjoining communities.

Confirmation of this report came from participants in the plot who boasted of it.

Mrs. Janie Patterson, mother of Haywood Patterson, now on trial, appeared in the courtroom for the first time today. "I'm afraid of what will happen if I am free," the boy told his mother. The mother wept.

LESTER CARTER

More than a score of protest telegrams denouncing lynch preparations against the Scottsboro boys were received today by Prosecutor Knight in the courtroom from I.L.D. branches in Chicago, Boston, New York and other cities. Similar wires continued to pour in throughout the day.

Hates Protest

During the height of cross-examination, Knight was handed another wire of protest which angered him so he slammed it down upon the desk without uttering a word.

Taking the witness stand in the trial of Haywood Patterson earlier in the day, Lester Carter, one of the white youths thrown off the freight train following a fight between the Negro and white boys, took the stand in the trial of Haywood Patterson, also flatly contradicted the story told by Victoria Price.

Leibowitz, questioning Carter, drew from him significant admissions of intimacies with Victoria Price prior to the time she charged she had been assaulted by the Scottsboro boys. Although Mrs. Price previously had testified that she had spent the night before the asserted attack in a Chattanooga boarding house, Carter declared that she spent the night with him in a hobo camp. He also testified that he had been a frequent visitor at her home.

Met Price Girl in Jail

Carter told how he met another white youth, Jack Tiller, on a chain gang in Huntsville, Ala., while serving a 50-day sentence, and of meeting Victoria Price for the first time in the Huntsville jail, later making the acquaintance of Ruby Bates, who came to the jail as a visitor. He then related how, after his release from jail together with Tiller, he renewed acquaintance with the girls, spending the night of March 23 with them in a "hobo jungle" aboard a freight train in the Huntsville railroad yards, where they planned a trip together. Inasmuch as Tiller was married, his wife working in a textile mill, they planned to send for him later, after finding a satisfactory place to remain in.

Carter testified that they left on a freight train headed for Chattanooga on the evening of March 24, spending the night in a "hobo jungle" and bumming for food nearby. He related how, after the train left Stevenson, he saw five white boys on a gondola to the rear of them, throwing stones at a group of Negro boys. He was asked to join in the fight by the white boys, Carter said, began climbing into the car when a Negro boy swung at him, and he hopped off the train, following the other boys enroute to Stevenson, where they complained about the fight on the train with the Negro boys. He testified that they were then taken by car to Paint Rock where he overheard Victoria Price telling another white boy to pass as her brother in order to save her from being arrested for vagrancy.

Paid for Lying

Moreover, he said that while he was in the Scottsboro jail he overheard a "cuss fight" between Gilley, a white boy, and Victoria Price. Gilley, he said, wanted to know what the girls were charged with, telling her: "Do not tell anything about what happened, else you will go to torment." The witness said that Victoria answered: "We will get paid so much a day if you do as I tell you. If you don't testify the way I do I won't cook any more for you." Carter, the witness, explained that Victoria had been cooking for the boys in the jail.

Answering further arguments of Gilley, Price countered: "What do we care about Niggers. I don't care if they stick all the niggers in jail."

"You are crazy," her companion replied. "Sometimes a Nigger may have to testify for you to save your life."

When Solicitor Wade Wright of Decatur sought to insinuate that Carter had been "coached" in his story by defense attorneys, the witness heatedly denied this, and retorted that he had been kept in the Scottsboro jail for 16 days during the course of the first trial, and had been permitted neither to listen to the proceedings nor to testify as a witness.

He startled the court with the announcement that, no longer able to endure the pangs of conscience, he sought to tell his story to Gov. Roosevelt, but was informed that the latter was "too busy" to see him. Carter was impelled to seek out Roosevelt under the impression gained from hostile newspaper stories in the Alabama press about 'outsiders from New York'—that the case involved difficulties between the State of Alabama and the State of New York.

The witness further told that on his way home to Knoxville, Tenn., he met an itinerant preacher, who after hearing his story advised him to reveal the truth.

Other witnesses followed Carter

with testimony confirming the fact that Mrs. Price had been seen with Carter in or near the Chattanooga hobo camp [illegible] alleged assault.

Yesterday, Haywood Patterson, under cross-examination, [illegible] denied that he said at the previous trial that he had either seen the girls at all, or that he had been a witness to any "rape." When Prosecutor Knight failed to get Patterson to change his story despite rapid-fire questioning, Leibowitz, demanding that the Attorney-General show courtesy and respect to the Negro boy. "I'm not ashamed of the way I'm treating this witness," Knight replied.

Patterson replied to the hostile and insinuating questions in a soft, calm voice. Knight's method is illustrated in the following:

Q.—Did you pick up Victoria Price in your arms and held her over the side of the gondola? A.—No, sir, I did not see any girls on that train.

Q.—Who did you see raping those girls? A.—No, sir, I told you I did not see any girls.

Patterson freely admitted the fight with the white boys who molested them, at the same time vehemently denying the "rape" charges.

Fireman's Questioning

Under questioning by Gen. George W. Chamlee, chief defense attorney, Percy Ricks, a Negro railroad fireman on the Scottsboro train added important new testimony, sharply contradicting the story told by Victoria Price.

"I saw them both (the two girls) running up toward the engine," he said. "Some of the men with shotguns came around and headed them off. Then they turned and ran the other way until another batch of men came up from that direction and stopped."

Ricks said that he was standing near the water tank in front of the train when he saw the girls climb out of the box car and run excitedly toward the engine when the train stopped. A few minutes later they were caught by deputies coming from both sides after them.

This completely supports the defense contention that Victoria Bates and Ruby Price sought to run away, fearing arrest for vagrancy, and told the "rape" story only after they had been held in jail in Scottsboro. The witness also supported the previous testimony of the defense that the boys were in different, widely-separated cars and were not found together with Victoria Price, as claimed by the prosecution.

Dr. E. E. Reisman, Chattanooga gynecologist, was also called. He testified that Victoria Price's story that she was attacked by six of the Negro boys an hour before her examination at Scottsboro was inconsistent with the medical evidence offered by the prosecution.

He showed by means of charts that it was impossible for Victoria Price to have had relations during at least eight to ten hours before she and Ruby Bates were examined by Dr. Bridges of Paint Rock.

NEW YORK CITY MIRROR
APRIL 11, 1933

One Story Was Believed; Other Was Not

An interesting sidelight on the trial of Haywood Patterson was the comment of one of the jurors, who said that the 12 Morgan County men did not believe Ruby Bates (right), since she had admitted perjuring herself at previous trials. They were more inclined to credit Victoria Price (left), who told same story. They are pictured at time of alleged attack.

COP CLASH ENDS LEIBOWITZ FETE

By ERSKINE GOSLING.

Overcome by tumultous feelings of gratitude 2,000 negroes yesterday afternoon marched from a protest meeting in Union Square to greet Samuel Leibowitz, New York lawyer, defender of the "Scottsboro Negroes," upon his arrival at the Pennsylvania station at 4:20 p. m.

After a dozen had lifted Leibowitz to their shoulders and proudly paraded him about, his request to be permitted to go to his Brooklyn home was granted. Fervid with joy

they became involved in a series of clashes with the police over the fact that they had no permit to parade.

Sam'l Leibowitz

The first clash took place at 46th St. and Broadway. Policeman William Griffin, of the W. 47th St. station was badly manhandled. Knocked down, he was kicked and lost three teeth. He managed to hold on to George Northcroft, Negro, 36, a painter, No. 215 W. 140th St., and arraigned him later in Night Court on charges of assault.

Still 2,000 strong, the negroes marched to Columbus Circle where in another foray Mrs. Rebecca Butler, negress, No. 2026 7th Ave., was trodden under foot.

Emergency squads and radio cars came up in reinforcement order and the "Army of Harlem" was soon in rout and flying helter skelter through Central Park.

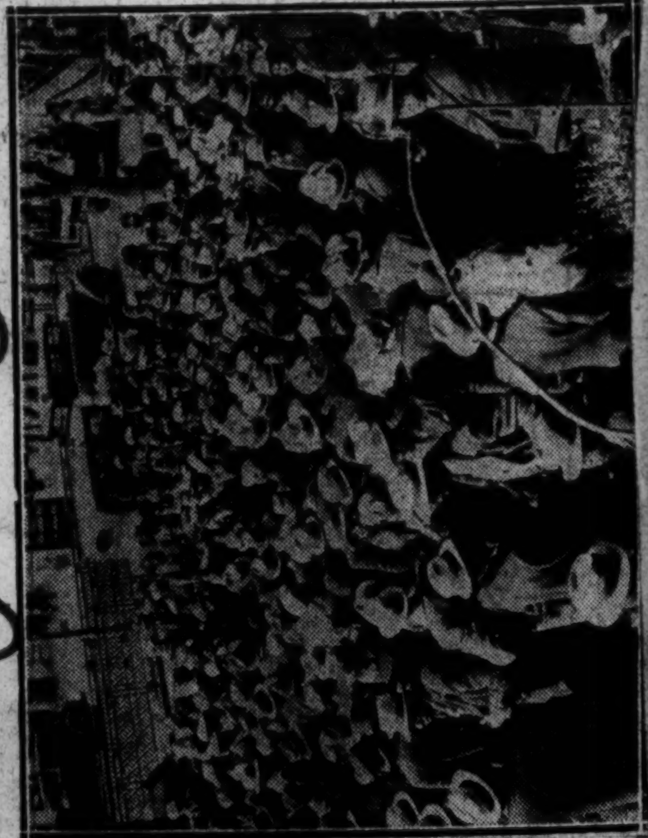
At 86th St. and Broadway occurred the "last stand," with no casualties. From there the marchers, thinned in ranks, trekked home without further disorder.

Leibowitz came directly from his legal defeat administered by 12 Alabama jurors, who disregarded defense of Haywood Patterson, alleged ring-leader of the Scottsboro defendants, and, for the second time in two years, decreed the execution of the negro youth accused with eight others of attacking two white women in an Alabama freight car.

Following Leibowitz's departure the milling Harlem throng again staged a spontaneous demonstration in 7th Ave. before the station for several minutes before proceeding uptown.

The proposed renewed appeal to the U. S. Supreme Court will be based, this time, it was inferred, on the argument that the verdict disregarded the weight of the evidence. The defense will maintain that, when Ruby Bates, one of the original denunciators of the negroes, repudiated her former testimony and recanted on the witness stand last week, the jury was bound to find the negro defendant not guilty.

Negroes Protest Alabama Verdict



The Negroes of Harlem, numbering thousands, gathered in a demonstration yesterday in front of a Negro newspaper, the Amsterdam News, in protest against the conviction of Haywood Patterson, one of nine in Scottsboro, Ala., criminal assault case. (Mirror)

4328

4328

Lynchings-1933
Legal Punishment for Rape.

Alabama (Charlie Weems.)

Commercial Appeal 4-16-33 Memphis, Tenn.

A Gigantic Fraud Is Exposed at Scottsboro

The Chicago Tribune deserves the thanks of the entire South for its vigorous and timely exposure of the gigantic fraud that has been masquerading over the country durin gthe last two years under the guise of "justice' 'to some Alabama negroes accused of criminal assault at Scottsboro. Regardles of the guilt or innocence of the accused ,the Tribune points out that the case has been made a world-wide sensation by the same organized propagandists who were responsible for the furore over the Sacco-Vanzetti and the Tom Mooney cases.

Although citizens of conscientious motives were drawn into these activities to give them repute ,the most persistent and vociferous participants in all cases were communists and radicals of other varieties. Only a very ingenuous observer of these proceedings could miss their intent. Pretending to be a defense of innocent individuals from injustice and oppression and an assertion of civil guarantee ,the objective aimed at was the disparagement of American courts and the American social conscience.

This has ben strikingly exposed in the trial just ended at Scottsboro. The attorney brought from New York by the International Labor Defense could not be as tactless as he has been save intentionally. The very fact that he was chosen in place of counsel known and respected in the region in which the trial was to be held was evidence of lack of good faith ,of a sincere concern for the fate of the defendant. In and out of court his words and actions have appeared to an impartial observer studiously provocative of local feeling, and the inference must be that he intended not to win his case but deliberately to lose it ,to mkae sure of a martyr for his cause and an excuse for more propaganda. Immediately after the verdict he gave vent to a tirade against the community amid which the trials are being held ,and, returnin gto New York, he publicly described the jury as "those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs', whose chins drip tobacco juice, bewhiskered and filthy.' Yet he is going south in a few days for the second series of trials. The employment of such an attorney for the defense promises if it does not in fact insure a miscarriage of justice. It shows no regard for the defendants but rather a deliberate determination to bring about their conviction.

At the beginning of the affair the radical agitators descended upon the community in which the trial was to be held ,insulting blatant, insolently prejudicing the case and the character of the agencies of the law. They have shown no consideration for the defendants. Pretending to defend them from mob sentiment and race prejudice, thye have done everything possible to inflame both. No Klux fanatic could do more to create conditions in which even-handed justice is impossible than these pretended friends of the oppressed.

Meanwhile the well meaning public of the north has been exhorted to donate money for the support of this murderous proceeding misnamed defense. The Civil Liberties Union published advertisements calling for funds to "help give these boys the best possible break at this second trial." Such appeals are frauds. The Civil Liberties Union is a fraud. Its managers have no regard for civil liberties except when they can be pleaded for the protection of radical mischief makers and criminals. They are communists and sympathizers with bolshevism, which has destroyed civil liberties wherever it has gained power. The active head of the Civil Liberties Union at a meeting of communists in New York has just declared that political democracy is moribund, and he wants a "united front," precious bolshevik phrase ,of communists and liberals to fight Fascism. A union of communists and genuine liberals would be a union of the snake and the bird. The Civil Liberties Union is such a union. Liberals who support it are either gullibles or they are not liberals. There are no civil liberties remaining except where political democracy exists ,and so long as the Civil Liberties Union is run as it has ben and is ,by enemies of democracy, its title is a flagrant hypocrisy which can no longer deceive any but liberal sentimentalists befogged by mere phrases. Even these ought to be shocked at its methods in the Scottsboro affair.

Advertiser 4-17-33

Defense In New Move To Shift Scottsboro Trial

Montgomery, Ala.

To Ask Change Of Venue To Mobile Or To Some Other Of Larger Cities

Weems Up Today

New York Lawyers Late At Decatur; Knight To Oppose Their Motions

DECATUR, ALA., April 16.—(AP)—A new movement to transfer the Scottsboro case from North Alabama tonight appeared certain as attorneys, witnesses and veniremen gathered for the trial of Charles Weems, 22, second of nine negroes indicted in the Scottsboro case to face retrial.

Weems's trial was set for tomorrow in Morgan Circuit Court under a change of venue from Jackson County where he and seven companions were convicted and sentenced to death two years ago.

Joseph R. Brodsky, of New York, employed by the International Labor Defense in behalf of the negroes, when Weems was arraigned April 8, asked for a continuance to gather evidence to support a motion for a change of venue.

To this Samuel S. Leibowitbz, of New York, chief of defense counsel, last night in New York added the word that a change of venue "probably to Mobile" would be asked on the grounds that prejudice here would prevent a fair trial.

If the movement to move the trials to a cosmopolitan center fails, then a motion to quash the venire because of alleged "systematic and arbitrary exclusion of negroes" from juries "solely because of their race" will be filed.

This action was taken in behalf of Heywood Patterson, 19, of Chattanooga, first of the negroes to be retried, whom a jury convicted with the death penalty last Sunday.

Defense Counsel Late

None of the defense attorneys had arrived late this afternoon and the negroes still were confined in jail at Birmingham. The attorneys were expected in time for the opening of court at 8:30 a.m. tomorrow, and the negroes probably will be brought here before that hour.

National guardsmen from Hartselle who maintained. order during the trial of Patterson already were here ready to take up their duties again.

Atty. Gen. Thomas E. Knight, Jr., directing the prosecution has announced that he will oppose motions for a continuance, change of venue or motion to quash the venire.

Knight succesfully defended before Judge James E. Horton who is presiding, motions to quash the indictment against the negroes and a similar motion against the venire the week before Patterson's trial was begun.

"The State is ready," he said, "and our witnesses are prepared to be here."

Weems was arraigned on an indictment charging him with attacking Mrs Victoria Price, Huntsville mill worker aboard a Southern Railway freight train in Jackson County on March 25, 1931 the same charge on which Patterson was convicted.

Mrs. Price To Testify

Mrs. Price has accepted service on a subpoena and her testimony will be the keystone of the State's case as it was in the previous trial.

Knight announced that the State had again had subpoenas issued for Ruby Bates, also a Huntsville mill worker, and Lester Carter, of Knoxville, Tenn., whose testimony in the previous trial was directed principally at Mrs. Price's testimony.

The Bates girl made a dramatic appearance in court to repudiate in part her testimony in the trials of two years ago at Scottsboro, when she identified several of the negroes as having attacked her.

"No sir," she replied in the Patterson trial, when Leibowitz asked her if she was attacked aboard the freight train that day. She said Mrs. Price told her to testify she was attacked to "keep out of jail."

W. H. Hill, station agent at Paint Rock, where the negroes were arrested and the two women removed from the train, on rebuttal, however, testified that the Bates girl was the first one to say the negroes had molested them.

In addition to Patterson and Weems Willie Roberson, Clarence Norris, Olen Montgomery, Andy Wright and Ozie Powell are facing retrial. The United States Supreme Court set aside death sentences imposed on them and granted new trials on grounds that they were not adequately represented by counsel in the first trial.

The Alabama Supreme Court which confirmed sentences on the seven, set aside the death penalty for Eugene Williams, on grounds that he was a juvenile and Roy Wright, the ninth negro named also is a juvenile and a jury disagreement two years ago gave him a mistrial.

Since the negroes were first tried demonstrations have been held in various parts of the world protesting the convictions and Gov. Miller has been flooded with petitions from individuals and organizations seeking clemency for them.

Several of the communications received by Gov. Miller have threatened him with violence.

During the Patterson trial, Atty. Gen Knight and Judge Horton received scores of telegrams demanding protection for the negroes and their counsel, and a change of venue.

Birmingham 4-17-33 [illegible]

Scottsboro Agitator Jailed In New York

NEW YORK, April 16.—(AP)—Isidore Major, arrested for distributing handbills advertising a Scottsboro protest meeting, was sentenced to serve 10 days in jail for disorderly conduct yesterday by Magistrate David Hirschfield, in Brooklyn.

"In my opinion," said the magistrate in pronouncing sentence, "the whole lot of you are not really interested in those poor colored fellows at all. And if you people continue your lawlessness and your attempts to tear down our flag, our laws and our institutions, I am very much afraid some day you will bring on this country a condition such as now exists in Germany."

The magistrate said he had followed the Scottsboro case closely and was in sympathy with the negro youths but added that he saw no reason for a carte blanche to radicals in New York whose main interest is one of "unlawful agitation."

10,000 HEAR PLEAS TO FREE NEGROES

4-17-33

Union Square Traffic Halted as Reds Urge Racial Unity in Scottsboro Defense.

New York, N.Y.

LEIBOWITZ WON'T SPEAK

Counsel Declines "Soapbox" Role —Mother of Condemned Youth Appeals for Funds.

An orderly meeting of Communists listened last night in Union Square to speakers for the International Labor Defense plead for unity among white persons and Negroes to fight for the release of the "Scottsboro boys."

The mass meeting started shortly after 5 P. M., with about 2,000 in attendance, and an hour later it had grown to such numbers that the police found it necessary to halt pedestrian traffic through Union Square. They estimated the crowd at 10,000.

One hundred uniformed policemen, commanded by Captain George W. Heitzman, kept order. Other policemen were kept in reserve in near-by office buildings.

The appearance of Mrs. Jennie Patterson, mother of Hayward Patterson, convicted last week in Decatur, Ala., was the signal for prolonged cheering. She was escorted to the platform by Richard B. Moore, Negro attorney, and John Ballam, district secretary of the International Labor Defense, who presided. Mrs. Patterson spoke briefly in praise of the attorneys who defended her son, and then pleaded for funds to continue the fight.

Samuel Leibowitz, chief of the Scottsboro defense counsel, who had been invited to speak, declined to do so. He told reporters he did not care to have the Communists use him to further their own ends.

"I do not make speeches from soap boxes," he said. "I will do my talking at the trial."

Others who spoke included Arthur Garfield Hays, Donald Henderson and Joseph Brodsky.

THE SCOTTSBORO ORGY

Afro-American 4-22-33

(Editorial in PITTSBURGH PRESS)

Mrs. Florence Fisher Parry often writes for the Press in her daily column sentiments with which we do [illegible].

Afro American

The other day she discussed, in connection with the Scottsboro case, the general question of Negro and white relationship in the South. Her discussion was not a defense of the Scottsboro verdict, but it was a defense of the Southern system of dealing with the so-called Negro question.

Baltimore, Md.

4-22-33

In most respects it was a sympathetic and accurate analysis of that question.

It has led to much discussion on the part of Press readers, some friendly and much of it hostile.

Today in Mrs. Parry's column is the answer of a Southern man. It is typically and violently Southern. It goes much farther than did Mrs. Parry's column. There are sentiments in it which many will respect. But there are statements with which many will disagree.

So far as this letter and Mrs Parry's column are concerned, they are printed simply as a matter of expression.

We agree with the statement that the Negro, in his relationships and daily life, is probably treated more friendly and considerately in the South than he is in the North. He is better understood and understanding has brought with it consideration.

The trouble is that no Southerner can make a good defense of the Scottsboro case—and that therefor the discussion has switched into generalities.

• • •

The arguments having to do with protection of womanhood and preservation of the peace fall flat when considered in the light of the Scottsboro evidence.

Here are eight young Negroes who, in our opinion, are to be judicially lynched unless the United States Supreme Court interferes.

They were convicted of assault against two young women of the underworld—both of them low and unreliable, who were "bumming" their way in a freight car, carrying on immoral relations with a gang of white boys.

Their whole story, to begin with, sounded far-fetched. And when one of them came into court and confessed perjury, the state's case collapsed.

At the very least, we cannot conceive how anybody would say that there was not a reasonable doubt of their guilt.

And yet, despite this, the death sentence was again imposed. Under such circumstances, the sentence is contrary both to law and to morality.

• • •

Mrs. Parry said in her recent column that there was "race line" but not "race hatred" in the South.

Generally, that is true. But in occasional specific instances, it is not.

The Southerner, when aroused over a case involving a Negro, is stubborn. Above all, he wants no outside interference. And if outside interference proves he is wrong—he still remains stubborn and refuses to yield.

Mrs. Parry's contacts with the South, we imagine, have been those fine, warm, hospitable contacts which have endeared Southern people to all of us. We wonder, however, whether she has ever seen race prejudice or mob madness when it is fully aroused.

The writer of this editorial has. He has seen a mob of more than 20,000 men and women—some of the latter even carrying their babies—burn a Negro at the stake; has seen them become suddenly mad with the lust for blood; has seen them seize bits of his bones and embers of the fire as "tokens"; has seen them scream and curse because he died "too quickly."

Of course, there followed the inevitable reaction and shame that always follows an orgy—and lynching is always an orgy, for the simple reason that it is not necessary. Usually it simply means the taking of a life by mob violence which would just as surely have been taken by legal methods.

The Scottsboro case is an example of mob madness. It is a poor case upon which to raise the question of "Unwritten Law." There is widespread sympathy with the race problems of the South; but that sympathy is being greatly strained in the Scottsboro case.

LEIBOWITZ PLANS A NEW COURT TEST

4-17-33

Times

New York, N.Y.

May Seek Ruling by Supreme Bench Before Resumption of Scottsboro Trials.

SAYS "WE MEAN BUSINESS"

"We Will Not Pussyfoot on the Constitutional Question," He Writes to Judge Horton.

Characterizing the postponement of the remaining trials in the Scottsboro case as "undoubtedly a blessing to both sides," Samuel S. Leibowitz, chief counsel for the Negro defendants, informed Judge James E. Horton of Decatur, Ala., in a letter yesterday that he may utilize the opportunity offered by the postponement to bring the case before the United States Supreme Court on the issue of race discrimination. This, it is presumed, will be in the form of an appeal from the conviction of Heywood Patterson, the first of the defendants to be retried and again sentenced to death.

At the same time Mr. Leibowitz declared his belief that Judge Horton, the presiding jurist in the case, was desirous of according the defendants a fair trial and asked the judge's assistance in having the trials of the remaining cases transferred to Mobile, where "the Ku Klux Klan is practically extinct" and where "it will not be necessary for militiamen to protect the entrance to the town with machine guns against invasion by a band of hooded bigots bent upon murdering the defendants and their counsel."

Disputes Judge's Statement.

In his letter to Judge Horton, Mr. Leibowitz took sharp issue with the jurist's statement that the attack made by Mr. Leibowitz upon Alabamans for their alleged prejudice against the defendants and Negroes in general made impossible a fair trial for the remaining defendants by creating prejudice against them.

Mr. Leibowitz said "the prejudice you refer to was there long before the trials were transferred to Decatur."

"No verdict of any jury has received more universal condemnation at the hands of the enlightened press of the world than the verdict of this jury," Mr. Leibowitz wrote. "Anything said by me by way of criticism of the verdict did not create one-thousandth of the prejudice against this Negro that already existed at the beginning of the trial and that was intensified immeasurably by the conduct of the prosecution and others during the trial.

"The prosecution must now realize that we mean business; that we will not pussyfoot on the constitutional question and that we will fight honorably and diligently for the freedom of nine innocent men. Perhaps with the spotlight of public opinion now focused upon the Scottsboro case they now see that the world will not tolerate the execution of these defendants.

"The Negro as a Chattel."

"The sentiment expressed by many of the unthinking in your State that a Negro is a chattel and that he can be referred to as 'my nigger' just as the master refers to 'my dog' is symbolical of that attitude which excludes worthy citizens from service upon juries solely because their skins are black.

"As for the defense, we are delighted with the postponement because it may give us the opportunity to obtain a ruling from the highest court in our land upon this major issue which means so much to millions of Americans."

The International Labor Defense, the Communist organization which has taken a leading part in the defense, issued a statement yesterday through William L. Patterson, its national secretary, asserting that the basic reason for the postponement of the remaining trials "was solely the tremendous world protest against the lynch verdict handed down against Heywood Patterson."

Street Run to Aid Scottsboro Boys

Amsterdam News

4-11-33 New York, N.Y.

Roused to spirited protest by the infamous legal lynch verdict against the Scottsboro boys, the Labor Sports Union, an athletic organization of Negro and white spirtsmen with headquarters here, is organizing a series of street runs as protest measures.

Probably the largest of these will be the one through the streets of Harlem on Saturday, April 29. The arrangements for the run are being made by the Vesa Athletic Club, a Labor Sports Union affiliate. The run is open to all athletes, irrespective of affiliation.

All runners will have pinned to their jerseys, next to their competitors' numbers, canvas signs with the inscriptions: FREE THE SCOTTSBORO BOYS! The course will be from the Vesa A. C. club house, located at 15 W. 126th street, to Fifth avenue; north on Fifth avenue to 131st street, west to Seventh avenue, south on Seventh avenue to 110th street, east on 110th street to Fifth avenue, north on Fifth avenue to 126th street. The finish will be at the club house.

The Labor Sports Union is probably the only sports organization which stands on a four-square program of struggle against race discrimination. It already has a record of struggle in behalf of the Scottsboro Boys, having also held a similar run in Harlem last year with a field of 3[illegible] runners, most of whom were white athletes who were convinced of the necessity of fighting against race discrimination. Last year's FREE THE SCOTTSBORO BOYS STREET RUN, although frowned upon by the high moguls of the Amateur Athletic Union, was a great success, winding up at 110th street and Fifth avenue at a demonstration held under the auspices of the International Labor Defense.

Entries for the street run (the distance will be about 2½ miles) can be secured at the Vesa A. C., 15 West 126th street, at the Labor Sports Union, 813 Broadway, or at the office of The Amsterdam News.

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson.)

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NEW YORK TIMES
APR 18 1933

SCOTTSBORO CASE OFF INDEFINITELY

Judge Says Leibowitz Criticism of Jury Makes Fair Trial Now Impossible.

SENTENCES NEGRO TO DIE

Erroneous Idea Exists About Southern Justice, Asserts Jurist, Recalling Cases.

DEFENSE WILL 'CARRY ON'

Attorney General Scores New York Lawyer Who, Here, Reiterates Bigotry Charges.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., April 17.—Judge James E. Horton sentenced one of the nine Scottsboro Negroes to death today in accordance with the finding of a jury which found him guilty of attacking a white girl two years ago and postponed the trial of his eight co-defendants indefinitely.

In doing so, Judge Horton declared that statements issued by opposing counsel since Palm Sunday, when the jury convicted Haywood Patterson, the first of the Negroes to be retried in accordance with a United States Supreme Court order, made an impartial trial here and now impossible.

Some time between now and July 6, when the next regular term of court opens, defense counsel, who already have obtained a change of venue from Jackson County, where the alleged crime was committed, will move once more for a transfer of the case to Mobile or Birmingham, two urban communities where they say that they believe a trial free from extraneous issues of religion and race may be had.

Since a week ago last Sunday, when the jury considering Patterson's case reported, driblets of information regarding the activities of Samuel S. Leibowitz, chief of defense counsel, have been trickling into Decatur. Persons here have read that he has addressed meetings of Negroes in Harlem churches and that colored women have embraced him in New York.

This has prejudiced the populace against him and this morning, when Joseph Brodsky, International Labor Defense lawyer, declared that Mr. Leibowitz believed in social and economic equality between black and white, there was a tense situation in the courtroom, relieved only by Judge Horton's hasty adjournment of the proceedings.

Death Sentence Mandatory.

The session opened with Judge Horton on the bench ready to pronounce sentence upon Patterson, who was found guilty a second time and condemned to death by the jury after the United States Supreme Court held that his first trial was unfair. The verdict of the jury left Judge Horton no choice, since under the Alabama law the jury has the power to fix punishment as well as decide the guilt or innocence of the accused.

Patterson, escorted into the court room by National Guardsmen, leaned upon the bench, his eyes focused upon a corner of the court room remote from Judge Horton. When the court asked him if he had anything to say before sentence was pronounced, he said:

"I ain't had a fair trial. Ain't seen no girls on that train. I ain't had a fair trial."

Judge Horton, unperturbed by the Negro's statement, outwardly at least, informed him that the jury which convicted him had decided otherwise and said that it was the judgment of the court that he should die in the electric chair at Kilby Prison on June 16.

Mr. Brodsky then filed notice of appeal and offered a "skeleton motion" for a new trial. Judge Horton said that he would not hear motions "piecemeal" and called the trial of Charlie Weems, for which 100 veniremen had been summoned. Before anything could happen, however, Judge Horton read a statement from the bench.

Judge Horton's Statement.

"Gentlemen, there has been set for trial this morning the case of the State vs. Charlie Weems," Judge Horton said. "This is the second of what are known as the 'Scottsboro cases.' Something over a week ago the case of the State vs. Haywood Patterson was tried by a jury of this county. The nature of these cases, being a case where a Negro is accused of the rape of a white woman, is such as would naturally excite resentment, and it is always difficult, even under the most favorable circumstances, to obtain a fair and impartial verdict.

"The law has always recognized in cases of rape, whether committed by one on a person of their own race or by an attack on another race, that the accusation itself is apt to excite an undue sympathy for the accuser, and it enjoins upon the court to see to it that this undue influence is removed so far as the court may be able to do.

"There is a great deal of misinformation in the minds of the public generally in regard to rape cases in the South. I have been on the bench for over twelve years; more than ten of these years among my duties has been the trial of criminal cases. The district which I now serve is composed of four counties lying on both sides of the Tennessee River, and the counties contain a mixed population. Formerly Madison County was also in this district, and it is one of the larger and more populous counties of the State, and it also contained a great number of Negroes.

Recalls Previous Cases.

"During this period I have had only three cases where a Negro was accused of an attack upon a white woman, Two of the indictments were for rape, and one was for an assault with intent to rape. This assault with intent to rape occurred within Limestone County, the county of my residence. This was a case where a young Northern girl, unsophisticated, and who was making a long trip for the first time, went aboard an L. & N. train at Cincinnati to come South. There was a Negro porter on that train. As the train entered Limestone County the porter followed her into the dressing room, and tried to take liberties with her. Her screams caused him to desist and brought help. He was tried and convicted.

"The other cases were tried in this the county of Morgan. In one of these cases a woman accused a negro of committing rape upon her, and the trial was had before a jury. During the taking of the evidence many facts casting doubt upon the guilt of the accused were introduced, and after the case went to the jury a former solicitor, Daven Almon, a man with a big heart, who now sleeps in your city cemetery, came to me and told me that some things he had heard convinced him of the innocence of the accused, and he was much disturbed lest the jury convict. The jury stood eight for acquittal and four for conviction. Afterward, upon the motion of the same solicitor, the case was dismissed.

Holds Ideas of South Erroneous.

"There was another case in this court. I will not go into details, but the evidence was of such a nature that the innocence of the accused appeared certain and the unwholesome case was thrown out of court. I live in the county of Limestone, across the river from this city, and that county has between 30,000 and 35,000 population, about one-third of whom are Negroes. That county has contained a mixed population 115 years.

"During that entire period, except for the one instance I have cited to you that occurred on the L. & N. train, the parties to which were residents of far-distant States, there has not been a single instance, so far as my information goes, and so far as I have been able to find out from diligent inquiry, of either a rape or an attempted rape by a Negro upon a white woman.

"I think this simple recitation of the facts is sufficient to disprove the egregiously erroneous ideas which exist in regard to the relations of the races in the South, and that conviction follows accusation.

"On account of certain influences, many of which to this court appear sinister and are actuated by a desire to stir up and foment strife between the races in the South, it has been difficult to try what are known as the Scottsboro cases upon the real facts. I am not now passing judgment upon the verdict in the case already tried. I know the court had great difficulty in preventing extraneous influences having some effect on the jury. With these influences still existing, with the public mind still disturbed, with thousands of true and deeply patriotic citizens desiring that justice be done and that the South appear in its true light, there has come to my attention a statement published, which to my mind makes it impossible at the present time to fulfill the high purpose of a court of justice.

Defense Counsel's Statement Cited.

"I do not know whether the leading counsel for the defendant made the statement imputed to him. I am not stating that he did, but so far as it might influence this trial it could make little difference whether he actually made it or not. The effect will be the same. The published statement was uncalled for. It was addressed to a panel of highly intelligent jurors, and men who wished to do what was right in the case.

"But the statement itself must of necessity make impossible any just and impartial verdict to be arrived at at this time. The accused Negro must be the victim of this statement. His leading attorney would be a millstone about his neck.

"It therefore becomes the unquestioned duty of this court at the present time to enter of its own motion a continuance of this case until such a time when in its judgment a fair and impartial trial may be had. Therefore the case of the State of Alabama vs. Charlie Weems is continued, and the court so orders."

Judge Horton also deplored a statement attributed to the Attorney General which was published in a Decatur newspaper. This, he said "contributed to the already heated atmosphere which surrounds this case."

Knight Protests "Slur."

As soon as Judge Horton had finished, Attorney General Knight was on his feet. He said that he could not sit idly by and hear an Alabama jury maligned.

"No," said he, "the people of Jackson and Morgan Counties—of Alabama are not bigots. Jackson County and the people of Morgan County—of the South have been and will be fair. I have no apologies to make for any statement I have made."

The statement to which Judge Horton referred and over which all Morgan County is steaming is the one Mr. Leibowitz made immediately after the verdict of guilty was returned. He said nothing else could be expected of twelve men swayed by considerations of race prejudice after Wade Wright, Circuit Solicitor, had pleaded to them to show that "Jew money from New York cannot buy justice in Alabama."

After Mr. Leibowitz's statement was published in newspapers of Alabama, Attorney General Knight said:

"A statement in The New York Herald Tribune quoting Samuel Leibowitz as reflecting upon the people of Morgan County and members of the Haywood Paterson jury has been called to my attention.

"Leibowitz is quoted as stating, when asked how the jury could find the verdict it did, that 'if you ever saw those creatures, those bigots, whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice bewhiskered and filthy, you would not ask how they could do it.'

"If this statement was made by Leibowitz it can be taken only as a wail of a contamptible loser, particularly in view of the fact that in his address to the jury he lauded the people of Morgan County and the members of the jury to the skies.

"I was very glad, indeed, that Leibowitz's insincere flattery of the court, myself and the jury could not swerve the jury from a just verdict in this case when they believed, as I do, that Haywood Patterson was guilty beyond a reasonable doubt."

Patterson and Weems, brought here from the Jefferson County jail in Birmingham, where they and their fellow defendants are imprisoned for safekeeping, were taken back there tonight under h[illegible] guard.

Ousted From B

After they had gone, and the National Guardsmen on duty here had been dispersed, a fiery cross was burned on the viaduct over the Southern Railroad tracks. Alec Brazelton, night Police Chief, said investigation disclosed that the cross was set off by two Negroes, unknown here, who jumped into an automobile and drove away.

Leibowitz Reiterates Charges.

Samuel S. Leibowitz, chief defense counsel in the Scottsboro case, reiterated yesterday his charges of bigotry against some citizens of Alabama.

"The millstone around the necks of the Scottsboro boys is that Alabama attitude which made twelve Decatur jurors guffaw as they push Haywood Patterson toward the electric chair," he stated. "It is a piece with the action of Attorney General Knight in gleefully clapping his hands during the trial and in calling a defendant made in the image and likeness of God 'that thing.'

"I respect Judge Horton and the fair-minded people of the State who are willing to extend to their colored fellow-citizens the protection of the law which we take as a thing for granted in New York. As for the rest, the baying pack, the wolves of bigotry, who raised the Hitler cry of 'Jew money from New York' because we dared to demand a square deal for a poor unfortunate whose skin was black, I stand pat. They are bigots. Their very faces do betoken it.

"We have fought the good fight. We have kept the faith and we will carry on. The nine innocent Scottsboro boys will not die so long as decent men and women survive and there exists in Washington the Supreme Court of our land."

Mr. Leibowitz had just boarded a train en route for Decatur when word of the postponement was received at his office. A telegram was dispatched to the train and he got off at Manhattan Transfer and returned to this city.

Rabbi Alexander Lyons of the Eighth Avenue Temple, Brooklyn, himself a Southerner, asserted in a formal statement that it was impossible for Patterson to have obtained a fair trial in view of the "atmosphere of prejudice and antagonism" which obtained at Decatur.

"The decision at this late day of the presiding judge to postpone the trial indefinitely is to me a confession of weakness," he said. "It implies an acknowledgment of an atmospheric condition where justice could not obtain. Mr. Leibowitz may have contributed to this by his remarks. If he did he simply reacted naturally to a situation which prevailed."

NEW YORK TIMES

APR 17 1933

SCOTT[illegible]SE WINS O'BRIEN'S AID

With McCooey and Leibowitz, He Speaks at Brooklyn Rally —Hopes for Justice.

GROUPS JOIN FOR DEFENSE

Political, Fraternal and Religiou

Organizations Form Conference to Help Condemned Negroes.

Determination to carry on th fight for the nine Negro defendant in the Scottsboro case was voice last night at a protest meeting i Arcadia Hall, Halsey Street, Brooklyn, at which Mayor John P O'Brien, John H. McCooey, Democratic leader of Kings County, an Samuel Leibowitz, attorney for th defense, were the principal speakers.

A crowd estimated at 4,000 persons, most of them Negroes, packe the hall. The meeting was unde the auspices of the National Afr Protective League, of which th Rev. Dr. Thomas S. Harten is president, but representatives of th International Labor Defense an other Communist organization were conspicuous at the meeting.

"We are not looking for justic in the courts of Alabama," Mr Leibowitz said. "That is hopeless We are looking for justice to th courts in Washington, but meanwhile we are going to fight every inch of the way to protect the record of the case."

Mr. Leibowitz said that while he was not sympathetic with communism himself, the representatives of the International Labor Defense had "played fair" with him and left him a free hand to direct the defense of the case. As he was talking a newspaper cameraman touched off a flashlight, which exploded with a loud report. Many in the audience jumped in alarm, thinking a bomb had gone off, but they were soon quieted.

O'Brien Tells of City Relief.

Mayor O'Brien began by talking about the efforts the city was making for relief of the unemployed and did not get around to the Scottsboro case until he had almost completed his remarks. He told his auditors he was confident that "lion-hearted" Mr. Leibowitz would carry the case to a successful conclusion.

From his own experience as a judge, he said, he knew how disheartening it was to sit on the bench and have juries bring in unjust verdicts, but the only way this situation could be improved was by changing the hearts of the men in the jury box.

"Have faith in the country's institutions and in its leaders, and justice will eventually triumph," the Mayor said. "Let us hope that we will soon round the corner to prosperity."

A few minutes after he had closed, William Patterson, Communist candidate for Mayor last Fall, who had been sitting almost next to the Mayor, was introduced. Mr. O'Brien, who had refused to speak at meetings with Patterson last Fall and apparently had been oblivious of his presence last night, left the hall at once.

Mr. McCooey said he was present because of his interest in fair play. He was opposed to the death penalty, he said, in cases where any doubt of guilt or premeditation existed.

Groups United For Defense.

Representatives of political, fraternal and religious groups interested in obtaining the acquittal of the nine defendants in the Scottsboro case joined forces yesterday afternoon and formed the Scottsboro Unity Defense Conference, at a meeting at the Harlem Masonic Temple, 310 Lenox Avenue. About 250, both Negro and white, attended.

The principal aim of the conference, as voiced by Heywood Broun of the Socialist party, is to create favorable opinion among all classes for the release of the Scottsboro defendants. After that, he added, the conference should work for "the freedom of the Negro race in the South."

Friday, April 28, was set tentatively as the date on which the march to Washington to protest the alleged violation of certain constitutional rights of the defendants in the case will start. Those participating hope to petition President Roosevelt to take immediate steps "to guarantee the Scottsboro boys and the Negro people full constitutional rights."

The march will be under the auspices of the Scottsboro Unity Defense Conference, the International Labor Defense, the National Committee for Defense of Political Prisoners, and supporting organizations.

Mrs. Janie Patterson, mother of Haywood Patterson, spoke at yesterday's meeting. Among the other speakers were John Brown of the Tom Mooney Molders Defense Committee; A. J. Muste, head of the Conference for Progressive Labor Action, and John Gerber of the same organization, all white men, and the following Negroes: Benjamin Davis, Atlanta, lawyer; William Patterson of the Labor Defense, Bishop Collins of the Samaritan Rescue Episcopal Synod, Edwin Welsh of the Harlem Interracial Forum; Adrian Johnson, secretary of the Universal Negro Improvement Association, and James Ford, 1932, Vice Presidential candidate of the Communist party.

Mr. Davis was elected chairman of the conference, Mr. Broun and Mr. Patterson, vice chairmen, and Miss Louise Thompson, assistant secretary of the National Conference for the Defense of Political Prisoners, secretary.

DENIES NEGROES ARE REDS.

Logan Tells Conference the Race Will Not Back Communism.

Considerable hope for a "more equable" treatment of the Negro because of the "peaceful revolution" of 1933 was voiced yesterday by Rayford W. Logan, assistant director of The Journal of Negro History, Atlanta, at a conference on Negro student problems under the auspices of the National Students' League in International House, 500 Riverside Drive.

Mrs. Jennie Patterson, mother of Haywood Patterson, convicted Scottsboro youth, was applauded when she was introduced to the audience.

Mr. Logan, in answer to the urging of J. B. Matthews, executive secretary of the Fellowship of Reconciliation, and Richard B. Moore of the International Labor Defense, that "oppressed" Negroes unite against "capitalism," declared there was no prospect of inciting communism among the Negroes in the South and that any such attempt showed "abysmal ignorance." He pointed out that the Negro had been a "passive" factor throughout American history.

VENUE SHIFT IS SOUGHT.

Scottsboro Defense Prepares for Second Trial—Guardsmen Present.

DECATUR, Ala., April 16 (AP).—A new move to transfer the Scottsboro case from North Alabama appeared certain tonight as attorneys, witnesses and veniremen gathered for the trial of Charlie Weems, second of nine Negroes to face retrial.

Weems's trial was set for tomorrow in Morgan Circuit Court under a change of venue from Jackson County, where he and seven companions were sentenced to death two years ago for an alleged attack on two white women aboard a freight train.

Joseph R. Brodsky of New York, employed by the International Labor Defense in behalf of the defendants, asked on April 8 for a continuance to gather evidence to support a motion for change of venue.

To this Samuel S. Leibowitz of New York, chief of defense counsel, added the word in New York last night that a change of venue "probably to Mobile" would be asked on the contention that prejudice here would prevent a fair trial.

If the movement fails, then a motion to quash the venire because of alleged "systematic and arbitrary exclusion of Negroes" from juries "solely because of their race" will be filed.

This action was taken in behalf of Heywood Patterson of Chattanooga, first of the defendants to be retried. A jury convicted him with the death penalty last Sunday.

Mr. Leibowitz, last night in New York, said: "We will charge our lives were threatened, that during the trial [of Patterson] it was necessary to have military protection and that this surely indicates, without doubt, that we cannot obtain fair trials in Decatur, which is a hotbed of intolerance and open prejudice."

None of the defense attorneys had arrived late today. The defendants were still confined in jail at Birmingham, but probably will be brought here before 8 A. M. tomorrow. National Guardsmen have already returned here.

Attorney General Thomas E. Knight Jr., directing the prosecution, has announced that he will oppose motions for continuance, change of venue or motion to quash the venire. He announced that the State had again had subpoenaes issued for Ruby Bates, a Huntsville millworker, and Lester Carter of Knoxville, whose testimony in the previous trial was directed principally at the testimony of Mrs. Victoria Price.

Mass Meeting Urges Trial Delay.

Special to THE NEW YORK TIMES.

BIRMINGHAM, Ala., April 16.—Resolutions urging that the remaining Scottsboro retrials be held in Birmingham only after the State Supreme Court has acted on an appeal in the case of Heywood Patterson, recently re-convicted, were adopted at a mass meeting here today under auspices of the Citizens Scottsboro Aid Committee.

Several hundred persons, white and Negro, attended.

Bishop B. G. Shaw of the African Methodist Church, Zion, expressed faith in the "new South" that "is emerging out of the education of youth, both black and white."

Other speakers included Gaines T. Bradford, Negro, editor of The Birmingham World; P. D. Davis, Negro, president of the Birmingham Civic Association; Dr. Howard Caster of Nashville, southern director of the Board of Reconciliation, and Mrs. Martha Baldwin, Mrs. Mary Cooper and Miss Jane Speed, Southern white women and representatives of the International Labor Defense.

Samuel Leibowitz, New York, head of the Scottsboro trials defense, was scheduled to speak but telegraphed regrets.

Miss Speed condemned "the vicious sentence" of Patterson and blamed "the landlords and industrialists responsible for the poverty of white and Negro workers and for the thousands of young women who are forced into the streets by starvation wages."

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson)

4330

NEW YORK
NEWS

MAR 31 1933

Reds Organizing Colored Folk in Scottsboro Case

By TOM CASSIDY.
(Staff Correspondent of The News)

Decatur, Ala., March 30.—New York Communists are organizing colored citizenry here for demonstrations as a prelude to the trial of Haywood Patterson and six colored co-defendants for attacks on two white girl hoboes.

The Red partisans disclaimed all acquaintance with Joseph Brodsky, attorney representing the International Labor Defense on the case, who is rated as a realist among the radical groups who have been sponsoring the cause of the seven youths condemned to the electric chair pending a retrial of their case. Brodsky, who is really working with Samuel Leibowitz, famous New York lawyer and chief of the defense counsel, to save the doomed septet is nationally famous as the leading counsel for the labor defense, which is connected with the Communist party.

Hearing Is Prolonged.

The trial of Patterson, on a separate indictment, did not get under way today due to the prolongation of a hearing on the motion of Leibowitz, to quash the venire of jurymen from which twelve jurors will be picked to try the seven youths.

Leibowitz, who called a dozen colored witnesses to prove they were citizens of this county of good moral repute and qualified to serve as jurors and had never been placed on the jury rolls because of their color, summoned a J. Tidwell, white Commissioner of Jurors, as his last witness for the day.

Angers Jury Commisioner.

Tidwell testified he didn't know whether the jurors picked by his commission in this, or any other case, were "black, white or yellow."

"Is that an honest answer?" Leibowitz demanded.

"Do you mean to say——?" the witness said, bristling.

The New York criminal lawyer who is defending the seven youths accused of assaulting Ruby Bates and Victoria Price in a railroad gondola car on the night of March 25, 1931, announced:

"I did not mean to say anything, I'm asking a question."

Attorney General Thomas E. Knight Jr. said that he didn't feel that the witness was being badgered and the question was not pressed.

Influx of N. Y. Reds.

The Communist agitation was begun by imported sympathizers who have canvassed the colored communities and asked the residents to attend Red rallies for the benefit of the seven members of their race who are now getting a second trial for their lives as a result of a Supreme Court decision reversing their original conviction.

Plans for the demonstration have been accompanied by the influx of New York Red sympathizers posing as newspaper men, but refusing to commit themselves as to their newspaper connections.

Leibowitz Scores Point.

Cross-examination of defense colored witnesses today by Attorney General Knight brought out a question from the State on the "Good moral character" provision of the Alabama jury regulations.

A colored man, who had testified he was qualified for jury duty in every way except by reason of arbitrary bars against his race, was asked by Knight:

"Haven't you had trouble with your wife?"

Leibowitz objected and roared:

"If every one who has had trouble with his wife in any community was barred from jury service there wouldn't be any juries."

Wins Right to Scan Roll.

Just before court closed Leibowitz won the right to inspect the secret jury roll from which jury men are chosen in this county. Leibowitz will seek to show that not a single name inscribed upon the roll is that of a member of the colored race. Leibowitz asked the prosecution to concede that such was the case, but the Attorney General refused.

Most of the colored witnesses subpoenaed by Leibowitz for today's session were college graduates. Today's lone defendant, Patterson, and his six co-defendants in the nearby jail, who face separate trials, caressed rabbits feet and horseshoes, trial good luck omens sent them by members of their own race here.

Guard Scottsboro Trial

National Guardsmen on duty outside the Decatur, Ala., courthouse, where the Scottsboro trial is under way, to prevent disturbances during the hearing.

NEW YORK
NEWS

APR 3 1933

Girl Hobo First Witness Today in Alabama Tria

Guarded by two National Guardsmen in courtroom, Haywood Patterson, one of the colored youths accused of attacking two white girls in Alabama, listens attentively to trial argument.

(NEWS photo)

By TOM CASSIDY
(Staff Correspondent of The News)

Decatur, Ala., April 2.—Victoria Price, married Alabama mill worker, who forsook her fireside for hobo adventure, is slated to be the first prosecution witness tomorrow in the trial of Haywood Patterson, the first of the Scottsboro colored youths to go on retrial for ~~attacks on Mrs.~~ Price and her chum, Ruby Bates.

Young Patterson, who will be tried for the attack on Mrs. Price, is being defended by Samuel S. Leibowitz, New York criminal attorney, as the result of a reversal by the Supreme Court of the United States of the original conviction of himself and his six codefendants.

Decatur was quiet tonight following the action of Leibowitz in ordering from town all members of the lunatic fringe of the radical espousers of the convicted youths' cause.

Wants No Propaganda.

"I am not interested in the affairs of the Communist Party or any other group in the conduct of this case," the New York counsel said. "I am interested solely in saving these innocent boys from the electric chair, and I will do my best to see that their case is not endangered by propaganda or agitation from any quarter. I have ordered the irresponsibles away and they must stay away."

Attorney General Knight of Alabama, prosecutor in Scottsboro case, in action.

The jury of three farmers and nine townsmen, one of the latter a banker, will listen to a gruelling examination of the Price woman by Leibowitz, who has been investigating the background of her charges for weeks.

Ruby Bates, Mrs. Price's girl friend of the gondola car in which they charge the colored youngsters ravished them after chasing a group of white boys away, is still missing from the Huntsville home she left suddenly a few weeks ago.

Jurors Go to Church.

The white jurors, whose color was declared by defense counsel to be arbitrarily designated by jury boards in violation of the defendants' rights under the Fourteenth Amendment, attended St. John's Episcopal Church here this morning.

Although most of the members subscribed to other creeds, mainly Baptist and Methodist, they journeyed to the home church of Eugene E. Graves, their banker colleague.

There they listened to a sermon which in no way touched on the Scottsboro case, but in which an impassioned pulpit plea for toleration and the banishment of hatred was made.

"We must enlarge our vision," the Rev. Peter Mack Dennis, the Rector, declared, "and we must banish hatred and hypocrisy."

NEW YORK WORLD
Telegram
APR 5 1933

Leibowitz Risking His Life. Say Alabaman

By MARY HEATON VORSE

This article was especially written for the Scripps-Howard Newspaper Alliance.

DECATUR, Ala., April 5.—The first phase of the trial of the nine Negroes accused of attacking two white girls near Scottsboro ended with what is everywhere considered a victory for the defense.

More than the Scottsboro boys are on trial. The defense has attacked the jury system of the South. It has attacked the white control of the courts and the legal machinery of the State.

Between the opening of this famous trial, March 27, and adjournment for a week-end recess, March 31, the defense proved that no Negroes appear on the jury lists of Decatur, in direct defiance of the Fourteenth Amendment. The exclusion of Negroes from all jury lists admittedly lays the foundation for appeal to the Supreme Court of the United States in case the nine Negroes are found guilty.

The audience of men is tense and absorbed, fascinated by the cleverness of the defense counsel and at the same time execrating him for it. To many in the audience the courtroom has been movie theatre and lecture room in one. They are trained to appreciate the fine points of a great trial lawyer—and Samuel Leibowitz is more than a great trial lawyer; he is a supreme artist.

* * *

HE plays upon his audience with an incredible mastery. His methods are quiet, simple, unhistrionic. Whenever he opens his mouth there is the excitement of drama. He has a clever face, a fresh color, grayish hair, and he is challenging the very essence of the Southern system. No wonder the men bend forward in their seats. Two well dressed old men behind me are saying:—

"It'll be a wonder if ever he leaves town alive."

A fine looking young fellow next to me confides, "I'll be surprised if they let him finish the trial."

"Do you mean there's a movement on foot to railroad him out of town?"

"They do say there is. They ain't advertisin' or makin' speeches, but they'll know what to do when the time comes."

He has received many threatening letters. Friday night additional guardsmen were sent for to guard his apartment.

This hostility is as yet restrained and under the surface but a very real factor to be reckoned with.

Next to the officers sits the black boy Heywood Patterson. He is dressed in blue overalls, and he is so black that there is a blue bloom on his wide face.

Meanwhile all the prominent Negroes in the community are filing before the Judge, being questioned as to their fitness for jury duty and asked whether they have ever been called for such duty. There are doctors, ministers, professors, business men. Almost all have college degrees—some more than one. They are grave men, of substance, and of course not one has ever been called to jury duty. All say they would be glad to serve. One of the most significant things of this trial is the rallying to the defense of the accused Negroes of educated and well to do colored people. A company of twenty-five Negroes has come from Scottsboro to testify on this jury question. They have come in many instances voluntarily, without subpoenaes. They are willing to serve on juries, and to do these things is to face a real danger.

NEW YORK TIMES
APR 6 1933

WARNING BY JUDGE AT ALABAMA TRIAL

Tells Guardsmen to Shoot to Kill if Seizure of Negroes Is Sought.

THREATS ARE REPORTED

Militiamen Report Meeting Was Held Near Court House to Protest Defense Tactics.

LEIBOWITZ IS PROTECTED

Medical Witness Is Skeptical of Testimony Given by Alleged Victim of Defendants.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, April 5.—A dramatic pronouncement from the bench interrupted the trial of Haywood Patterson today as he and five other Negroes testified before Judge ~~James E.~~ Horton that Victoria Price swore falsely that they attacked her on a freight train near Scottsboro two years ago.

Taking official notice of reports that a mob was plotting to lynch the nine Negro prisoners lodged in the rickety old jail and run Samuel S. Leibowitz, their chief counsel, out of town, Judge Horton ordered the National Guardsmen on duty here to shoot at the first sign of trouble and to shoot to kill.

Despite the increasing impatience of residents of Jackson and Morgan Counties with the painstaking defense prepared for the Negroes by the International Labor Defense, a Communist adjunct, today's proceedings were not marked by the slightest demonstration, not even when Patterson charged that he was "framed" at his first trial in Scottsboro.

The crowd of countrymen in overalls and blue denim shirts listened attentively as Dr. E. E. Reisman, Chattanooga gynecologist, explained to the jury that the Price woman's story of the attack contained biological inconsistencies.

Skeptical of Woman's Evidence.

The medical testimony offered by the State against the nine defendants at Scottsboro and against Patterson here, said Dr. Reisman, was sufficient in itself to make a man of science skeptical about Mrs. Price's statement that she was attacked by six Negroes an hour and a half or two hours prior to her examination at Scottsboro.

The Negroes who denied their guilt today were Willie Robertson, Olen Montgomery, Ozie Powell, Andy Wright, Eugene Williams and Patterson. The first three denied that they had engaged in a fight with the white youths or had seen the girls on the train, while the last three denied seeing the girls but admitted participating in the fracas with the white youths.

Aside from the six accused Negroes and Dr. Reisman, the only other witness of the day was Percy Ricks, fireman of the freight train on which Mrs. Price said she was attacked. He testified that when the Negroes were taken off at Paint Rock by an armed posse, the two women seemed just as anxious to get away as the Negroes.

"I saw them both running up toward the engine," he said. "Some of the men with shotguns came around and headed them off. Then they turned and ran the other way until another batch of men came up from that direction and stopped them."

While the Negroes were testifying, Judge Horton, after a whispered consultation with Attorney General Knight and Captain Joseph Burleson, commanding the militia here, ordered the jury taken from the court. He then delivered his warning in phrases that fell from his lips like the bullets he promised to lynchers.

"The court wishes to make an announcement," he began. "The audience generally has been orderly and has given respectful attention to the testimony for the most part. These prisoners were given protection at the trial in Scottsboro, and the Sheriff's force and the National Guardsmen are here to protect them now.

"The court also wants it known that it will protect any one else connected with this trial. Whether or not the reports of impending trouble have any foundation, the court does not know. Sometimes rumors occur that are without foundation, but sometimes they reach the point where notice must be taken of them.

"The court is conscious of this fact, that it is trying to arrive only at the truth in this case. If these defendants are guilty they should be punished. If they are not guilty, they should be acquitted. That is for the court and the jury to determine.

"Any one outside, who has not heard the testimony and who attempts to prejudge the case has no right to be heard. These prisoners are under the protection of the court. The court intends to protect them."

No Tolerance for Mob Spirit.

At this point Judge Horton raised his voice, and his face was stern as he continued:

"Any group of men, and I don't say that there are such, who attempt to take the law into their own hands, are unworthy of the protection of the State of Alabama. They are unfit to be citizens. Men who would join in anything that would cause the death of these Negroes not only are murderers, but cowardly murderers.

"The soldiers and the Sheriff's men are expected to defend these prisoners with their lives. Any man who defies them may expect to forfeit his life.

"I have no tolerance for mob spirit. Your very civilization depends upon the carrying out of your laws in an orderly manner.

"I am going to strengthen the guard if necessary and, remember, you've got to kill these guards before you get these prisoners. The guards understand that. When it comes to a question of right and wrong there can be no compromise.

"If there are any meetings in this town where such matters are discussed, the men who attend them should be ashamed of themselves."

From officers of the National Guard it was learned that a mass meeting, to which 200 young men of the community were invited by telephone, was held in a hall near the court house last night to "protest against the manner in which Mr. Leibowitz has examined the State's witnesses." There was talk there, the officers said, of riding the New York lawyer out of town and lynching the Negroes.

Upon learning of the meeting, Captain Burleson sent several of his men to the apartment hotel where Mr. Leibowitz is staying and doubled the guard around the jail.

Undercover men reported to Captain Burleson that the strategy of the lynchers, if they decide to flout the warning of the court, will be to start trouble at the apartment house to draw off the force at the jail. Mrs. Leibowitz, who has been with her husband here, left for New York tonight.

"We'll be ready for them if they come," said Captain Burleson. "Just because my men and I are Southerners and these prisoners are Negroes need not lead any one to think we won't do our duty. So long as we have a piece of ammunition or a man alive, those prisoners will be protected."

Arrangements have been made with the local fire department to send an engine to the jail at the first sign of trouble. The cold water treatment will be used first, Captain Burleson said. If that does not disperse the mob, tear gas bombs will be thrown. Bayonets and bullets will be reserved as a last resort but if they are used it will be to kill, said the young National Guard officer.

John Thompson, solicitor of Jackson County who prosecuted the Negroes at their first trial, said feeling was even more intense in Scottsboro today than it was two years ago, but that he had heard nothing of a lynching mob forming there. Scottsboro is more than fifty miles away.

"There might be trouble though," he conceded, "if these Negroes are acquitted or if the trial lasts too long. The first trial cost the people of Jackson County about $3,000 and this one will cost double that amount."

Each of the Negroes who testified today was confronted by the record of his testimony at the previous trial. Attorney General Knight questioned them sharply on even the most minute discrepancies, causing frequent objections by Mr. Liebowitz and warnings by the court to the Attorney General.

Lynchings-1933
&
Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4331

NEW LONDON CONN. DAY
MARCH 30, 1933

The Scottsboro Cases Again

THE interest of all reasonable persons, particularly those concerned with liberal doctrines and the assurance of equal rights to all, irrespective of color or creed, is focused upon the retrial of the seven Negroes in Alabama. The men were convicted once on charge of attacking two white girls on board a freight train. Their cases were appealed to the United States supreme court, where the decisions were reversed on the ground that mob sentiment swayed the outcome of the trial. The cases are being heard again at Decatur Ala.

Developments at the beginning of the present trial again establish doubts as to the strict legality of the proceedings. The attorney for one youth refused to enter a plea on the ground that the grand jury which had indicted the young man was made up entirely of white men, and the charge that negroes had been denied the right to serve on this grand jury. The judge overruled his objection, after which the same question was raised concerning the trial jury, the panel for which was made up entirely of white men. The attorney pointed out again that the banning of negroes on the jury is a violation of the spirit of the 14th amendment to the federal constitution. As this is written the point is still unsettled, the court granting a request for a subpoena of the jury rolls of Jackson county, where the trial is taking place.

No one in unaware of the reason these conditions exist, of course. The states of the south have found it expedient to evade the spirit of the 14th amendment in a number of ways. Residents of the south believe that they have legitimate excuses for the action, which is a matter for debate, with no decision in prospect. In a case of this sort, however, it would seem to most northerners that the sensible thing to do is make sure that these youths get an absolutely fair trial this time, since the decision of the Alabama courts has been overthrown once. The way to insure this is to give negroes equal representation in the drawing of jurymen, to guard against prejudicial incidents during the trial; in short, to treat these defendants as the constitution seeks to guarantee they shall be treated.

NEW YORK
NEWS

MAR 30 1933

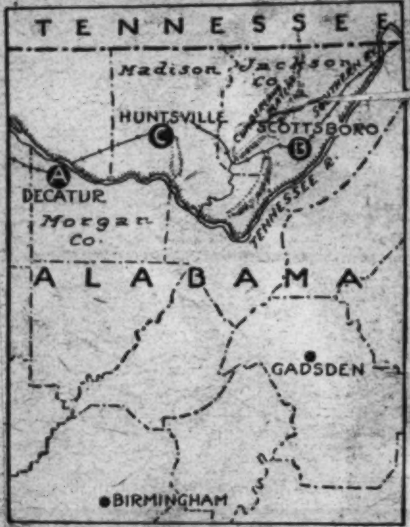
New Color Bar Fight Begins for 'Scottsboro' 7

By TOM CASSIDY.
(Staff Correspondent of The News)

Decatur, Ala., March 29.—Threatening letters from cranks in several sections of the South were received today by Samuel S. Leibowitz, chief of defense counsel, for the seven Scottsboro colored youths charged with attacking two white girl hoboes, on the eve of the trial of the seven in Morgan County courthouse tomorrow.

Leibowitz, with whom International Labor Defense Attorney Joseph Brodsky, and Gen. G. W. Chamlee of Chattanooga, Tenn., are associated, will open tomorrow morning by filing a motion to quash the venire on the ground that colored persons are excluded from jury duty here because they are members of the African race.

This motion is similar to that already denied by Judge James E. Horton of the Circuit Court in connection with the failure of the nearby County of Jackson to include members of the colored race on the grand or petit juries which considered the cases of the seven youths now facing a second trial for their lives.



The Scottsboro trial is being held at Decatur, Ala. (A), on change of venue from Scottsboro (B), where the attack against two girls is supposed to have occurred on Southern Railway freight train. Ruby Bates, one of girls attacked, who is now missing, lives at Huntsville (C).

"I will subpoena 200 witnesses all colored and reputable and educated members of this county to prove that my clients are not getting a trial—even here—by a jury of their peers," Leibowitz announced.

As Leibowitz and the youthful and pleasant-voiced Attorney General for the State of Alabama, Thomas E. Knight Jr., prepared to lock horns today on the pre-trial motion and the actual beginning of the trial itself, a search was renewed for Ruby Bates, one of the two young feminine railroaders who has been missing a month.

Miss Bates, whose father called on Attorney General Knight this morning about his daughter, accuses the seven colored youngsters now prepared for a second trial, two other colored juveniles, and three fellow colored boys who eluded a posse of attacking them in a gondola car near Scottsboro in the early dusk of March 25, 1931.

Scottsboro Defendants on Way to Court

The seven colored men accused by two white girls in the famous Scottsboro case arriving at court for a session of their trial. Guard armed with rifle (at left) accompanies them.

The Scottsboro Boys Cry for Help!

Daily Worker

4-8-33

New York N.Y.

"Sitting on a Mountain of TNT"—Leibowitz, I.L.D. attorney, wired to the editor of the Brooklyn Eagle.

In a little town in Alabama nine Negro boys have become the symbol of working class unity.

In the Scottsboro case thirteen million Negroes and millions of white workers in America are face to face with boss-class justice in all its brutal nakedness.

The eyes of the world are on the Scottsboro boys!

These boys are now in gravest, most immediate danger.

For two years they have been imprisoned in a death-cell.

For two years the workers of the world have saved these boys from death in the electric chair which stared at them across from their cell doors.

Now their lives are in grave danger from a lynch mob organized by all the forces at the disposal of the Southern rulers.

The Alabama office of the I. L. D. is crying for help. The defense is hampered in its work through lack of funds. The situation is not only serious. The whole defense is menaced.

Chief trial attorney Leibowitz is contributing his services free in addition to paying his own expenses in connection with the case. The funds contributed by the workers go to pay for the most urgent expenses, including transportation and feeding of witnesses, court records and investigation.

The National office of the I. L. D. appeals to all workers and their sympathizers, to all organizations, to all friends of these innocent Negro boys, to collect funds and bring them immediately, today and tomorrow, to their district I. L. D. office, or rush by wire, airmail, and special delivery to the National Office, Room 430, 80 East 11th Street, New York City.

The International Labor Defense has issued a penny stamp in sheets of one hundred, which workers employed and unemployed can sell in their neighborhoods, factories, offices and at mass meetings. Each sheet sells for one dollar. Rush one dollar to the National Office of the I. L. D. for a stamp-sheet which will be sent you immediately. As you sell the stamps you will get your dollar back.

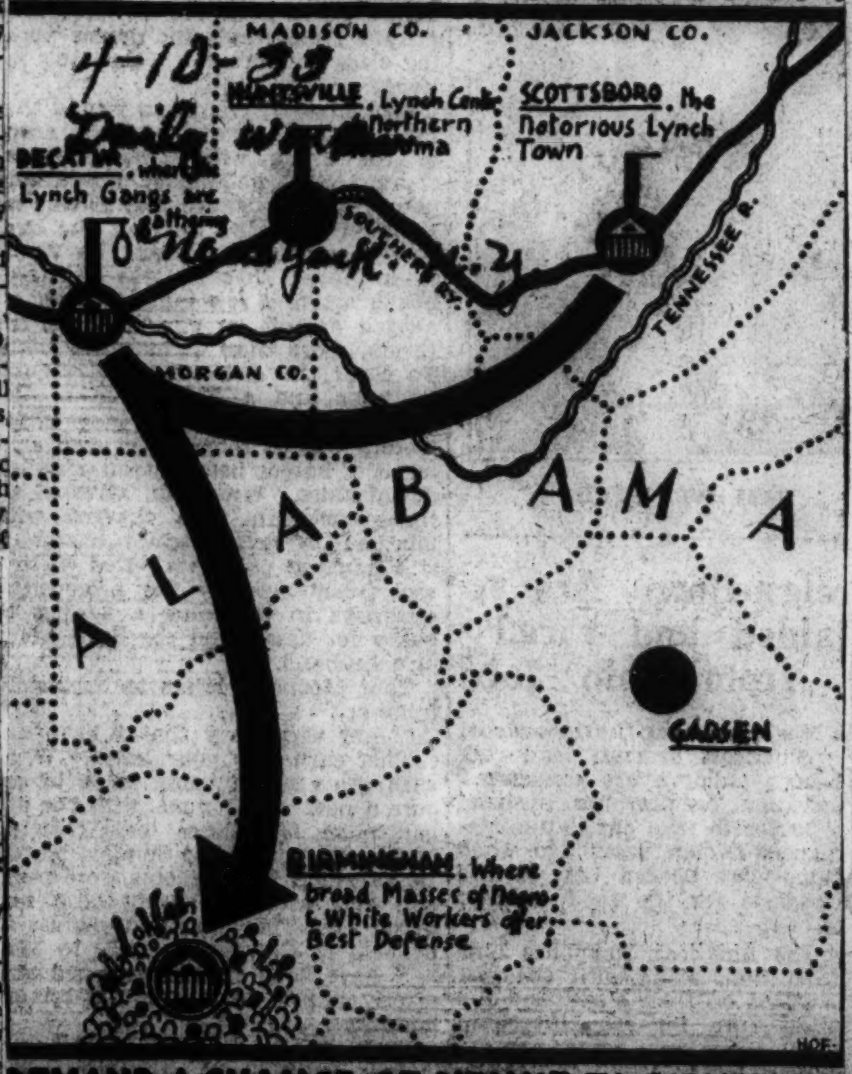
The Scottsboro boys are knocking at your door for help!

Help save them from lynching by sending telegrams of protest, demanding full protection for all defense witnesses and lawyers, freedom and safety for Ruby Bates, a change of venue to Birmingham for the cases of the other boys, immediate, safe, and unconditional release of the nine

boys, to Governor B. M. Miller, Montgomery, Ala.; Judge James E. Horton, Decatur, Ala.; Attorney - General Thomas E. Knight, Decatur, Ala.; President Roosevelt, Washington, D. President Roosevelt, Washington, D.C.

Help the defense by rushing every penny, nickel, dime, dollar, you can to the Scottsboro New Trial Emergency Fund, of the International Labor Defense, Room 430, 80 E. 11th Street, New York City.

SAVE THE SCOTTSBORO BOYS!


MADISON CO.
JACKSON CO.
HUNTSVILLE. Lynch Center Northern Alabama
SCOTTSBORO. the Notorious Lynch Town
DECATUR. where the Lynch Gangs are gathering
SOUTHERN RY.
TENNESSEE R.
MORGAN CO.
ALABAMA
GADSEN
BIRMINGHAM. Where broad Masses of Negro & White Workers offer Best Defense
HOF.

4-10-33

Daily Worker

New York N.Y.

DEMAND A CHANGE OF VENUE TO BIRMINGHAM

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson)

4332

NEW YORK

NEW YORK CITY TIMES
APRIL 8, 1933

NEW YORK ATTACKED IN SCOTTSBORO TRIAL

Prosecutors Also Hint at Perjury in Its "Surprise Testimony."

MISTRIAL MOTION FAILS

But Judge Instructs Jurors to Ignore Remarks of County Solicitor at Decatur.

DEFENSE ARGUMENT OPENS

Leibowitz Will Conclude This Morning and Case Is Expected to Reach the Jury Today.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., April 7.—The issue of Alabama against New York City and the clothes, manners and customs of its people was brought up here today before Judge James E. Horton and the jury which is trying Haywood Patterson, a Negro, for his life.

Summing up for the State at the close of the first of the new "Scottsboro trials," Wade Wright, circuit solicitor of Morgan County, made a frank appeal to local pride, sectionalism, race hatred and bigotry.

"Show them," he said—pointing at the counsel table at which were seated Samuel S. Leibowitz of New York, chief defense counsel, and Joseph Brodsky, counsel for the International Labor Defense, a Communist affiliate—"show them that Alabama justice cannot be bought and sold with Jew money from New York."

At this remark, Mr. Leibowitz arose and asked the judge to declare a mistrial.

"Conviction now, after what he has said, will not be worth a pinch of snuff," he asserted.

The court denied the motion and Mr. Wright continued along the same line, while Attorney General Thomas E. Knight, the chief prosecuting officer of the State, fidgeted in his chair.

When the circuit solicitor finished, Judge Horton told the jury to disregard Wright's statement about "Jew money from New York."

Mr. Leibowitz then began his appeal, urging the jurors to give the Negro defendant the benefit of the "reasonable doubts."

The New York attorney had not finished when the court declared a recess until tomorrow morning. Mr. Leibowitz will then conclude his final argument and Attorney General Knight will say the last word for the State. After that Judge Horton will charge the jurors, and they probably will begin deliberations by noon.

"New York Clothes" a Target.

Circuit Solicitor H. G. Bailey opened the State's argument. In his address there were several references to the "fancy New York clothes" which Lester Carter and Ruby Bates were wearing when they appeared as surprise witnesses for the defense, the girl repudiating her former story of an attack and the young white "hobo" charging Victoria Price, the other alleged victim, with a "frame-up."

His remarks were of such a nature, however, that Mr. Leibowitz took no exception to them. But when Mr. Wright, whose voice has raised him to pre-eminence among local all-day singers, began to speak all the hatred and prejudice that these cases have aroused bubbled to the surface.

Mr. Wright spoke of the reversal of the Supreme Court of Alabama by the United States Supreme Court after Communist sympathizers took up the cudgels for the nine Negro defendants, all but one of whom had been sentenced to die in the electric chair.

But it was New York City, "its sinister influence," and the Jews on which he dwelt and upon which he turned the full flower of his oratory.

Defending the story of the Price woman, Mr. Wright asked the jury:

"Did you ever hear of a more damnable effort to destroy and break down this girl? How did they do it.

"That man Carter is a new kind of a man to me. Did you watch his hands? If he had been with Brodsky another two weeks he would have been down here with a pack on his back a-trying to sell you goods. Are you going to countenance that sort of thing?"

From a front-row seat among the spectators there came a resonant "No!" uttered with the fervor of "Amen" in church.

Woman's Testimony Attacked.

Saying that Carter's rent in New York had been paid by Mr. Brodsky, Mr. Wright went on:

"Don't you know these people, these defense witnesses, are bought and paid for?

"May the Lord have mercy on the soul of Ruby Bates!

"Now the question in this case is this:

"Is justice going to be bought and sold in Alabama with Jew money from New York?"

Mr. Leibowitz interposed here with a mistrial motion and after it was denied Mr. Wright continued:

"It was Brodsky, too, who brought in Ruby Bates. The same Brodsky who put the fancy city clothes, New York clothes, on Lester Carter, and I tell you, gentlemen, that Ruby Bates was guilty of perjury right here in this court room. And there is such a thing as subornation of perjury."

The Bates girl "couldn't tell you all the things that happened in New York because part of it was in the Jew language," he said.

Mr. Wright then attacked the testimony relative to Ruby Bates's presence in "hobo jungles."

He referred to Carter as "Mr. Carterinsky, as he is now," and Mr. Leibowitz again asked for a mistrial, this motion also being denied.

Mr. Wright concluded with the statement that a verdict of guilty in this case "will resound around the world as a victory for law enforcement."

When he had finished Judge Horton said:

"The court rules that the statement regarding Jew money from New York was simply improper and unjustified, and the court asks you members of the jury to disregard it and put it out of your minds."

In opening his argument, Mr. Leibowitz explained that "all New Yorkers do not have horns."

"The least said about sectionalism and prejudice the better," he declared.

"Now, I'm not going to assault your ears with any such ranting and raising the roof as you have been forced to hear from the gentleman seated over there. I shall appeal to your reason as logical, intelligent human beings, determined to give even this poor scrap of colored humanity a fair, square deal.

"What is the argument of the learned solicitor? Change the charge and you would hear the same stereotyped phrases. 'The fair State of Alabama, foreigners,' and all the rest of that claptrap.

"What is it but an appeal to prejudice, to sectionalism, to bigotry? What he is saying is, 'Come on, boys! We can lick this Jew from New York! Stick it into him! We're among our home folk.'

"It was the speech of a man taking an unfair advantage—a hangman's speech."

Not There as "Consoler."

Mr. Leibowitz surveyed the court room crowd. He has been threatened with tar and feathers, with whipping and with gunpowder and lead.

"Now, as for the Jew money from New York, let me say this: That when the hour of our country's need came there was no question of Jew or gentile, of black or white—all, all together in the smoke and flame of Flanders Fields.

"Now, I'm not getting any fee in this case and I'm not getting a penny of expenses for myself and my wife, who was here with me.

"Mobs mean nothing to me. Let them hang me; I don't care. Life is only an incident in the Creator's scheme of things, but if I can contribute my little bit to see that justice is served, then my mission is fulfilled."

Mr. Leibowitz said he was not here as a crusader nor to ask social equality for Negroes, "but to see that the law guaranteeing equal protection to all races in our courts is observed."

In rebuttal evidence Attorney General Knight sought to introduce the testimony of a white inmate of Kilby prison, whose death sentence for murder has been commuted by the Governor to tell the jury that while Patterson was in the death house he expressed the wish that he "had killed those girls." Judge Horton refused to allow the witness, Burtus Frost, to testify and the lifer left the court room with a prison guard.

The Bates girl was recalled but quickly excused by Mr. Knight after Judge Horton ruled that her cross-examination had been concluded and that if she were to testify at all it would be as the Attorney General's witness.

W. H. Hill, the station agent at Paint Rock, where an armed posse stopped the train on which the attacks are alleged to have taken place, testified that the Bates girl, who declares now that she "only told what Victoria told" at the first trials, was the one who told him the Negroes had attacked her.

Wire Roosevelt of "Klan Mobs."

A statement that Ku Klux Klan mobs were being organized to lynch the Scottsboro defendants was telegraphed to President Roosevelt yesterday by William L. Patterson, national secretary of the International Labor Defense.

The message urged the President to "guarantee the safety of these people in Alabama, where law enforcement is non-existent, so far as protection to Negroes or any one interested in preventing murder of Negroes is concerned."

The International Labor Defense said that protest demonstrations will be held all over the country today under its auspices "against the attempts to lynch the Scottsboro boys."

The New York demonstration will start with a mobilization at 110th Street and Fifth Avenue at 2 P. M., followed by a march through Harlem, it was announced.

NEW YORK

NEW YORK CITY HERALD-T
APRIL 8, 1933

Alabama Trial 'World Issue,' Leibowitz Says

Asks Jury to Disregard Race and Creed as He Gives His Final Argument

Rule Out Death Cell Story

State Sums Up Today, Deliberations Will Begin

By The Associated Press

DECATUR, Ala., April 7.—Samuel S. Leibowitz, of New York, chief of defense in the retrial of the Scottsboro case, closed his argument to the jury tonight with the statement that a "world issue" was involved in its decision on the fate of Heywood Patterson, nineteen-year-old Negro charged with attacking a white woman.

Leibowitz had called attention of the jurors to the international interest in the case and added: "You are deciding more than the guilt or innocence of this Negro. You are deciding a world issue."

Since March, 1931, when Patterson and eight other Negroes were taken from a train at Paint Rock, Ala., and charged with attacking Mrs. Victoria Price and Ruby Bates, individuals and organizations throughout the world have sent protests on the handling of the case to Alabama authorities.

Jury Likely to Get Case by Noon

Even during the current trial, as reports of mobs forming have been circulated, Thomas E. Knight jr., Attorney General, has received many telegrams demanding protection for the defendants and their counsel. The Negroes have been under protection of National Guardsmen throughout the trial. There was no demonstration during the arguments.

Leibowitz asked the jury to disregard race or creed and pleaded for tolerance and reason. Previously he had shouted his defiance of "any mob."

After three hours of arguments the court recessed until tomorrow and Leibowitz said he would consume about one hour more. After he finishes Attorney General Knight will close for the state. The jury probably will get the case by noon tomorrow.

Machinery of the trial whirred swiftly following the surprise appearance yesterday of Ruby Bates, who had been missing from her Huntsville, Ala. home for several weeks.

The girl walked into court yesterday saying she had just arrived from a hitch-hike trip to New York. Before tense jury and spectators she repudiated her testimony in the first trial of the Negroes at Scottsboro, that she and Mrs. Price had been attacked on a freight train.

Mrs. Price, in this second trial, has reaffirmed her previous testimony, declaring the Negroes attacked her after they had thrown several white boys from the train as it sped across Sand Mountain.

Calls New York Influence "Sinister"

Alternate pleas for death in the electric chair and acquittal were presented as attorneys summed up the evidence late today.

"The State of Alabama wants you, if this testimony shows the defendant innocent, to turn him loose," said Solicitor H. G. Bailey, of Boaz, Ala., who was prosecutor in the Negroes' trials in 1931. "But, on the other hand, if he is guilty, the State of Alabama wants you to send him to the electric chair. I believe you will be fair."

Mr. Bailey spoke of "sinister influences" in New York and contrasted the appearance of Mrs. Price, in obviously cheap attire, with that of Miss Bates.

"She (Mrs. Price) didn't come here in New York clothes," Mr. Bailey said. "She could have rouged her lips and cheeks and stood on the streets of Huntsville without going out to seek honest toil. We don't say that she is what she should have been. She has erred, but our laws say no man shall lay a hand on a woman against her will."

The argument of Solicitor Wade Wright, of Decatur, was twice interrupted by Leibowwitz to enter motions for a mistrial, both of which were overruled by Judge James E. Horton. When Judge Horton overruled his motion for a mistrial, Mr. Liebowitz said

"I submit, your Honor, that a conviction in this case will not be worth a pinch of snuff."

A moment later, as Wright disparaged the testimony of Lester Carter, a defense witness, he referred to him as "Mr. Carterinsky, now," and again Mr. Leibowitz entered a motion for a mistrial on the grounds that it was raising prejudice. Mr. Wright had previously referred to witnesses being "bought with Jew money."

Perjury Charge Is Raised

He declared Ruby Bates had perjured herself. The charge was declared by George W. Chamlee sr., of Chattanooga, first speaker for the defense, to be a "fabrication."

"I want to uphold the principles of womanhood in the South," he said after telling the jury he was Southern born, and the son of a Confederate soldier.

Rebuttal by the state ended at noon after Judge Horton had sustained objections of the defense to the testimony of Vertus Frost, Kilby Prison life prisoner, as to assertions of Patterson while he was lodged in the death cell at Montgomery.

Reports of imminent mob action continued to flare here and in Huntsville, but died as quickly in the face of investigation by county officers and National Guardsmen.

Lynchers Ready, Roosevelt Told

Charges that "Ku-Klux Klan lynch mobs are being organized to murder the Scottsboro boys" were contained in a telegram sent to President Roosevelt last night by William L. Patterson, secretary of the International Labor Defense, according to The Associated Press.

The International Labor Defense which has provided counsel for the Negro youths, announced that demonstrations would be held today in New York and other cities in protest against these "lynch attempts."

The demonstrations also will demand "freedom and safety for Ruby Bates, who has been threatened with injury because she had the courage to repudiate her framed testimony . . . against Scottsboro boys."

Where the 'Scottsboro Case' Is Being Retried

Herald Tribune photo—Acme

General view of the courtroom in Decatur, Ala. In the foreground are the lawyers for the defense.

Lynchings-1933

Legal Punishment for Rape.

Alabama. (Haywood Patterson.)

4333

SCOTTSBORO TRIAL MOVED 50 MILES

Times

Negroes Will Face Second Prosecution at Decatur on Change of Venue.

3-8-33

MOTION TO QUASH LOST

New York, N.Y.

Ruling on the Issue of Absence of Negro Jurors Is Left for the Trial Court.

From a Staff Correspondent.

SCOTTSBORO, Ala., March 7.—The new trial which the United States Supreme Court ordered for the eight Negroes sentenced to die after conviction of attacking two white girls nearly two years ago will not be held in Jackson County, still embittered, in which they were first convicted.

In a courtroom crowded with mountaineers, Judge A. E. Hawkins granted a defense motion this afternoon for a change of venue and set the place of trial in Decature, the seat of Morgan County, some fifty miles west of Scottsboro.

Judge Hawkins, who presided over the first trials, declined, however, to rule on a defense motion to quash the indictments on the ground that Negroes were excluded from the grand jury which indicted the defendants and the petit jury which found them guilty and decreed their electrocution.

He left that issue, which leading members of the bar of Jackson County said never had been raised since the reconstruction period, to be decided by the judge before whom the new trial will be held. Judge Horton of Athens, Ala., is expected to preside at the new trial. He stated that a jury panel probably could not be convened before March 17, but expressed the opinion that arrangements would be made for bringing the prisoners from Kilby prison at Bontgomery to Decatur for arraignment and pleading in a few days.

Ruling Not Opposed.

The State, represented by its dapper young Attorney General Thomas E. Knight Jr., a son of the Supreme Court Justice who wrote the opinion of the highest court in Alabama affirming the conviction and sentence of the accused Negroes, but was reversed by the Supreme Federal Tribunal, did not oppose the motion for a change of venue.

"I am not opposing this motion," he said, "because I want the people of all these United States to know that these defendants will get a fair trial. They had one when they were tried here and convicted and they will get a fair trial, regardless of what county of Alabama is chosen for their trial now.

"The people of Jackson County are to be commended for their restraint in this case. They have not sought to influence any one half so much as these outside organizations which have come in here and tried to influence the rest of the country to believe that an injustice has been done here.

The "outside organizations" to whom Mr. Knight referred are the radical and other groups in New York and other cities that have fought for a new trial for the defendants, especially the international labor defense which was represented by three attorneys at today's hearing. These were G. W. Chamlee, a former Attorney General of Hamilton County, in which Chattanooga is situated and two New Yorkers, Irving Schwab and Miss Carol King.

They had hoped that Judge Hawkins would select Birmingham, for the new trial in the belief that race prejudice would be less strong in an urban community and when he announced his decision to move it to Decatur, in the interest of economy, there was a slight grumble of disappointment from their table. Mr. Chamlee said that "the same need for military protection will exist there as existed here."

Promises Military Protection.

Mr. Knight interrupted him heatedly, exclaiming: "There'll be protection for them. If it's necessary to call out every company of militia in the State of Alabama to give them a fair trial, we'll do it."

The proceedings were held on the second floor of the county court house which forms the centre of the little square of buildings making up the business section of a town of some 3,500 persons.

As the hearing proceeded, the jurors, twelve bewhiskered mountaineers in the overalls and boots uniform of the countryside, lounged in their chairs on a platform facing the bench and glared at the visitors from New York. Behind them sat twelve rows of lantern-jawed men of similar mien and costume. There wasn't a Negro in the court house or near it while the case was being considered.

The case had its origin nearly two years ago on the night of March 25, 1931, when Ruby Bates and Victoria Price, two unemployed millworkers of Huntsville, who had gone to Chattanooga in a vain search for jobs, boarded a freight car to steal a ride home. Several white men were then in the box-car.

Before they had gone half-way home, according to the story the girls told, twelve negroes swarmed into the car, picked a fight with the white men and threw all of them off at Stevenson, save one named Orville Gillis. The girls alleged that the Negroes then attacked them. Although Gillis is said to have been a witness to the crime, the State did not call him as a witness at the first trial.

The white men who had been thrown off the train telegraphed the news ahead, and at Paint Rock, a little town the other side of Scottsboro, an armed posse of deputy sheriffs and citizens stopped the train and took off the Negroes. The deputy sheriffs did not tell the others in the posse of the alleged attack on the girls, letting them believe that the arrests were made for a fight with the white men on the train. If the truth had been known at the time, say the citizens of Scottsboro, there never would have been a trial.

Convicted on First Trial.

Three of the Negroes involved in the alleged crime were said to have escaped. Nine others, ranging in afe from 13 to 25, were indicted on charges which in Alabama may bring punishment of from ten years in prison to death, depending upon what are termed "circumstances." While several companies of militiamen stood guard about the court house, which was surrounded by a threatening crowd in a lynching mood, the Negroes were tried and found guilty.

Roy Wright, who at that time was only 13, was conceded to be a juvenile, and the jury which tried him stood eleven to one for conviction and death. He is in prison now in Birmingham, awaiting a new trial. Eugene Williams, who said he was 14, was tried with the others because the authorities thought he was lying about his age. The Supreme Court of Alabama, however, ruled that he must be tried as a juvenile.

The others to be tried anew are Clarence Norris, Charles Williams, Olie Montgomery, Andy Wright, Willie Robertson, Ozie Powell and Haywood Patterson.

Mingled with the racial bitterness over the trial is resentment that Jackson County and Scottsboro should bear the odium and the expense of it. All the Negroes came from points outside Alabama and the two girls were residents of Madison County which lies between Jackson and Morgan Counties where the second trial is to be held.

Shotguns in Crowd.

Feeling is still very strong and there are many in Scottsboro who declare regretfully that the old way of the rope was better than the newer way of the law. Yesterday when the motion to quash the indictment" was offered and there were rumors that the prisoners might be brought from the penitentiary to the court house a large crowd gathered in the square outside.

Many of them had shotguns and their presence caused some anxiety to timorous visitors from New York. Old timers reassured them, however, explaining that it was an old Scottsboro custom on the first Monday of every month to barter for farm implements and produce. It just happened that there were a lot of mountaineers who wanted to swap guns for things they needed more.

It was another coincidence, it was said, that led to reports being broadcast throughout the country that the people of Scottsboro made a roman holiday out of the conviction of the Negroes less than two weeks after their arrest. The militiamen were on duty protecting the prisoners from mob violence and had a band along with them.

When the trial was over the military went through the ceremony of guard mount and at the same time it happened a procession of automobiles led by a steam calliope was passing through town in connection with an advertising stunt. These were just coincidences, nothing more, say the townsfolk.

Just how it came about that the summation of Milo Moody, the lawyer of 70, who was the only member of the Jackson County bar to accept Judge Hawkins's assignment to defend the prisoners, was left out of the record of the trial has not been explained. The defense contends that he made none, but many who were present at the trial insist that he did. Attorney General Knight said he could not find it in the transcript.

Curiosity Unhealthy in Scottsboro.

Whatever one may think of these coincidences, it is well in Scottsboro not to speculate too much. A man who said he was a reporter from Atlanta but who was suspected of being "a Red from New York," was run out of town yesterday because he asked too many questions of Negroes.

In preparing his affidavits in support o fhis motion for a new trial, Mr. Chamlee said he was unable to obtain one from any white man in Scottsboro. The only white man who signed one was Wiley Sisk, a former resident of Scottsboro, who now lives across the State line in Chattanooga. He declare dhe was present in Scottsboro at the time of the trial, that a threatening mob surrounded the Court House and that threats of lynching were made openly.

Another affidavit was filed by the Rev. G. W. Buckner, a Negro preacher, who said that ever since the trial Negroes in Jackson County had been quaking in their boots in fear of mob violence. Mr. Chamlee also affixed the printed copy of an editorial which appeared in The Jackson County Sentinel on April 23, 1931, soon after the question of Negro membership in the trial jury was first raised. It follows:

"The plot thickens."

"We have no editorial this week on the 'Negro trial matter.' We just couldn't do one without getting mad as hell. And why? We refer you to the statement by the 'New York defenders,' appearing in The Chattanooga Times and The Sentinel today. Its arrogance is most astounding. It smacks of trouble. It is the most dangerous movement launched in the South in many years—it brands Jackson County citizenry as little short of being cold-blooded murderers.

"After we forget 'the rope' to pick up 'the code' for the safety and benefit of the Negroes, we are told that we must have Negro jurors on any jury trying the blacks if they are to get 'their rights.' A Negro juror in Jackson County would be a curiosity—and some curiosities are embalmed, you know."

Cannot Recall Negro on Jury.

The oldest citizens of Scottsboro said today they could not recall a time when a Negro had sat upon a jury. There was nothing odd about that, they explained, for there are only about twenty-five Negro voters in the county's population of 36,000.

The Commissioners of Election appointed by the Governor have plenary power to decide on who is eligible to vote. White men are presumed to be competent, but Negroes have to prove it by doing something easy like reciting the Constitution of the United States from beginning to end, if they are so gold as to apply. The twenty-five or so who do vote are eligible because of the "grandfather law" which guarantees the suffrage to any descendant of a soldier of the Confederate or Union Armies.

From a legal point of view, attorneys maintain that since a white man has no right to object to a Negro on his trial jury, a Negro cannot legally complain about the presence of whites. The ratio of whites to Negroes in Jackson County is about three to one, but in counties further south the Negroes outnumber the whites nearly ten to one.

Not only were there no Negroes on the first trial juries but the white men who sat in judgment were nearly all from what is known as the Sand Mountain section where the natives boast of signs reading:

"Nigger—don't let the sun go down on your head."

No doubt exists in Scottsboro that the result of the second trial will be the same as the first, regardless of the change in locale. However, a new complication has arisen. Sheriff T. W. McBryde received a report today from a deputy at Huntsville, who said that Ruby Bates had disappeared from her home there. She was reported to have sent a letter home saying that she was tired of the unwelcome publicity and did not want any more to do with it. The State's attorneys, however, were confident that they could find her.

Search for Missing Witness.

HUNTSVILLE, Ala., March 7 (AP). Mystery enveloping the disappearance of Ruby Bates, a principal witness for the State in the Scottsboro case, deepened today as the police met a blank wall in their efforts to pick up her trail.

Mrs. Mary Bates, her mother, told investigators that her daughter left home on Monday night, Feb. 27, and that she had not been heard from since.

"I was afraid she had been kidnapped, and I wouldn't go to the police through fear," Mrs. Bates said.

Mrs. Victoria Price, the other alleged victim of the accused Negroes had not heard from the missing girl.

"I am afraid of trouble, and I never leave my house at night, and in the day time, only when I have some one with me," she told the police.

SCOTTSBORO CASE GOES TO DECATUR

Telegraph

Change of Venue for Trial of Seven Negroes Is Not Contested by Prosecution

3-8-33

SCOTTSBORO, Ala., March 7 (AP) Scene of the fight for freedom of seven Negroes facing charges of attack in the "Scottsboro case" Tuesday, was shifted to Decatur, 75 miles west of here, by Judge A. E. Hawkins, who granted to defense motion for a change of venue.

Hopes of the defense for an early trial were checkmated, unless a special term of court is called, as the Morgan county circuit court does not meet again until June.

"I had just about as soon try the cases here," said Irvin Schwab, of New York, member of counsel employed by the International Labor defense to defend the Negroes. "They are the same class of people there."

Macon, Ga.

Schwab asked Judge Hawkins to designate the Jefferson county circuit court at Birmingham for the trial of the Negroes, whom the United States supreme court saved once from the electric chair.

The motion to quash the indictment because no Negroes were included in the grand jury was held in abeyance.

Knight Commends Citizens

Jackson county was commended by Thomas E. Knight, Jr., state attorney general who is directing the prosecution, for being "even tempered."

"The people of Jackson county have done less to swerve the course of justice in the courts of Alabama," said Knight, "than have outside organizations."

Knight interposed no objection to the motion for a change of venue.

The Negroes, Ozie Powell, Olin Montgomery, Charles Weems, Heywood Patterson, Andy Wright, Clarence Norris and Willie Roberson, were not brought here from Kilby prison at Montgomery.

Nine Negroes were taken from the freight train at Paint Rock, Ala., on March 25, 1931, and charged with attacking two young white girls who were "hoboing" their way home to Huntsville, Ala.

After the sentences had been passed here on eight of the Negroes, and the ninth had gotten a mistrial, an appeal to the Alabama Supreme court was made and on March 25, 1932, that court affirmed the sentences of seven, but held the eighth, Eugene Williams, was a juvenile.

The United States Supreme court reversed the death sentences of the other seven.

The ninth Negro, Roy Wright, who gave his age as 14, has been held in jail at Birmingham for nearly two years.

Girl Witness Missing

HUNTSVILLE, Ala., March 7 (AP). One of the principal witnesses in the "Scottsboro case" a young girl to whom a letter repudiating her testimony was attributed, was missing from her home here Tuesday, and police said they could find no trace of her.

Telegraph

The girl, Rudy Bates, young textile operator, police found on investigating a rumor that she was missing, left her home in a mill village here on the night of Feb. 27, and has not been seen since.

3-8-33

"I was afraid she had been kidnaped and I wouldn't go to the police through fear," Mrs. Mary Bates, mother of the girl, told police Tuesday.

Macon, Ga.

Meanwhile, Mrs. Victoria Price the other victim of an alleged attack for which nine Negroes were indicted at Scottsboro, told police she had no knowledge of the Bates girl's whereabouts, but that she feared an attempt would be made to kidnap her.

"I don't go on the streets in daytime by myself," Mrs. Price told police, "and I stay in my home at night. They won't get me."

She did not explain the "they" and said she had received no threats.

Noted Woman Concerned Over Scottsboro Case

[illegible] News

CHICAGO.—(CNS)—It is stated here in the local daily papers that Miss Jane Addams is reported as saying that she is much concerned over the matter of counsel for the seven Negro youths in Scottsboro, Ala., recently granted a new trial by the United States Supreme court from a death sentence imposed for attacking two white girls.

"The South is jumpy about horrible possibilities such as were alleged in the Scottsboro case. Consequently it is almost impossible in such cases to get a cool appraisement of the facts," Miss Addams is reported as saying.

"It would be valuable to the South itself if this case could be taken into court and given a cool, unemotional trial.

3-9-33

"For if I had to rear a little white girl in the South I should dislike having her mind turned constantly toward this evil possibility, assault. Granting that criminal assault is a possibility in any community, we do not want the whole trend of community consciousness to make it vivid in the child's mind."

[illegible]

FIGHT FOR NEGROES ON JURY IN ALA.

Daily Worker

Scottsboro Case Is Before Judge Horton of Athens, Ala.

3-9-33

CREATE LYNCH SPIRIT

New York

Need for Increase of Mass Protest

SCOTTSBORO, Ala., March 8. — The new trials of the Scottsboro boys have been set for March 17 in Decatur, the seat of Morgan County, Alabama, under the decision of Judge A. E. Hawkins granting the motion of the International Labor Defense for a change of venue from Scottsboro. Forced to grant a change of venue by reason of the world-wide mass fight for the Scottsboro boys, Judge Hawkins at the same time rejected the defense proposal that the trials be moved to Birmingham, an industrial center with a large white and Negro proletarian poulation. The new trials are to be held before Judge Horton, of Athens, Ala.

Fight for Negroes on Jury.

Judge Hawkins, refused to rule on a motion by the defense for the quashing of the indictments against the boys. The defense based its motion on the ground that the constitutional rights of the boys and of the Negro People had been violated by the exclusion of Negroes from the grand jury which indicted the boys and from the petit jury which decreed their electrocution. The defense proved that exclusion of Negroes from juries was habitual. The I. L. D. attorneys will demand a ruling from Judge Horton, the new trial judge, on this motion.

Create Lynch Spirit.

As at the original trials, the town of Scottsboro was filled with a lynch crowd for the hearing, following a veiled invitation issued by the Jackson Sentinel, organ of the Scottsboro lynchers. Many shot guns were in evidence. Negroes were intimidated from attending the hearing. A reporter from an Atlanta newspaper was driven out of town because he asked too many questions of Negroes. The jury of 12 bewiskered, backward mountaineers, their minds filled with boss poison of race hatred, glared at the defense attorneys and the reporters and visitors from New York.

The boys were represented by Gen. George W. Chamlee of Chattanooga, Tenn., Irving Schwab and Carol King of New York City.

VENUE CHANGE IN TRIAL OF 9 BOYS

Daily Worker

But Judge Refuses to Quash Frame-up

3-8-33

BULLETIN

SCOTTSBORO, Ala., March 7.— The motion to quash the indictments in the Scottsboro case has not been overruled, but has been changed to Decatur, where it will be considered before the case is docketed for trial.

* * *

SCOTTSBORO, Ala., March 7.— Judge Hawkins, who presided over the original lynch-trial of the nine Scottsboro Negro boys in March, 1931, today refused to quash the framed-up rape charges against the boys, on motion filed by the attorneys of the International Labor Defense, General George W. Chamlee, Carol Weiss King and Irving Schwab.

Under pressure of the world-wide protest against the Scottsboro frame-up, Judge Hawkins was forced to grant the demand of the attorneys for a change of venue. The attorneys asked for a venue change to Birmingham, a large industrial city, but the judge ordered the new trial to be held in Decatur, a little town of 20,000 in Morgan County, which is only two counties away from Jackson County, where Scottsboro is located.

Ruby Bates, one of the two prostitutes who were the star prosecution witnesses in the first trial, is reported as missing from her home near Huntsville since Friday night. Ruby Bates subsequently repudiated her testimony, and it is feared she may have been kidnapped.

Macon, Ga. Telegraph
Wednesday, February 22, 1933

A SCOTTSBORO CASE DOCUMENT

To the Editor of The Telegraph:

As editor of a newspaper which stands for fair treatment of the Negro, you will be glad, I am sure, to publish the following document, which throws interesting light on the Scottsboro case.

The principal witness against the nine Negro boys in the trial for alleged rape was a white girl named Ruby Bates. Eight months after the trial, this girl wrote a letter to her sweetheart, obviously (as a recent number of The New Republic points out) with the intention of bringing about a reconciliation with him. Police intercepted the letter and for a year its contents were kept secret; but attorneys for the International Labor Defense, through legal proceedings, have obtained photostatic reproductions. The following, with three words deleted, is Ruby Bates' letter as printed in The New Republic:

> dearest Earl
>
> i want too make a statement too you Mary Sanders is a goddamn lie about those Negroes * * * (deleted) those policeman made me tell a lie that is my statement because i want too clear myself that is all too if you want too believe me ok. if not that is ok. you will be sorry some day if you had too stay in jail with 8eight Negroes you will tell a lie two those Negroes did not touch me or those white boys. i hope you will believe me the law dont. i love you better than Mary does ore any body else in the world that is why i am telling you of this thing i was drunk at the time and did not know what i was doing i know it was wrong to let those Negroes die on account of me i hope you will believe my statement Because it is the gods truth i hope you be believe me i was * * * (deleted) but those white boys * * * (deleted) me. i wish those Negroes are not burnt on account of me it is these white boys fault that is my statement and that is all i know i hope you tell the law hope you will answer
>
> Jan 5 1932
> Huntsville Ala RUBY BATES
> Connelly Alley
>
> p. s this is one time that i might tell a lie but it is the truth so god help me.
>
> RUBY BATES.

Clearly, this document, in which the chief witness denies practically every statement made at the first trial, should be of great importance when the new trial begins in Scottsboro during the March term of court.

Macon. JOHN D. ALLEN.

Lynchings-1933

Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4334

NEW YORK CITY JOURNAL
APRIL 13, 1933

True to Type

GOOD OLD SPEAKS STICK TO BAD OLD BEER

By GILBERT SELDES

In the confusion of beers and beer bills I lost my way and found myself in a restaurant which, not to put too fine a point upon the matter, has sold alcoholic drinks for some ten years. An Englishman, recently arrived and only vaguely aware of what had been happening in America, said he would drink beer; so I asked the head waiter what brand of beer he had. "Just the same as before," he replied, "bootleg beer, you know." I considered the answer unpatriotic, but the beer was good. Drinking it in long gulps, not sipping, I thought that a great thing had happened to America, which was not that a little freedom had been returned, but that a great and solemn duty had fallen on every American, the duty of choosing and selecting the best beer. In a brief week I have tasted beers which seem to me not good beers; one in particular must have been aged in molasses, and another, I fear, had not yet renounced its cousinship to the fatal mixture known as near-beer. Experts insist that "it's all a matter of aging" and other experts say that the beer now on sale has been aged as long as any beer is likely to be. My private opinion is that, as in other commodities, there are good and less good beers, that some people know how to make beer and some do not, and that some will put better ingredients in, content with a smaller profit and looking forward to repeat orders.

GILBERT SELDES

Taste in Eating, Too.

The benefit which will come to us when we begin to taste beers, instead of guzzling them as a gesture of contempt, should be felt in other connections. The number of dishes to which beer is a proper accompaniment is limited, but at least we can begin to eat kidney pies and steaks and other sound foods with a little more discrimination. We can abandon the corrupt notion that any food is good enough, provided it isn't actually poisonous. And training in the selection of beer will go a long way to prepare us for the more delicate and more important selection of wines and whiskies when they arrive.

In all the promises of the wets (never to go back to unregulated drinking, and never to permit the return of the saloon) nothing has been said about refining the American habits of drinking. It isn't a thing you can accomplish by law; but a few months after the Eighteenth Amendment is repealed someone might bring forth the heretical idea that since drinking of wines is legal we might make the best of it instead of the worst. I hate to admit it, but some wines are hardly worth drinking.

It is now left to the counties of New York to determine whether the sitting drinker is less of a social menace than the standing drinker. The whole argument is academic, since only beer is in question. Beer can be drunk standing; so can straight short drinks and cocktails. Wines and whiskies and sodas cannot—they are at-the-table drinks. The local argument is merely a bow to the Anti-Saloon League, and I wish the League would return the bow—and shut the door as it goes.

* * *

Eternal Prejudice.

The Scottsboro decision appears to Northerners as the first reassertion of prejudice after hope had risen, perhaps illogically, that prejudice had been defeated. The new trial for Tom Mooney seemed to fall in with the liberal social attitude of the new Administration, and the universal condemnation of the anti-semitism of the Hitlerites made people feel that in America, at least, prejudice of race and of class was being slowly thrown back. We can still feel that Alabama does not faithfully represent America; but it is hard to be self-righteous now in our reproaches to Germany.

The shock of the verdict was severe. In the first case the jurors had to choose between the testimony of two women and that of nine men; in the second case one of the two women accused herself and the other woman of perjury. This is still far from absolute proof that the men were innocent—but the law in America does not require such proof. It requires the reverse—absolute proof of guilt. The thought that not one of the twelve jurors found the faintest doubt in his mind is, at this distance, inconceivable.

Everything Tried.

The jurors were not only invited to upset a conviction which obviously met with the approval of their fellow-citizens, but were given the chance to cast overboard virtually all the other prejudices they carried: against strangers from the North, against radicals, against Jews. The prosecution emphasized all these points; the defense didn't let the jurors off anything. It was perhaps too noble an opportunity for the men of Decatur, Alabama.

But people who think the verdict an outrage may still wonder whether the defense was not going a little too far—if the object was actually to save the lives of the guilty Negroes. What Communism has to do with their plight has never been made clear; why their way to freedom should involve so many extraneous prejudices is still mysterious. A new trial is wanted; but a trial of the men, an examination of the facts and not a trial of the Negro race, of Southern ideals, of Communism or anything else.

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NEW YORK TIMES
APR 7 1933

The Decatur Incident.

To the Editor of The New York Times:

May we clarify and correct the report of our detention in Decatur printed in THE TIMES of April 2?

It is asserted that the counsel for the defense, Samuel Leibowitz, "has repeatedly asked that these persons (visiting radicals) stay away from the court house." In the court room, after one of the sessions, we spoke to Mr. Leibowitz, telling him we were sympathizers from New York, and at that time he made no suggestion that we remain away from the trial.

We can readily understand the concern of both the defense and the prosecution in the Scottsboro case over the possibility of local agitation and demonstration. Activity which in any way might interfere with the process of the trial must be discouraged at this time. This was not our purpose nor our activity in Decatur. There has been no outside interference nor manifestation of protest in Decatur since the distribution of malicious pamphlets on the first day of the trial, which was promptly stopped by order of the court.

We feel that as spectators and students we had complete rights to visit Decatur and to conduct ourselves as we did without being subject to detention, arrest and slander. The material found among our baggage had not been circulated by us in Decatur or in the South. We did not go to Decatur to agitate, but to report. A complete and detailed account of our activities may be found in the April issue of The Student Review.

Finally, since there was so much doubt as to what we had or had not done, we vigorously protest the treatment accorded to us, to our Negro companions and to Mr. [redacted] This treatment consisted of a series of insults directed at each of us during our detention in the police station. It is intolerable that the rights of private individuals can be so easily forgotten, simply for the crime of regarding the Negro as a human being.

EDWARD SAGARIN.
MURIEL RUKEYSER.

Birmingham, Ala., April 3, 1933.

NEW YORK TIMES

APR 11 193

CHURCHMEN SCORE ALABAMA VERDICT

New York Presbytery Censures Scottsboro Conviction, but Praises Judge's Fairness.

FIRST WOMAN ADMITTED

Mrs. A. Gardner Benedict Also Is Honored by Election to Attend General Assembly.

After a heated discussion, the Presbytery of New York, at its annual Spring meeting yesterday in the Parish House of the Fifth Avenue Presbyterian Church, at Fifty-fifth Street, adopted unanimously a resolution criticizing the verdict in the Scottsboro case at Decatur, Ala., on Sunday, which reconvicted Haywood Patterson of an attack on two white girls.

The resolution in its original form was presented by the Rev. Dr. Edmund B. Chaffee, pastor of the Labor Temple, as chairman of the standing committee on social service of the presbytery. There was no objection to the idea of criticizing the verdict but several did not wish the presbytery to go on record as criticizing the judge. One of the objectors was the Rev. Dr. William P. Merrill, pastor of the Brick Presbyterian Church.

The Presbytery finally instructed Dr. Merrill and Dr. Chaffee to go out and redraft the resolution.

The resolution as adopted read:

"The Presbytery of New York has learned with surprise and sorrow of the new decision in the Scottsboro case. On the basis of press dispatches we believe reliable, it is difficult to avoid the feeling that the verdict has been influenced by race and other prejudices.

Judge's Fairness Commended.

"Fully appreciating the fairness of the presiding judge and recognizing that the trial was conducted technically in accordance with the laws of the State, we desire to protest against the custom which in so many States bars Negroes from jury service.

"We direct our social service committee to take the matter under wider consideration and authorize it to take such action as it may deem proper."

For the first time a woman sat officially as one of the presbytery members and it honored her by electing her as one of the eight lay commissioners to the 134th annual General Assembly of the Presbyterian Church, to be held in Columbus, Ohio, the last week in May. She was Mrs. A. Gardner Benedict, the only woman elder in the Church of the Covenant, East Forty-second Street. The Presbyterian denomination has permitted women to be elected as elders only in the last few years.

If Mrs. Benedict goes to Columbus she will be the first woman commissioner from the Presbytery of New York and one of the first women to sit as a member of the General Assembly. Her attendance is contingent upon the withdrawal of one of the laymen who received more votes than she did, the Presbytery having agreed that of the eight ministerial commissioners and the eight lay commissioners to which it is entitled only those four ministers and those four lay members who received the highest number of votes should make the journey.

This procedure is in accordance with a suggestion made to all the 294 presbyteries in the denomination by the Rev. Dr. Lewis Seymour Mudge of Philadelphia, stated clerk of the General Assembly, as a measure of economy.

Mrs. Benedict was the fifth lay commissioner elected. William H. Parsons, an elder in the Madison Avenue Church, heads the lay delegation. The other elders named and the order in which they were elected were: Samuel A. Ritchie of the Park Avenue Church, Dr. John H. Finley of the First Church, Dr. William B. Hills of the Greenwich Church, Mrs. Benedict, J. Hageman Foster of Rutgers Church, John A. Goodell of West End Church and Emil Pons of the Waldensian Church.

Ministers Named Commissioners.

The ministers elected and their order follows: The Rev. Royal McKnight Merritt, pastor of the Church of the Sea and Land; the Rev. Theodore F. Savage, executive secretary of the Presbytery; the Rev. Dr. Minot C. Morgan, retiring co-pastor of the Fifth Avenue Church; the Rev. Maitland Bartlett, stated clerk of the Presbytery; the Rev. Dr. Edmund B. Chaffee, pastor of the Labor Temple; the Rev. Harold S. Rambo, pastor of the Adams Memorial Church; the Rev. Henry Natsch-Furnald, director of the religious education of the Presbytery, and the Rev. Frank Cheribini, Italian minister of the John Hall Memorial Chapel.

The Presbytery voted to petition the General Assembly to send an overture to the 294 presbyteries calling for a reduction per presbytery in the number of commissioners and for a biennial or triennial rather than an annual General Assembly.

Dr. Morgan was elected moderator for the third successive year.

The Presbytery received into membership from the Presbytery of Newark, N. J., the Rev. Edmund Melville Wylie and made arrangements for his installation on May 2 as pastor of the Park Avenue Church at Eighty-fifth Street.

TELEGRAMS FLOOD ALABAMA GOVERNOR

Times

Scottsboro Protests Total Over 25,000—Rabbi to Quit Montgomery Congregation.

4-11-33

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., April 10.—Telegrams demanding the release of Heywood Patterson and a change of venue to Birmingham for the trial of the other eight Negroes in the Scottsboro assault case, poured into the office of Governor Miller today.

New York

Organizations affiliated with the International Labor Defense and labor groups in key cities of the East, Middle West and West, sent seventy-five messages to the Executive.

Rabbi Benjamin Goldstein of Temple Beth Or, who has been active in behalf of the Scottsboro Negroes, will not stand for re-election as rabbi of the local congregation after expiration of his term, Ernest Mayer, president of the congregation, said tonight. The rabbi gave no explantion of his decision.

RICHMOND, Va., April 10 (AP).—A petition addressed to President Roosevelt calling upon the National Government to intervene in what was described as "the legal farce being enacted in Alabama," was placed in circulation today by The Richmond Planet, a Negro newspaper.

It was signed by more than 100 Negroes during the day. They protested against the second conviction of Heywood Patterson and the death penalty imposed on him in the retrial of the Scottsboro cases. Their leaders said they will participate in any protest march that may be made on Washington.

NEW YORK CITY NEWS-Week

APRIL 8, 1933

LEIBOWITZ: Fighting His Hardest Case for Negroes

Up the steps of a red-brick courthouse at Decatur, Ala., goes a New York lawyer. His aggressive showmanship has brought genuine melodrama into the case of one of nine Negroes accused of having assaulted two girls and first tried and found guilty two years ago at Scottsboro.

Samuel S. Leibowitz for the defense has meant 77 straight acquittals of clients charged with first degree murder and one disagreement out of 78 murder cases.

Difficult

One of the most famous of these was the acquittal of Vincent Coll, New York gangster, who was later machine-gunned to death. Now, Leibowitz, born in Rumania 39 years ago, faces one of the most difficult cases of his brilliant career.

He was engaged by the International Labor Defense, a Communist manned and financed organization, to defend the Scottsboro Negroes whose first trial was set aside by order of the United States Supreme Court on the ground that Scottsboro's atmosphere at the time of the trial was not conducive to even-handed justice.

The short, thick-set, histrionic lawyer left his home in Brooklyn to set all Alabama by the ears with his challenge to that State's entire jury system. It was Mr. Leibowitz's charge that Negroes were excluded from the jury list for the trial of his client, the bewildered Heywood Patterson.

He had already secured a change of venue to Decatur. Now he demanded that Judge James E. Horton sitting on the case, quash the whole jury venire. He brought Arthur J. Tidwell, president of the jury board, to the court-room with a list of more than 2,000 names and challenged Mr. Tidwell, who disavowed race prejudice to name any Negroes on his lists. He put on the witness stand two Negro physicians, a high school principal, an undertaker, a dentist to prove that despite their race they were qualified to sit as jurors.

Proof

"I am ready to prove," shouted Leibowitz, "that no Negroes have served on juries in Morgan County, not only for the last five years, but for the last 25 years and I'll stay here until doomsday to prove my point." Thereupon he started on what looked like a prolonged hunt to find the name of one Negro on the venire list.

Judge Horton, quiet-spoken, told Mr. Leibowitz that the lawyer could not, as he wished, put into the record the race of every man on the Morgan County roster. "I've heard about enough evidence along this line," he said to the protesting attorney.

So an all-white jury was picked and Mr. Leibowitz went back to his hotel room, through silent crowds of white workers sunning themselves before the courthouse. There he got out his train, of which he is very proud. It is a model of the train on which troups of Negroes and white youths were riding, together with two girls, when according to the first stories of the girls, a fight started and the Negroes attacked the white girls.

One of the latter, Ruby Bates, is said to have stated in a letter that she was not attacked by any of the Negroes. Later it was reported that the girl said she wrote that letter while under the influence of liquor. Now she has disappeared. The other girl, Victoria Price, repeated at the opening of the trial this week her story of being assaulted.

ACME

Mr. Leibowitz and His Trial Train

Mr. Leibowitz's train is a 32-foot long model, containing miniature oil-tanks, gravel gondolas, and flat cars. By use of it, he hopes to prove that the girls could not have been attacked as they claim and that no witnesses could have seen the attack, if there was one.

When he defended Coll, Mr. Leibowitz used fourteen Eskimo pies for "props." A surprise witness for the State who said that he was a vendor of Eskimo pies, identified Coll as one of the men who had been shooting in the street row which led to the death of one baby, the wounding of others.

Mr. Leibowitz sent out for the pies. He gave one to each of the jurors, the prosecuting attorney and the judge and then with these icy exhibits held up he led the witness through a technical maze of Eskimo pie-making. The man finally admitted that he knew nothing about the making or selling of pies and his testimony was discredited.

Mr. Leibowitz won't accept the offer to supply him with a guard while he is in Decatur. He is no Communist and one of his chief worries is lest a Red demonstration may serve to prejudice the Southern community still more against his clients.

The International Labor Defense is flooding the mails with publicity about the trial in which the words, "Jim Crow" and "Southern lynch law," are frequently used.

Lynchings-1933
Legal Punishment for Rape.

• Alabama (Haywood Patterson.)

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NEW YORK MIRROR

APR 10 1933

JURORS FIND NEGRO GUILTY; DECREE DEATH

By CARTER BROOK JONES.
International News Service Staff Correspondent.

DECATUR, Ala., April 9 (INS).—Another Alabama jury said guilty and decreed death today in the Scottsboro case.

The case of the seven Negro hoboes, who won new trials from the United States Supreme Court and enlisted the sympathy of labor organizations all over the world, suffered another setback.

The 12 men from Morgan County, taking the case on change of venue from Jackson County, imposed the extreme penalty on Haywood Patterson, first of the Negroes to be retried.

The verdict was guilty of criminal assault despite the fact that Ruby Bates, Huntsville mill girl, changed her testimony she gave at Scottsboro and denied she and Victoria Price were attacked by a group of negroes on a freight train two years ago.

Mrs. Price stuck to her original story of attack. This time, instead of deliberating 20 minutes, the jury stayed out 21 hours, but its finding was as inexorable.

APPEAL TO SUPREME COURT.

The defense will seek to carry the case to the Supreme Court again.

The nine townsmen and three farmers deliberated from 12:45 o'clock until 11:30 last night, when they were sent to their hotel for the night. Three of the men did not take off their clothes all night. The jurors were back in their room at 9 o'clock this morning, and shortly after 10 o'clock came the rap on the door that signalled a verdict.

The attorneys were present, but there was a delay of an hour while Circuit Judge E. Horton drove from his home at Athens.

Then the defendant, a 22-year-old Negro, dressed in blue denim overalls, was brought in, flanked by half a dozen National Guardsmen, holding their riot guns at the port.

PRISONER SMILES.

The young Negro was the least concerned of all. He smiled broadly once or twice at the guards who sat beside him on a bench against the wall, only a few feet from the locked door of the jury room.

The verdict took the town by surprise, and the courthouse was almost deserted when the jury was brought over from the hotel. Less than 30 men sat in the courtroom on the second floor of the trim brick building. The courtroom seats 300. Outside the Sabbath tranquillity was unbrokn. There was not a person loitering around.

The National Guard captain detailed 10 more men to guard the single entrance to the courtroom.

Judge Horton placed his hat and coat on the bench and ordered the jury brought in.

JUDGE APOLOGIZES.

The Judge in his informal way, apologized to the jurors for keeping them waiting. Instead of taking their seats in the jury box, they stood in a group around the bench, which is customary in the County.

"Gentlemen, you have agreed upon a verdict?"

The foreman stepped forward and handed the paper up to the bench.

Judge Horton read it deliberately, then announced:

"We the jury find the defendant guilty as charged and fix his punishment at death."

The jury could have set the punishment of life imprisonment or at any term from 10 years.

NO DEMONSTRATION.

There was no demonstration, a breathless hush hung over the room for a moment.

Then Judge Horton gave the jurors the customary thanks for their diligent attention to the case and dismissed them. They would not discuss their deliberations, but there was a report that at first several had held out for acquittal and that later the wrangle was mainly over the degree of punishment.

Patterson dropped his head slightly when the verdict was announced, but gave no other sign of emotion. He and his six companions were held in the death house at Kilby Prison in Montgomery for nearly two years while the legal forces enlisted in their behalf fought the case until the United States Supreme Court set aside the conviction, holding that they were not allowed an adequate defense at Scottsboro.

Samuel S. Libowitz, the New York attorney who headed the defense staff, seemed amazed at the verdict, he said:

"This is another black chapter in American Justice. It is a triumph of bigotry. It means that because a man's skin is black he can be brought in here, and no matter what the evidence may be, smirking hypocrisy will go out and condemn him to death. I shall fight these Scottsboro cases as long as there is breath in my body and as long as I live."

Joseph Brodsky, chief counsel of international labor defense, and G. W. Chamlee, Chattanooga attorney, were associated in the defense of Patterson, but neither took an active part in the trial. Chamlee made a brief summation.

PUBLIC INFLAMED.

Brodsky told the court that feeling had been inflamed by the appeal of Wade Wright, local circuit solicitor, in his summation for the jury "to show them that Jew money from New York can't buy and sell justice in Alabama."

The spectre of violence hung over the Patterson trial, but Decatur remained calm and there was no trouble. Several times Judge Horton made speeches from the bench warning the community that no interference with the trial would be tolerated and the guardsmen would shoot to kill if necessary.

VICTORIA PRICE.

The Patterson trial began last Monday, after a week of arguments on preliminary motions. The defense sought to quash the indictment and the jury venire on the ground that Negroes were excluded from Grand and Petit juries in Alabama. This is expected to be one of the main issues in the attempt to have the Supreme Court review the case again.

While the attorneys and court officials were waiting for the judge to receive the verdict, a score of telegrams lay on his desk. These were from liberal and radical organizations all over the country. They demanded protection for "the Scottsboro boys and their attorneys" from mobs and urged acquittal.

LEIBOWITZ EXPLAINS.

Leibowitz told the jury in his summation that he had taken the case without fee and did not represent any of the organizations which were enlisted in the defense, but was acting only for himself. He was hopeful of an acquittal, especially when Ruby Bates, the white mill girl, took the stand dramatically for the defense and repudiated her testimony at Scottsboro that a group of Negroes had attacked her and Victoria Price on a freight train between Chattanooga and Pwintrock, Ala., two years ago.

Protest

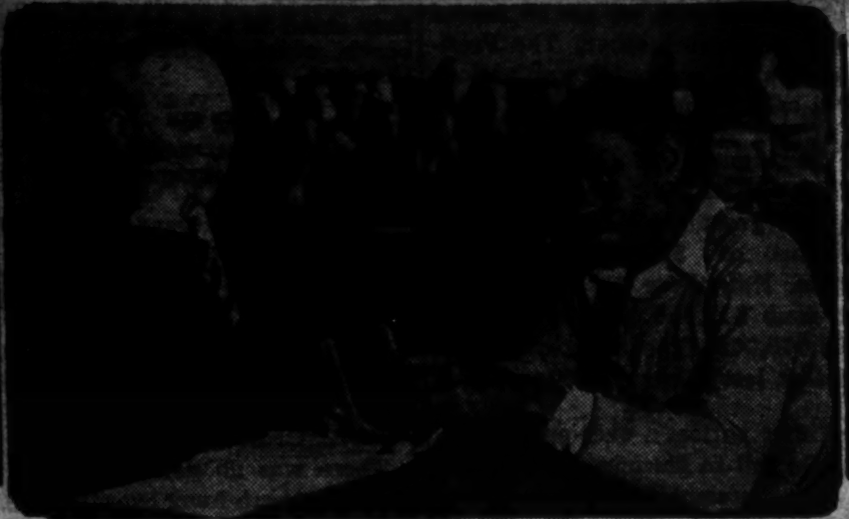
PLANS were under way in Harlem, last night, to have 50,000 Negroes from all parts of the country go to Washington to protest to President Roosevelt against the conviction in Decatur, Ala., of Haywood Patterson, in the Scottsboro case.

William Davis, publisher of The Amsterdam News, put up a notice outside his office, calling on persons to sign a petition and signifiy their intention of going to Washington. By evening more than 20,000 persons had signed.

The International Labor Defense announced that an appeal will be taken immediately in the Patterson case.

Turns to Defense

Ruby Bates who retracted story of attack by Negroes.



(International) Showing little sign of emotion, Haywood Patterson, negro, in Decatur, Ala., court, heard jury give death sentence in criminal assault case. He is pictured with defense attorney, Samuel Leibowitz.

Troopers Guard Defendants in 'Scottsboro Trial'

(International) While trial of the seven Negroes charged with criminal assault in the "Scottsboro Case" continued in the Decatur, Ala., Court House (shown), State troopers stood guard to prevent possible lynchings. Death verdict was passed yesterday on Haywood Patterson, one of accused.

Labor Defense Welcomes N.A.A.C.P. Offer to Aid the Scottsboro Boys' Fight

Daily Worker
4-15-33 New York, N.Y.

Bid Follows Action of N.A.A.C.P. Branches in Supporting Leadership of the I.L.D.

Invite N.A.A.C.P. Leadership to Back Specific Actions "In Token of Good Faith"

NEW YORK.—Acceptance of the offer of the national leaders of the National Association for the Advancement of Colored People to raise funds for the Scottsboro defense, and to cooperate in other ways with the defense which is being conducted by the International Labor Defense was announced in a statement made public yesterdayterday by William L. Patterson, national secretary of the I.L.D.

The N.A.A.C.P. offer was made in a statement to the press released on Thursday, and a decision was made to accept it at a meeting of the Nationl Executive Committee of the International Labor Defense the same night.

Welcomes Cooperation

The I.L.D. statement points out that, while the leadership of the N.A.A.C.P. has consistently savagely attacked and sabotaged the defense of the Scottsboro boys right up to its most recent statement on the case, published in the press the day following the conviction of Heywood Patterson, many of its branches have already cooperated with the I.L.D. in the defense, and hundreds of N. A. A. C. P. members have been involved in it.

Dallas Ramsey, one of the Negro witnesses in the Decatur trial.

The International Labor Defense, the statement said, welcomes this offer of cooperation from the leaders of the N.A.A.C.P., coming as it does especially, at the height of such a mass movement as has never before been achieved behind the issues raised by the I.L.D. in the case, and behind its fight to save the lives of the boys.

The text of the statement, which reviews the previous activities of the N.A.A.C.P. in regard to the Scottsboro case, follows:

"With the announcement on Sunday, April 9, of the monstrous lynch-verdict against Heywood Patterson by an all-white jury in Decatur, the defense struggle of the Scottsboro boys entered a new phase. The world-wide protest against the frame-up of the Scottsboro boys, under the leadership of the International Labor Defense, which for two years had kept these boys alive, rose to unprecedented heights as word flashed around the world of this verdict made with complete disregard of the evidence presented at the trial.

Had Attacked Defense

"The first reaction of the national board of directors of the National Association for the Advancement of Colored People to this verdict was an attack upon the Scottsboro defense, in the form of a statement to the press which said that the Alabama lynchers would not have returned this verdict had not 'the Communists', as the N.A.A.C.P. statement chose to call the International Labor Defense, entered the case.

'The statement of the board of directors put forward the disruptive proposal of forming a 'new defense committee,' though the International Labor Defense has from the beginning been the authorized defenders of the boys, and has carried on a consistent and bitter fight to save their lives for two years, a fight which included a struggle against disruptive maneuvers of the NAACP leadership.

Statement Contained Falsehood

"The statement contained the assertion that the NAACP was the only organization to go to the aid of the boys in their first trial, a deliberate falsehood. The NAACP has never been legally connected with the case, and its first attempts to enter it came after the International Labor Defense had already raised a storm of mass protest against the original lynch-verdicts, and after their attorneys had been authorized to represent them by the Scottsboro boys and by their parents

"At that time the NAACP, in an effort to take over control of the case at all costs, even that of the lives of the boys, retained Stephen Roddy, a member of the K.K.K., who had appeared at the first trial, but according to the record was not defense attorney regularly employed, who failed to make any of the legal moves which might lay the basis for an appeal, and who, according to his own statement, considered his very presence in the court room to 'defend' nine Negro boys an 'unpleasant duty.'

"From that time on the NAACP 'defense' of the boys consisted solely in attacks upon the boys' authorized defenders, and in raising money, of which only $1,000 out of an admitted $7,000 raised, has been turned over to the defense. This money was raised without being at any time backed by authorization of the boys or of their parents, and against the expressed wishes of these.

Barred Boys' Mothers

"Even when it came to the question of permitting the mothers of the Scottsboro boys to appear before the NAACP meetings, the leaders would not permit any of them to speak. Mrs. Ada Wright, mother of Roy and Andy Wright, was twice refused permission to address NAACP meetings on June 28 and October 22 in New York and Newark. Mrs. Janie Patterson, mother of Heywood Patterson was denied the floor at the NAACP national convention at Pittsburgh, in June and July of the same year.

"The NAACP has consistently denied, until today, that the Scottsboro frame-up involved the whole policy of the American ruling class to the Negro people, the issue of the Jim Crowing of the Negroes, of the denial of their democratic rights, including the right to serve on juries. They denied that any issues were involved besides that of the proven innocence of the Scottsboro boys.

What ILD Accomplished

"Now that the ILD has not only proved upon the record the innocence of these boys, but has raised also the question of the democratic rights of Negro and white workers, and of the right of Negroes to serve on juries as provided in the Fourteenth Amendment, now that the tide of anger of the masses against the new lynch-verdict has risen to new heights under the leadership of the International Labor Defense, the NAACP has announced that: 'The National Association for the Advancement of Colored People cannot stand by idle while this momentous struggle goes on.'

"The NAACP leadership has offered to raise funds for the Scottsboro defense, and in the words of its press release, to 'cooperate in any other way helpful to the defendants.' In this offer it has followed the lead of hundreds of individual members, and some branches of the NAACP.

Welcome Offer of Aid

"The International Labor Defense welcomes this offer of cooperation, especially coming, as it does, at the height of such a mass movement behind the Scottsboro defense and the issues of Negro rights raised by the ILD as has never before been achieved

Alabama (Haywood Patterson)

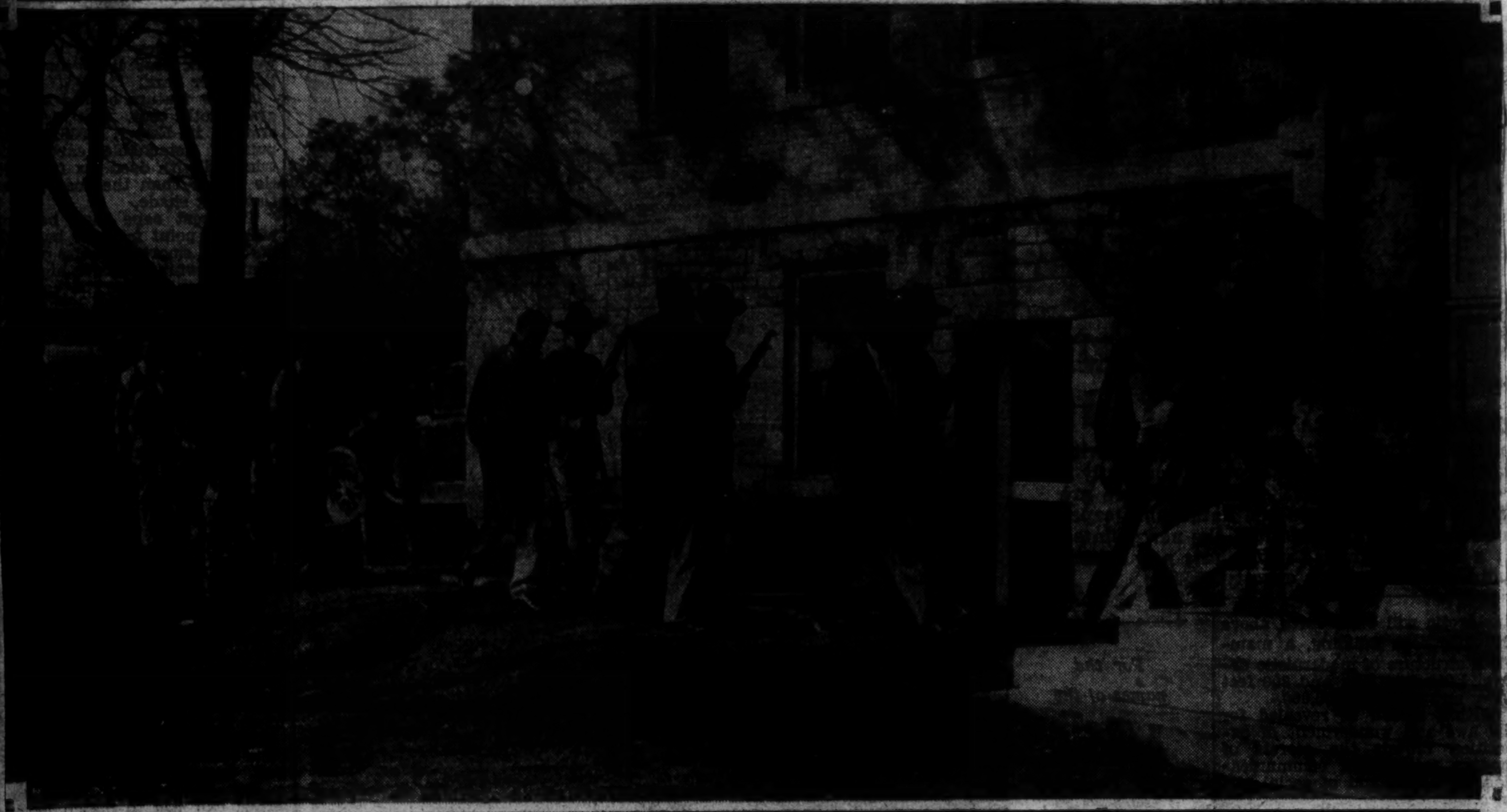
4336

Lynchings-1933
Legal Punishment for Rape

York Evening Journal

APR 6 1933

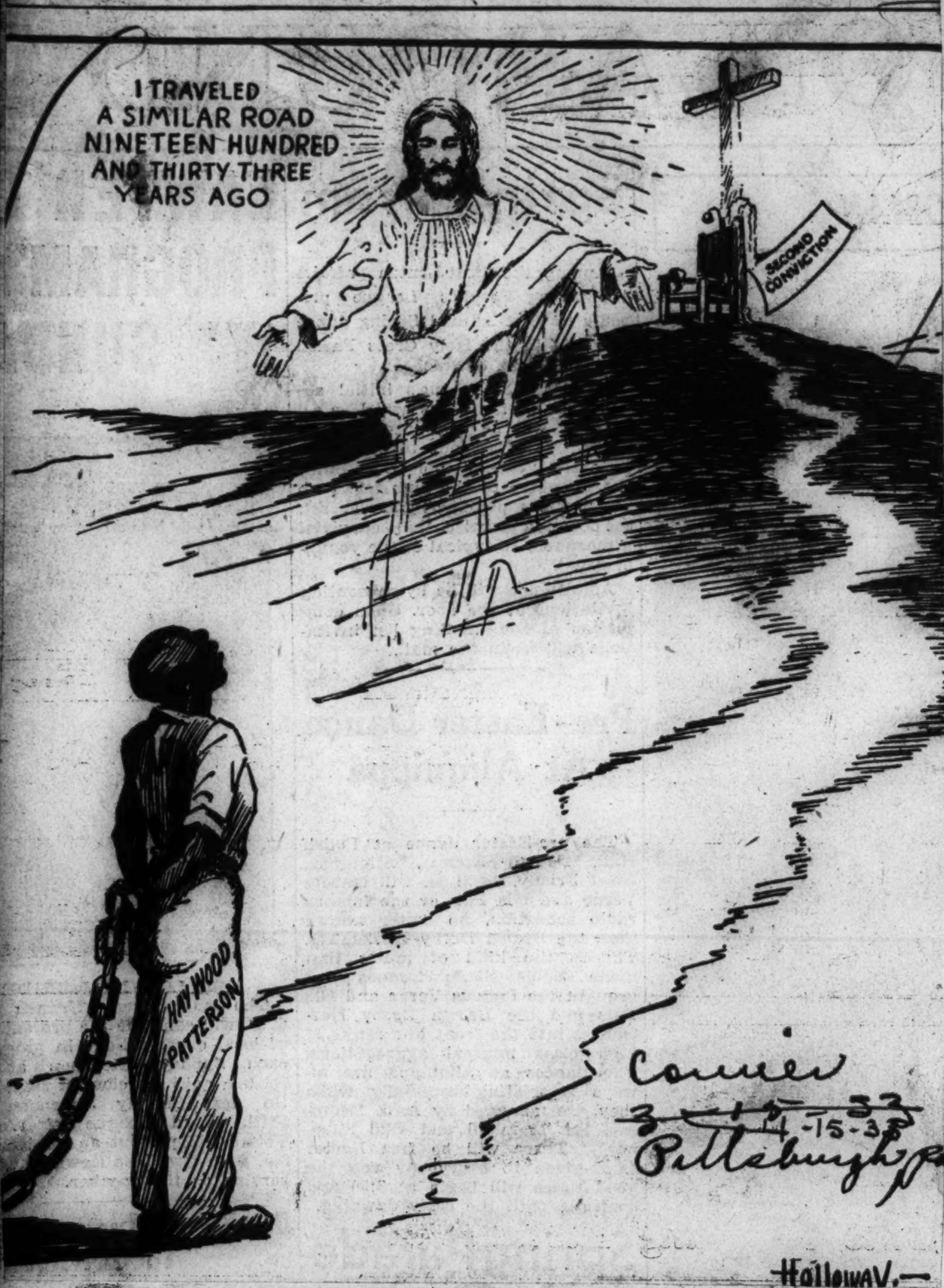
'Lynch Law' Threat Puts Soldier Guard Over Scottsboro Negroes



Threats of "lynch law" in Decatur, Ala., where the seven Scottsboro Negroes are on trial for their lives, brought out National Guard troops to preserve order. Here you see the men on trial, escorted by the troops on way from jail to courthouse. During the trial, the troops remain on guard outside the building. As an additional protection, machine guns are mounted on roofs and two extra companies of troops have been ordered to stand by for emergency call. Picture from International News Photograph Service.

"CALVARY"—

By Holloway


I TRAVELED A SIMILAR ROAD NINETEEN HUNDRED AND THIRTY THREE YEARS AGO
SECOND CONVICTION
HAYWOOD PATTERSON
Holloway.—

Courier
~~3-15-33~~
4-15-33
Pittsburgh Pa

LOUISVILLE, KY.
COURIER JOURNAL

APR 8 1933

JUSTICE REQUIRED

While a sudden hush fell over the court room in Decatur, Ala., where nine Negroes are on trial for their lives in the famous "Scottsboro case," Judge James E. Horton boomed out an edict against lynching that bore all the force of a righteous conviction. The presiding judge had heard the current rumors that a mob was forming to take upon itself the punishment of the Negroes charged with attacking two white girls. In the face of this threat, Judge Horton thundered out: "Any group of men, and I don't say there are any such, who attempt to take the law into their own hands, are unworthy of the protection of the State of Alabama. They are unfit to be citizens. Men who would join in anything that would cause the death of these Negroes not only are murderers, but cowardly murderers. I have no tolerance for mob spirit."

The Judge's vehement stand, and his call for extra guards to protect the prisoners, may prevent an outbreak of mob violence in Decatur that would be a disgrace to Alabama and the entire South. Thus far in the trial, the behavior of the simple country people in blue jeans and calico dresses who pack the courtroom has been unexceptionable. Outside observers report, however, that feeling in the countryside is running high, and that the danger of a lynching attempt is not exaggerated.

Judge Horton realizes without doubt the difficulty of persuading the people of the remote Alabama region to weigh this case on its own merits. In the first place, it is a retrial of a group of Negroes who have already been convicted at a former trial of attacking the two white women in a freight car many months ago. In some ways it is unfortunate that the accused men are being defended by a Jewish lawyer from New York, who is retained by the International Labor Defense, an organization popularly supposed to be an adjunct of the Communist Party. Every kind of prejudice thus operates against the defendants in the community where they are facing trial.

In the light of testimony brought out at this current trial, it is of the highest importance that the case be heard through down to the questioning of the last witness without interference. One of the girls, returning dramatically after a mysterious disappearance, now asserts that she perjured herself when she accused the Negroes at the earlier trial. The other girl has involved herself in a maze of contradictory and questionable testimony. A reputable gynecologist of Chattanooga has testified that this young woman, when examined less than two hours after the alleged attack, showed no signs of having undergone such an experience. However the testimony may develop justice must be made to prevail over prejudice and violence in the treatment of the defendants. The right element in Alabama and in all other parts of the country stand behind Judge Horton in his determination to secure that justice.

RUTLAND, VT.
HERALD

APR 8 - 1933

Fair Trial for Scottsboro Negroes!

If, as the news dispatches intimate, threats have been made against the attorney for the defense of the eight Scottsboro negro youths, on trial for assault on two female tramps, it gives color to the claim that these boys will not get a fair trial at the hands of Alabama courts.

It is something, however, that they are being tried in court and not dangling at the end of a rope or shrivelling in the fire of a race-mad mob of lynchers.

All supporters of law and order will hope that the trial will be fair and every proper recourse of the law afforded these ignorant and helpless defendants.

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4337

Decatur Jury To Get Scottsboro Case At Noon

'World Issue' Is At Stake, Leibowitz Tells Twelve In Closing Arguments

Knight To Speak

Perjury, Justice Obstruction Charged In Connection With Woman Witness

B. T. M. DAVENPORT,
Associated Press Staff Writer,

DECATUR, ALA., April 7.—(AP)—A "world issue" must be decided by the Morgan County jury trying Heywood Patterson, first of the nine negroes being retried in the Scottsboro case, Samuel S. Leibowitz, of New York, said today in closing the defense arguments.

Leibowitz had called attention of the jury of their photographs appearing in papers throughout the nation as the "jury trying the Scottsboro case" and the widespread interest in the case.

"Telegraph instruments throughout the world this minute are clattering with the story of this trial," he said, then raising his voice added "you are deciding more than the guilt or innocence of this negro, you are deciding a world issue."

Since March 25, 1931, when Patterson and his eight companions were taken from a freight train at Paint Rock, Ala., and charged with attacking Mrs. Victoria Price, and Ruby Bates, individuals and organizations throughout the world have become interested in their behalf.

Even during the current trial as reports of mobs forming have been circulated, Atty. Gen. Thomas E. Knight, Jr., has received many telegrams demnading protection for the defendants and their counsel. The defendants have been under protection of national guardsmen throughout the trial. There was no demonstration during the arguments.

Pleads For Tolerance

Leibowitz asked the jury to disregard race or creed when they went into the jury room to weigh the evidence and plead for tolerance and reason.

Previously he had shouted his defiance of any mob and declared that he was receiving not one cent out of the case from any source, not even for his expenses.

"If I cannot convince you through reason of his innocence," said Leibowitz, "take that negro and put him in the chair."

Turning to the State's case he said, "if you don't believe Victoria Price, you have no case. She is the only eye witness."

Then one by one he took up and analyzed evidence of the State and turned to expert testimony on both sides and said "disregard the experts. We have to have them to complete the record. Be your own experts."

After talking for two hours the court recessed until tomorrow morning and Leibowitz said he would consume about an hour more. After he finishes Atty. Gen. Knight must close for the State.

The jury probably will get the case by noon tomorrow.

Patterson is the first of nine negroes indicted in Jackson County two years ago on charges of attacking Mrs. Victoria Price and Miss Ruby Bates aboard a freight train on March 25, 1931. Patterson and six others were granted new [illegible] by the United States Supreme Court which [illegible] the death sentences last Nov. 7.

[illegible] Asks Chair

"The State of [illegible] wants you, if this testimony shows him innocent to turn him aloose," Solicitor H. G. Bailey, of Boaz, who obtained death sentences for eight of the negroes in trials at Scottsboro two years ago, said, "but on the other hand, if he is guilty, the State of Alabama wants you to send him to the electric chair. That is what the State of Alabama wants, and I believe you will be fair."

Bailey then turned to a discussion of the evidence which led up to Lester Carter, of Knoxville, Tenn., and Miss Bates, who arrived here yesterday from New York to testify for the defense.

He spoke of "sinister influences" in New York and contrasted the appearance of Mrs. Price in obviously cheap attire, to the Bates girl, who stood the stand dressed in a grey coat with hat to match which she said she bought in New York.

"She (Mrs. Price) did not come here in New York clothes," Bailey said, "she didn't come here in a hat bought in New York. She didn't come here in any hat. She didn't come here in a New York coat, but she told you she went to Chattanooga to look for work.

"She could have rouged her lips and cheeks and stood on the streets of Huntsville without going out to seek honest toil."

"We don't say that she is what she should have been. She has erred, out our laws say no man shall lay a hand on a woman against her will."

Referring to the Bates girl's appearance in court yesterday, Bailey said, "we have witnessed in this court yesterday and the day before, a most flagrant attempt to obstruct justice."

Argument Halted

The argument of Solicitor Wade Wright, of Decatur, was twice interrupted by Leibowitz to enter motions for a mistrial, both of which were overruled by Judge James E. Horton who instructed the jury to disregard the statements.

"Are you going to stand for justice being bought?" Wright asked, raising his voice until it carried to groups outside the court room as he spoke of Ruby Bates's reappearance.

When Judge Horton overruled his motion for a mistrial, Leibowitz said, "I submit, your honor, that a conviction in this case will not be worth a pinch of snuff."

A moment later as Wright disparaged the testimony of Lester Carter, he referred to him as "Mr. Carterinsky, now," and again Leibowitz entered a motion for a mistrial on the grounds it was raising prejudices. Wright had previously referred to witnesses being "bought with Jew money."

"Use your eyes," he told the jury and declared Joseph R. Brodsky, of New York, member of defense counsel, "put a suit of clothes on a hobo's back."

Perjury Charged

He declared Ruby Bates had perjured herself, adding "it is perjury in the State of Alabama to swear a lie, yet Ruby Bates in her pretty clothes came in here and denied her testimony in the previous trials. She may be indicted for perjury."

The entire charge was declared by George W. Chamlee, Sr., of Chattanooga, first speaker for the defense, to be a "fabrication."

"I want to uphold the principles of womanhood in the South," he said, after telling the jury he was Southern-born and raised, and the son of a Confederate soldier.

His address was confined to summarizing the defense case and was completed in a short time.

The State contended that Mrs. Price was attacked by Patterson and five other negroes and that the Bates girl was attacked by a similar number.

NEW YORK TIMES
APR 5 1933

EVIDENCE ASSAILED IN ALABAMA TRIAL

Credibility of State's Main Witness Against Negroes Attacked by Defense.

JUDGE SUMMONS JURORS

He Hears Grand Jury Evidence Favoring Defendants Was Excluded at First Trial.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., April 4.—The State of Alabama closed today its second attempt to send Haywood Patterson to the electric chair for a criminal attack on Mrs. Victoria Price two years ago and the defense immediately began its effort to prove her "a perjurer."

A routine motion to dismiss the indictment against Patterson, one of the nine Scottsboro Negroes, on the ground that Attorney General Thomas E. Knight Jr. had failed to establish a prima facie case, was denied by Judge James E. Horton.

After tonight's adjournment of the trial until tomorrow morning, it became known that six members of the grand jury which returned the indictments against the accused Negroes had been summoned to appear tomorrow morning before Judge Horton.

Charge of Evidence Suppression.

The subpoenas, it was learned, were issued after Judge Horton received information that evidence tending to clear the defendants had been presented to the grand jury which found the indictments two years ago, but had been excluded from the trials which the United States Supreme Court, in reversing the original verdicts of guilty, held to have been unfair.

The information, it was understood, had to do with the failure of the prosecution in the Scottsboro trial to call any of the white hoboes thrown off the train on which the alleged attack occurred, with the exception of Orville Gilley, the youth who supposedly witnessed the crime and was called only to give brief testimony in rebuttal.

The State rested suddenly today after calling five witnesses to support the story of Mrs. Price after Mr. Leibowitz accused Attorney General Knight of applauding the testimony of one of his witnesses and asked Judge Horton to declare a mistrial.

This incident occurred while J. A. Woodall, a former deputy sheriff of Jackson County, was on the witness stand. Examining a small penknife which he said he had taken from one of the Negroes at the jail in Scottsboro, Mr. Woodall said the prisoner told him he had taken it "from one of the white girls."

It was the same knife which Mrs. Price identified yesterday as hers, charging that one of the Negroes took it from her and held it against her throat while she was attacked on a freight train between Stevenson and Paint Rock on March 25, 1931.

Knight Applauds Evidence.

As the words fell from the lips of the witness, Mr. Knight, who had turned the direct examination over to H. G. Bailey, Circuit Solicitor, brought his hands down flat on the top of the counsel table, showed his elation and dashed into an anteroom, clapping his hands together once.

The Attorney General was out of the court room when Mr. Leibowitz made his protest, but his assistants sprinted after him and brought him back to apologize to the court and jury. He seemed nervous and chastened as he listened to the closing words of the defense lawyer's motion for a mistrial.

"Now, your honor," said Mr. Leibowitz, "I would like the record to show that when the witness gave his last answer, the Attorney General, the chief prosecuting official of this State, clapped his hands and rushed from the room in high glee. I am amazed at the actions of the chief prosecuter who, after saying he wanted these Negroes to have a fair trial, thus shamefully comports himself before the jury. It is disheartening and I now move for a mistrial."

Turning toward his own counsel table, Mr. Leibowitz shook his head and murmured:

"I never saw anything like that before in my life."

Mr. Knight apologized and Judge Horton expressed regret that the incident had taken place. He had been looking away from the State's counsel table when it occurred, Judge Horton said, but he ordered the stenographer to note on the record that he had heard a sound of the sort that Mr. Leibowitz described. Then he denied the motion for a mistrial.

Negro Identifies Mrs. Price.

It was the most dramatic moment of the day but it was almost equaled soon after the defense opened when Victoria Price stood in the railed-off space before the bench and was identified by Dallas Ramsay, a Chattanooga Negro, as one of the girls he saw with a white youth in the "hobo jungle" alongside the railroad yard in Chattanooga, on the morning of the day when the crime is alleged to have taken place.

Mrs. Price had testified that she and Ruby Bates, her missing fellow victim of the alleged attack, spent the night at the home of "Callie Brochie" in Chattanooga, denied that she had visited the "jungle" and insisted that she and her girl companion were alone when they boarded the freight train.

Ramsay testified, however, that she was with a white man when she started back to Huntsville. her home.

Mr. Knight objected vigorously to the identification without first requiring Ramsay to describe the woman he had seen.

Judge Horton ruled that the identification could be made and Mrs. Price was brought into court from the witness room.

"Yes, that's the girl. She's a little heavier now, but I recognize her all right," Ramsay testified.

Counsel Clash Over Evidence.

Mr. Knight, who had been entering objections to almost every question Mr. Leibowitz propounded to Ramsay, asked what relevancy his testimony had and Mr. Leibowitz retorted:

"I'm going to show that the State's main witness is a perjurer. That's what I'm going to show before I'm through. This is only the beginning."

When Ramsay had left the stand, Mr. Leibowitz called his first white witness, Norris Payne, clerk of the Huntsville City Court, in a new but unsuccessful effort to place in evidence records showing the conviction of a Victoria Price for vagrancy, adultery and violation of the prohibition laws. The records were barred from evidence but their import was made plain to the jury.

Judge Horton based his ruling excluding this evidence on the grounds he cited yesterday when it was first offered, that violation of the prohibition law did not reflect upon the credibility of the witness and that infractions of city ordinances were not admissible in impeaching her testimony.

Mr. Leibowitz protested that a conviction involving moral turpitude was pertinent for a jury to consider as to the credibility of the State witness.

Mrs. Beatrice Madox, married sister of two of the Negroes awaiting trial, testified that she had searched the city directory of Chattanooga and conducted a personal investigation and that she had failed to find any one named "Callie Brochie."

Defense Attorney Takes Stand.

G. W. Chamlee, the Chattanooga attorney who is assisting Mr. Leibowitz, testified that for twenty-five years he had occupied an office or residence on Seventh Street, Chattanooga, where Mrs. Price said "Callie Brochie's" house was located and had never heard of her. The street, he said, was "one of the wealthiest" in Chattanooga and contained public or semi-public buildings.

The witnesses called by the State in closing its case were W. H. Hill, station agent at Paint Rock, where an armed posse stopped the train with the Negroes and white girls on it; Tom Taylor Rousseau, Paint Rock storekeeper, who aided in the round-up, and Lee Adams and Orey Dobbins, overalled farmers from Stevenson, where the white companions of the girls were thrown off the train after a fight with the Negroes.

Mr. Hill, who did not testify in the first trial, declared that the nine Negroes were taken from one gondola car, but he "could not swear" that the girls were taken out of the same car.

Rousseau declared that as the train slowed down the Negroes piled out of gondola cars and ran along the tops of the box cars toward the engine in an effort to get away.

Adams, who was working in a field a quarter of a mile from the tracks as the train passed, said he saw a group of Negroes and white men scuffling in one of the gondola cars. It was too far for him to see whether there were any women in the car, he said.

BAILIFFS ISOLATE SCOTTSBORO JURY

Judge Forbids Talk of Case and Movies and Jigsaw Puzzles Fill In Their Time.

NEW YORKERS ARRESTED

Pamphlets Are Taken From Muriel Rukeyser and Others Seized by Decatur Police.

Times

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

4-2-33

New York

N.Y.

DECATUR, Ala., Apr. 1.—Remote from the discussions of their fellow citizens of Morgan County regarding last week's assault upon its jury system, the twelve jurors who will begin hearing evidence against Haywood Patterson, one of the nine Scottsboro Negroes at his second trial next Monday, amused themselves today with jagsaw puzzles and playing cards.

This eevning they were taken to a motion picture show and tomorrow they will be escorted from the hotel where they have a suite of eight rooms to church by the bailiffs whose duty it is to protect them from outside influences and contacts. Judge James E. Horton has warned them against discussing the case before then, even among themselves.

Meanwhile in this North Alabama city, filled with Saturday night visitors from the neighboring countryside, the opening of the trial Monday was awaited calmly.

Judge Horton's exhortation to the people of the community to do nothing to impede the course of justice has made the local folk determined that nothing shall happen here to reflect discredit upon the county or the State.

Nevertheless, there is beneath the surface a smouldering resentment at defense efforts to open the jury rolls to the Negro population and at the accounts of the proceedings in the court published in some Negro and radical newspapers. The community is particularly incensed at a story published in a Negro newspaper in Chicago, indicating that Decatur prepared for the trial in holiday mood—"the kind of holiday Morgan County likes."

Hold Negroes Dare Not Be Jurors.

As a matter of fact, thus far the townfolk have shown little interest in the proceedings, except for a small minority which is on hand each morning to scramble for seats in the court room.

Most of the residents of Decatur gain their information about the proceedings exclusively from The Decatur Daily, which, as a matter of policy, has printed only The Associated Press accounts and has refrained from editorial comment.

The tactics of the defense in moving to quash the venire from which the jury was chosen, on the ground that Negroes were barred from service, by maladministration of the jury law, has had the effect of shifting whatever feeling existed toward the nine Negro defendants, accused of assaulting Ruby Bates and Victoria Price two years ago, to the lawyers who are defending them.

It was amusing during the long legalistic arguments and conflicting testimony regarding the right of Negroes to do jury duty, to hear the comments among the spectators.

While Arthur J. Tidwell, the president of the jury board, was disavowing racial exclusion and admitting that he knew of not one Negro in the county who could qualify as a juror, one man in the front row turned to his neighbor and said:

"We've never had niggers in our juries yet and we never will."

His friend bent over and whispered:

"If we told them they could, there isn't a nigger here who would dare to try to sit on a jury."

Leibowitz Wary of Radicals.

It was because of the resentment engendered by Samuel Leibowitz's determined fight to produce a court record showing systematic exclusion of Negroes in the event that he has to appeal from a verdict of guilty, that Captain Joseph Burleson, who is commanding the National Guardsmen on duty at the trial, decided to assign a guard to the New York lawyer.

At the request of Mr. Leibowitz, it was withdrawn after a few hours and he continued to go about town on foot and by automobile without encountering any open hostility.

Mr. Leibowitz is more concerned over the possible activities of visiting radicals than he is over the unfriendliness of the people of Decatur. He has repeatedly asked that these persons stay away from the court house and abandon any plans they may have for demonstrations or agitation among local Negroes.

With the same desire to preserve the peace, police officials took five persons into custody early this morning for investigation.

Three of them, two men and a woman, said they were New Yorkers here in the capacity of observers with journalistic aims. The other two were Negroes from Birmingham.

The five, who were released and ordered to appear before Judge Horton Monday morning, described themselves as Muriel Rukeyser, Edward Sagarin and Hank Fuller. Fuller says he was run out of Scottsboro two years ago.

The two Negroes said they were James Cooper and William A. Christal of Birmingham. Patrolman A. S. Brazelton saw the three white New Yorkers in the Negro section of Decatur with Cooper shortly after midnight and took them to Police Headquarters for investigation.

Literature is Seized.

Miss Rukeyser, according to Brazelton had in her possession some literature of the National Students League and letters relating to the Scottsboro trial.

Christal was found at the address given by Cooper and in the room, Brazelton said, was a quantity of pamphlets and appeal for funds for the Scottsboro Negroes, together enrolment cards of the Workers ex-Servicemens League.

The Negroes and the others were held at Police Headquarters while Wade Wright, circuit solicitor, was notified.

After questioning them, Mr. Wright ordered all five released, but he confiscated the literature found on them. He ordered them to appear in court Monday and said that the pamphlets would be offered to Judge Horton. Thomas E. Knight Jr., Attorney General, refused to comment on the incident, but indicated that he regarded it as of no importance.

Mr. Leibowitz and Joseph Brodsky, the International Labor Defense lawyer, started for Birmingham this morning to interview a witness there, but before they had gotten very far from town their car broke down and they were forced to return.

Mr. Knight was busy consulting the various Sheriffs whose duty it is to round up the twenty odd witnesses the State will call.

CHARLESTON, S. C.

NEWS

MAR 31 1933

Negroes and Juries

From a dispatch about the trial of the Scotsboro negroes dated Decatur, Ala. March 29:

"Samuel Leibowitz, chief defense counsel representing international Labor Defense has moved to quash the indictments against the negroes, and later to quash the venire for the trial, on grounds that exclusion of negroes from jury service in Alabama is unconstitutional."

That same question may arise at any time in South Carolina.

If the federal government can interfere with juries in Alabama it can interfere with juries in this state.

If the federal government is to enforce laws against the liquor traffic in this state, the question may arise as to whether a negro bootlegger can be convicted unless negroes be on the juries.

Furthermore, if these encroachments on state rights now proposed for Alabama shall succeed, it is only a matter of time when the right of 793,000 negroes in this state to be represented among the prohibition enforcers will be raised.

If the South Carolinians must dictate to the New Yorkers how they shall handle their liquor traffic, shall they expect sympathy from the New Yorkers in keeping negroes off the juries?

Heard in Decatur

"The boys will have a fair trial if I have to call out the entire militia of the state to protect them!"—Attorney General Thomas E. Knight of Alabama broadcasting to the world.

4-8-33.

Chicago Defender.

Chicago Ill

First Militiaman (polishing up his bayonet in front of the courthouse in Decatur, Ala.)—Say, what the hell are we hangin' around here for, anyway?

Second Militiaman (counting bullets)—"Wall, I don't zackly know. I hear they's some niggers gonna be tried here."

First Militiaman (putting a fine edge on his bayonet with a whetrock)—Niggers—how many of 'em? Don't the folks here know what to do wit' niggers in this town? Hell, they oughta come up to Bumin'ham and watch us handle darkies."

Second Militiaman—O, they know what to do with 'em, all right, but they gotta go slow. You see the general told 'em they'd have a fair trial and he's got to make it look like that. But don't you worry, we'll take care of these niggers, all right—we'll show 'em how to call a white woman a liar when she says they raped her!"

Lynchings-1933

Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4338

BRONX HOME NEWS
APRIL 13, 1933

That Scottsboro Verdict

The second conviction of Haywood Patterson, one of the seven colored youths in the notorious "Scottsboro case," came as a distinct shock to the entire country, with the exception of those parts of the South which cannot forget the "color line" even when it comes to dispensing elementary justice.

Those who followed the trial of Patterson at Decatur, Alabama, cannot fail (unless they are influenced by strong sub-Mason-Dixon prejudices) to be convinced that his conviction was the result of cheap appeals to the baser instincts of the jury, coupled with a desire to "vindicate" the State of Alabama by the strange method of repeating the offense against justice which was committed when Patterson and six other colored youths were convicted at Scottsboro more than a year ago. The first conviction, which doomed the young men to death, was reversed by the United States Supreme Court, and it seems now that those defending the helpless colored youths will have to carry the case to Washington again.

The attitude of the authorities in Alabama appears to be quite childish. When a small boy is chastised for some cruel and inhumane act, his reaction sometimes is to repeat it. The State of Alabama, much to its shame, is reacting just that way. It is telling the rest of the country, in effect, that it should mind its own business. It is boasting: "This is justice as we dispense it in Alabama, and it is no concern of yours!"

As a matter of fact, the rest of the country now knows that such *is* justice in Alabama, and it is hardly flattered that convictions of this kind, the result of prejudice and obstinacy, can occur anywhere in the United States. But it cannot be granted that what happens in Alabama is no concern of the rest of the country. If that were so, we might as well retire the Federal government—Congress, the Presidency and the United States Supreme Court—to the Smithsonian Institution.

Samuel Leibowitz, the New York criminal lawyer who handled the defense of Patterson in the second trial, laid a solid foundation for an appeal to the Supreme Court. He brought into the open all the basic prejudice, all the discrimination, which militated against a fair trial for the youth. Moreover, he produced one of the two young women, Ruby Bates, to testify that neither she nor Victoria Price had been attacked by the youths. Her recantation, however, failed to impress the jury, which preferred to believe the testimony of the Price woman, although the latter was hardly a credible witness.

It is difficult to believe that the United States Supreme Court, which sooner or later must review this case, will fail to upset the conviction once more as being contrary to the Constitution which does not recognize the color distinctions that are a part of the Alabama mentality. And we trust that it will denounce in no uncertain terms the theatricalism of the prosecution in employing all the tricks in the Ku Klux handbook, including the line about "Jew money," to influence the jury.

We can only agree with Leibowitz that: "This is another black chapter in American justice. It is a triumph of bigotry. It means that because a man's skin is black, he can be convicted to death by smirking hypocrisy, no matter what the evidence may be."

WATERBURY CONN REPUBLIC
APRIL 11, 1933

Alabama "Justice"

It is no surprise that the trial of Haywood Patterson, the first of the Scottsboro Negroes to stand on trial for his life the second ~~time, has re-~~ sulted in a verdict of guilty. Hope that had been aroused by the excellent work of the defence, by the repudiation of her former testimony by one of the white women involved and her declaration that neither she nor the other white woman involved had been attacked, by the doubt which she and other witnesses cast upon the veracity of the other white woman—this hope virtually disappeared when mob action was threatened in Decatur, when fiery crosses began to burn on the hillsides, and when the prosecution delivered one of the most violent appeals to prejudice and bigotry that has ever been addressed to a jury.

Paterson has been convicted, not because the jury was convinced of his guilt for nobody could be convinced of that after hearing the evidence, but because he is a Negro, because his lawyer is a Jew and a New Yorker, because a Communist organization has come to his defence, because Ruby Bates, the white woman who repudiated her former testimony and now declares that Patterson is innocent, wore New York clothes on the witness stand, and finally, because the jurymen knew what to expect in their community if they did not bring in a verdict of guilty. The prosecution knew the men with whom it had to deal when it called upon the jury, not to come to an honest verdict in accord with the evidence, but to "show them that Alabama justice cannot be bought and sold with Jew money from New York."

This has been no fair trial. It is, as the defence counsel calls it, a "judicial lynching." The fate of the eight other Negroes, two of them juveniles, who are still to be tried seems sealed if their trial takes place in Decatur. An effort will be made to obtain a change of venue to Birmingham. There it is possible that some of the sectionalism, race hatred, bigotry and intolerance that make a fair trial impossible in the little backwater town might be escaped. It may be hoped that the trial judge, whose conduct and attitude have won the respect of all, will have such regard for the name of Alabama justice in the land that he will consent to the change of venue.

New York American

APR 10 1933

JURY CONVICTS NEGRO; DEATH PENALTY FIXED

Out 21 Hours in Scottsboro Case, Took Only 3 Ballots; Defense Shocked; 6 Wait Trial

By **CARTER BROOKE JONES.**
Universal Service Correspondent.

DECATUR, Ala., April 9.—An Alabama jury brought in a verdict of guilty today in the case of Haywood Patterson, first of seven Negroes granted a retrial by the United States Supreme Court, on a charge of attacking two white girls.

The penalty again was fixed at death. The Southern jury deliberated twenty-one hours.

The verdict came as shock to defense counsel, headed by Samuel Leibowitz of New York, who had been confident of an acquittal after the surprise testimony of Ruby Bates, one of the two alleged victims. She repudiated her statements at the original trial denying that either she or the other young woman, Mrs. Victoria Price, had been attacked by the Negroes.

PLANS APPEAL.

Immediately after the verdict Leibowitz, whose entrance into the case had aroused resentment in this little Alabama town, announced his intention of carrying an appeal to the United States Supreme Court again. He said

"This is another black chapter in American justice. It is a triumph of bigotry. It means that because a man's skin is black he can be convicted to death by smirking hypocrisy, no matter what the evidence may be."

The young Negro evidenced little concern as he heard the jury foreman pronounce the words which doomed him for the second time to death.

He smiled broadly and shrugged before he was led from the courtroom, to be taken back to the jail at Birmingham, where his six companions are held.

Under the Alabama law the jury could have fixed the penalty at anything from ten years imprisonment to life, or death.

TOOK THREE BALLOTS.

It was learned that the jury took only three ballots. The jurors agreed on a verdict of guilty at the first ballot and the argument was over the question of the penalty. The second ballot was 11 to 1 for the death penalty and the third was unanimous.

There was no demonstration at the verdict, and the Sunday calm of the sleepy little Southern town was unbroken.

Today's verdict climaxes a two-year fight against the conviction and sentencing to death of the Negroes, first tried in Scottsboro, Ala.

The International Labor Defense, championing the "Scottsboro boys," took the fight to the highest court, where the original verdict was set aside and a new trial ordered for each of the seven.

The retrial of the second Negro of the group, Charlie Weems, is scheduled to open a week from tomorrow.

The trial of Patterson began last Monday, after a week of arguments on preliminary motions. The defense sought to quash the indictment on the ground that Negroes were excluded from the jury panels. This is expected to be one of the main issues in the attempt to have the Supreme Court review the case again.

NEW YORK TIMES

APR 10 1933

THE DECATUR VERDICT.

National attention was inevitably fixed upon the second trial of the Negroes convicted of rape in the ~~first~~ so-called "Scottsboro case." That conviction was set aside and a new trial ordered by the Supreme Court of the United States. Its reasons were that local prejudice was so violent and inflamed, and so pronounced even in the criminal proceedings against the accused men, that they did not have a fair trial. Now at Decatur a verdict of guilty, carrying with it a death sentence, has been found in the case of one of the Negroes, tried separately. This result comes as a surprise and a shock to those who had followed the evidence given in court. The case had become of such national importance that THE TIMES sent a competent and trusted and impartial member of its staff to furnish full reports of the trial. These have told their own story from day to day.

The presiding judge bore himself with impartiality, and was evidently anxious to make Alabama justice worthy of the name. His rulings, so far as can be determined at this distance, were correct. His charge to the jury was filled with strong protests against anything like mob law or the spirit of lynching, and of warnings to disregard everything but the evidence in the case. Whether the jury was swayed as much as it should have been by his injunctions to give no weight to the fiery denunciations and appeals to race hatred by the prosecution, it is impossible to say. Although Judge HORTON took the strongest ground against anything like intimidation or threats of violence on the part of the people of the vicinage, it was all too plain that the trial was conducted in an atmosphere intensely prejudiced against the accused Negro. The jurymen deliberated a long time over the tangled evidence and the manifest untrustworthiness of the chief witnesses, both for the prosecution and the defense. But the final verdict was "Guilty," and it is now difficult to see how an appeal could lie to the Supreme Court again, or to any higher power except the Governor. He might see fit, in view of all the circumstances, to commute the death sentence into a term of imprisonment.

NEW YORK MIRROR

APR 10 1933

The Verdict in the Scottsboro Case

If the Scottsboro case is to become historical, whatever may be the ultimate fate of the accused Negroes, the charge of Judge James E. Horton to the jury will always stand out as the act of a brave man and an American of the purest type.

While at a distance it seemed the Communist agitation worked almost as strongly as race prejudice against Heywood Patterson, higher courts will have to decide the justice of the verdict. Nevertheless it was apparent that throughout the trial there hung over the courtroom the threat of lynch law should there be an acquittal.

We of the North cannot appreciate the social phases of that Alabama trial, nor the character and intensity of feeling engendered by it. In the face of this, Judge Horton, a Southerner in every fibre, pleaded for tolerance, human rights and justice with an eloquence born of love of country.

"On both sides," said Judge Horton toward the close of his charge, "as far back as I know, my people have always been a Southern people, and I have no desire to live anywhere else. I am getting old, and it is my home, my native land, and I want to see righteousness done and justice done. . . It seems sometimes as though love has deserted the human bosom and hate has taken its place. It is only for a time, gentlemen, because in the great things in life it is God's great principles, matters of eternal right, that alone live. Wrong dies. Truth forever lasts. We should have faith in that."

The verdict of guilty may not have been just. But the condemned man had a fair trial so far as it lay in the power of one great and fine human being to give one.

HERALD

APR 8 - 1933

THE SCOTTSBORO CASE.

The famous Scottsboro case in Alabama has been reopened. This case has won national attention. Eight negroes were tried and convicted of assaulting two white girls. They were sentenced to be electrocuted. Then the American Civil Liberties Union, a radical organization, as well as several other organizations, got busy, protesting against this "mass electrocution." They claimed that the negroes had not had a fair trial—that the jury was prejudiced against them. The matter was taken to the Supreme Court of the United States and the defendants were granted a new trial. One of the negroes is now on trial. The state's case against all of them will be heard soon. It seems that the court is having a difficult time selecting jurors. Out of hundreds of veniremen drawn, only a few have been accepted. Local negro leaders are demanding that negroes be permitted to serve on the jury. This will not help the defendants. This case is being tried in Alabama, where race feeling is very strong. The demand that negroes serve on the jury will only arouse the slumbering resentment in the minds of the officials over the fact that the Supreme Court reversed their decision. Too many Northern radicals have meddled in the affair already. Southern whites resent the interference of these outsiders, especially of such Communists as Theodore Dreiser, who is always meddling in someone else's business.

We trust that race prejudice will not be allowed to enter into this case. These men should be tried on the evidence presented, and neither condemned nor condoned because their skin is black. But if it is proven that they are guilty of the crime of which they are accused, they should pay with their lives. If they were white men, they would be convicted just as quickly. Southern men respect the chastity of their their women and protect them at all costs. Radicals of the stripe that took part in this agitation and protest are known to have scant respect for pure womanhood.

DES MOINES, IA.
TRIBUNE CAPITAL

APR 8 1933

THE SCOTTSBORO CASE.

The dramatic testimony by one of the young women involved that the whole case against nine Alabama Negro youths charged with assault is fictitious was more than even the most ardent defense groups had hoped for a few months ago when the United States supreme court ordered a new trial.

Until then, the indignation of the nation had been aroused purely by the refusal of Alabama authorities to give the youths their rightful opportunity to present evidence of innocence or to insure trial by an unprejudiced jury.

Had the nine Negroes been convicted and sentenced to death after a fair trial, little resentment would have been heard.

How many Negroes have been thus "railroaded" to the noose and the electric chair in the South during the last half century it is impossible to know.

The encouraging factor is that the barbaric inhumanity to prisoners and the ruthless injustice of the courts in the South are gradually being forced out into the light—light which they will not bear.

ST. LOUIS, MO. APR 8 1933
GLOBE DEMOCRAT

THE MISSING WITNESS AT DECATUR.

At the second trial of one of Alabama's seven Negroes who had remained for months under sentence of death, Ruby Bates, complaining witness, came into court at Decatur and denied the facts to which she had sworn at the first trial.

Whether she is telling the truth now or told it then is a question that remains, but all the circumstances were present that might mark this as one of the most remarkable of court incidents. The charge that these seven Negroes were railroaded to the gallows has gone around the world, has inspired organized propaganda among critics of America abroad, has enlisted the sympathy of not a few in this country who continued unconvinced in the face of a strong showing of guilt. The United States Supreme Court took the unusual action of setting aside the conviction on the ground that the influences surrounding the first trial violated the due process of law guarantee, the only ground on which it could interpose. The climaxes of melodrama's far-fetched court scenes were given realism when the repentant witness, missing from Alabama for months, appeared after the defense supposedly was completed to confess that by the verdict of the original trial Heywood Patterson's life had been forfeited on perjured testimony.

The details that may contribute to fallibility in courts as in other human agencies have not often been so startlingly held up to view. The perjurer's story of tramp life in men's clothing and among homeless and drunken outcasts threw a high light on the sordid conditions out of which the world-celebrated capital indictment grew.

Lynchings-1933

Legal Punishment for Race

Alabama (Haywood Patterson.)

4339

DEFENSE TO ASSAIL SCOTTSBORO VENIRE

Times

Plea That Failed to Quash Indictments Will Be Used in Attack on Trial Jury.

3-30-33

LEIBOWITZ GETS THREATS

New York,

He Smiles at 'Crank's' Warnings —Bates Girl's Father Seeks to Aid Hunt for Her.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 29.—A petition asking Circuit Judge James E. Horton to quash the venire from which a jury is to be drawn to try Haywood Patterson, one of nine Negroes accused of an attack on two white girls, was drawn up today by Samuel Leibowitz, chief of defense counsel.

Mr. Leibowitz, who has lost one fight to quash the indictments on the ground that Negroes were systematically excluded from the grand jury which returned the true bills against them, leveled the same objection to the venire drawn from the trial jury.

With the court in recess today, Mr. Leibowitz spent his time preparing to carry his fight on Alabama's so-called "selective jury system" into Morgan County, where the present trial will be held. He was ready, he said, to subpoena nearly 200 Negro citizens of the county to testify that, while qualified in every way to serve as jurors, they have been excluded from the rolls.

In connection with his motion to quash the indictments the defense attorney presented evidence from thirteen witnesses in an effort to prove that racial discrimination in Jackson County, where the alleged attack on Ruby Bates and Victoria Price took place two years ago, kept Negroes off the juries in that county.

By denying that motion Judge Horton held, in effect, that Mr Leibowitz had failed to make out a case against the administration of the law by the jury commissioners of Jackson County. Whether he would consent to hear evidence of the same sort relating to Morgan County was a matter of conjecture.

New Circumstances Different.

While the new petition raises a question similar to that already disposed of by the court, the circumstances are different. In arguing the motion to quash the indictments Mr. Leibowitz was handicapped by his inability to prove that no Negro names were on the jury rolls of Jackson County.

Judge Horton's ruling came after he consented to issue a subpoena duces tecum for the jury rolls of Jackson County, but before they had been produced or any ruling made regarding their admissibility as evidence.

The defense lawyer had rested his case with the reservation that he would submit further proof when the jury rolls were produced.

In arguing the new petition Mr. Leibowitz will have before him the names of all prospective jurors and it will be possible for him to establish definitely the color of each man on it. Another factor in his favor is that Decatur is a more urban community than Scottsboro and its Negro citizens are better educated and more sophisticated.

Among the witnesses he intends to call there will be several Negro voters, and in Alabama a colored man can win the right to cast a ballot only after proving his qualification by reciting the Constitution and interpreting its meaning.

Negro preachers, doctors and business men, and one Negro teacher "with a recognized degree," will also be among the witnesses for whom the defense will ask subpoenas.

Liebowitz Gets "Crank" Warnings

During the day while his associates, Joseph Brodsky, chief counsel for the International Labor Defense, and G. W. Chamlee, former Attorney General of Chattanooga, were preparing motion papers and conferring with their witnesses, Mr. Liebowitz visited the jail where the defendants are imprisoned, under guard of militiamen and deputy sheriffs.

He conferred briefly with the prisoners and upon leaving the jail declared it was "unfit for human habitation," saying that he would ask the court to set aside a room in the court house where he might consult his clients without the necessity of visiting the jail again.

The Morgan County jail has been condemned and has not been used for white prisoners for the past two years.

Mr. Liebowitz said that since his arrival here he has received half a dozen threatening letters from "cranks," who warned him against continuing his attack on the laws and customs of Alabama and advised him to "stay home where you belong."

The defense attorney dismissed the letters with a shrug and a smile.

"It should be understood though," he said, "that I have no interest in attacking either the customs or laws of this or any other State.

"I am doing only what any lawyer would do in this case—demanding the full protection of the law for my clients."

Renew Hunt for Girl Witness.

Thomas E. Knight Jr., the young attorney general who is prosecuting the Negroes, spent the day in conference with his associates, Wade Wright, J. G. Bailey and Thomas E. Lawson. They interviewed several witnesses and prepared their arguments against the expected defense assault upon the venire.

Among the witnesses interviewed was the father of Ruby Bates, who gave Mr. Knight several addresses at which he said he thought his daughter, mysteriously missing since Feb. 28, might be found.

Sheriff Bud Davis of Morgan County and Sheriff Ben Giles of Madison started out immediately in automobiles to try to find the missing witness.

The trial of Patterson, the alleged ringleader of the attack on the two white girls, was scheduled to be held as soon as the motion to quash the venire is out of the way. Whether severances will be asked in the cases of the seven others awaiting trial was not learned.

Two of the prisoners, Roy Wright and Eugene Williams, are said to be juveniles and are to be tried later in juvenile court.

Mr. Knight is planning to present virtually the same witnesses and the same evidence which resulted in the original conviction of eight of the nine Negroes.

The Supreme Court of the United States reversed the conviction and set aside the death sentences imposed on the ground that the Negroes did not have adequate counsel, although Judge A. E. Hawkins, who presided, assigned "the whole bar of Jackson County" to defend them.

Miniature Train to Be Shown.

In order to illustrate graphically the testimony of the witnesses regarding what happened aboard the freight train on which the crime is said to have been committed, Mr. Liebowitz brought with him a miniature of the train.

It is complete in every detail, consisting of a locomotive with brass fittings and thirty cars, replicas of the box cars, flat cars, tank cars and gondolas which figure in the testimony of witnesses at the earlier trial.

Assembled, the model freight train is about thirty-two feet long, about half the width of the courtroom inside the rail.

The townsfolk have indicated more desire to see this train than they have in seeing the defendants.

PENALTY OF DEATH IS SOUGHT

Defender

4-1-33

Chicago,

By J. WINSTON [illegible]NGTON

DECATUR, Ala., March 31.—The big show is on. The town of Decatur is crowded with visitors—hot dog venders are doing a rushing business near the Decatur courthouse—men and women are in holiday attire and in the best of humor.

Their town, like Scottsboro, is now on the map, for it is here that eight boys, eight illiterate, cowed, browbeaten boys, are hearing again the story of how they "raped" two white prostitutes somewhere near Scottsboro two years ago.

It is the kind of a show that warms the hearts of white Alabama. The attorney general of the state, Thomas J. Knight Jr., has taken personal charge of the prosecution. He is surrounded by his cohorts, the sheriff of the county and a handpicked audience which was admitted to the court room by tickets issued by the sheriff. From all outward appearances, Decatur plans to eclipse the Scottsboro performance held in 1931 when, with 10,000 people milling about the courtyard of a town that has a normal population of 500, with a military band giving concerts every night to entertain the mob and with soldiers singing "There'll be a hot time in the old town tonight," the boys, eight of them ranging in age from 14 to 17, were sentenced to die in the electric chair. The jury disagreed on the 13-year-old boy, so he was thrown back in jail, where he still is.

Removed From Death Cell

The boys, Andy Wright, Clarence Norris, Olen Montgomery, Charlie Weems, Ozie Powell, Willie Robertson, Roy Wright and Haywood Patterson, were brought to Decatur from Birmingham Monday. They had been in the [illegible] two days following their incarceration of two years in Kilby prison death house at Montgomery. They were delivered at the courthouse in a large black van, and were forced to march through a cordon of soldiers with drawn bayonets into the courtroom to me[illegible]

With the opening of the trial on Tuesday, Attorney Sa[illegible]bowitz, representing the International Labor Defense, and heading the defense counsel for the boys, presented to Judge James E. Horton a motion to quash the indictments on the grounds that members of the Race are excluded from the grand juries of Alabama and specifically from the jury that indicted the boys. This motion was denied by the judge.

That the intention of the trial is to humiliate members of the Race as well as to secure another conviction for the boys was evidenced by the first witness called by Attorney General Knight to refute the charge that the Race is barred from juries of Alabama. This witness, J. S. Benson, editor of the Progressive-Age of Scottsboro, showed how he felt about the situation by stating that he didn't think "Negroes" could qualify for jury service because of their lack of "sound judgment." He added "Most all Negroes will steal."

Everybody Laughs

General laughter that greeted that remark showed how the spectators in the courtroom feel about eight boys being on trial for their life for crimes which they did not commit.

The Scottsboro case originated in 1930 when nine boys, hoboing their way through Alabama in search of jobs, were taken off the train near Scottsboro and charged with raping two white women. Although there was no evidence that such a crime had ever been committed, and the women were known to be of shady reputations, eight of the boys were herded into the courtroom at Scottsboro and sentenced. One of the girls, Ruby Bates, has since written a letter stating that she was not touched by the boys. She said that she had been forced by police at Scottsboro to make the statement against them. Shortly after writing her letter she disappeared, and her present whereabouts is unknown. At least the Alabama authorities claim they do not know where she is.

The other woman, Victoria Price, has remained silent throughout the whole farcical trial. In the meantime the International Labor Defense, through its representatives, Mr. Liebowitz, George Chamelee and Joseph R. Brodsky, is making a desperate fight to have the boys freed. The show in Decatur is so well planned and is receiving such support from the people of Decatur that there is small chance, however, of its ending as quickly as did the Scottsboro trial. The town people of Decatur know when they are well off.

The trial now going on was ordered last November when the United States supreme court decreed that the Scottsboro case had not been fairly tried. Two weeks ago attorneys for the defendants secured a transfer of the hearing from Scottsboro to Decatur.

The AFRO at Scottsboro

Afro American

The second Scottsboro trial opened Monday at Decatur, Alabama.

It is not just a rape case. Communists have focused the eyes of the entire world upon this

The AFRO at Scottsboro

4-1-33

Baltimore, Md.

The second Scottsboro trial opened Monday at Decatur, Alabama.

It is the last rape case Communists have focused the eyes of the entire world upon this little Alabama town, because here race hatred brings civilization down to the witchcraft level.

Adding to the unusual character of this second trial which has been ordered by the United States Supreme Court, and which is held in a military atmosphere, in which only the guns of the militia will restrain lynching and burning, is the fact that Ruby Bates, one of the white girls who accused the boys of rape, is missing.

Ruby it is, who wrote the letter denying that any of the colored boys had touched her. Scottsboro police concealed the letter as long as possible. She is the chief witness against the boys, and she couldn't be found as the trial started.

Two years ago, nine black boys, one of them at that time 14 years old, were sentenced to die for rape upon two white girls they found riding on a freight train.

An alleged confession was obtained from the boys, who repudiated it later, and said they were beaten regularly before their conviction and afterwards by prison guards.

So at the Scottsboro trial unfolds a drama of world-wide interest and significance. Into this welter of Alabama prejudice, excitement, danger and mud last week motored two black newspapermen. One of them is a member of the staff of the AFRO-AMERICAN. In these columns, therefore, will be told not only the events of that trial, but its atmosphere, its setting and motives.

To many people today, Scottsboro and Decatur represent the last stops in civilization before barbarism is reached. There, toiling along with others, are our own members of the press, whose function is first and last to tell the truth about Scottsboro in such a way that America may wake up to the direction in which race hate is leading.

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The Scottsboro Case And Constitutional Law

News

3-31-33

Birmingham, Ala.

For two reasons it is advantageous that the first few days of the new trial of the Scottsboro case at Decatur should have been occupied with deliberations relating to constitutional law. Interpretation of the fourteenth amendment has emerged as the central importance of the case in its wider implications. Prompt examination into the methods of the selection of juries in Jackson County, therefore, immediately gave to the trial that clear direction which should be welcome to all concerned. What is found to be the relationships between the constitution and practices in Jackson County will present a fairly representative study of the situation as it exists throughout the South.

In the second place, deliberations on intricate legal matters are not calculated to stimulate the surface emotions in such a way as to embarrass the due course of justice. Had the retrial at Decatur been commenced with a vigorous cross-examination of evidence in the criminal charges involved, the atmosphere of the court might have become surcharged with a conflicting emotionalism at the very outset. On the contrary, through the extremely competent reports of Mr. Ralph E. Hurst and other correspondents, we learn that the court proceedings, as well as the town of Decatur, have been remarkable for their calmness and restraint.

Although a minute sifting of the evidence bearing upon the criminal charges may be expected as the trial develops further, there is something decidedly reassuring in the picture of those Negro defendants, without handcuffs, "seated in chairs lined against the wall behind their attorneys," while "some of them take naps" and none of them seem to be "the least bit excited over the occasion." Now that a tone of orderliness and judicial quietness has been firmly established at the beginning of the trial, it may be confidently expected that the whole procedure will be carried through in a similar atmosphere. That such should be the case is obviously to be desired from every point of view.

Influenced by the decision of the United States Supreme Court last November, and possibly with an eye upon further eventualities before that tribunal, the defense attorneys at Decatur have attempted to base their first moves upon the fourteenth amendment. Whether the provisions of this amendment can properly be applied in such a way as to discredit the methods of selecting juries in Jackson County, of course, remains to be proved or disproved in the court.

Section 1 of Article 14 of the federal constitution, which seems to be in the background of evidence and arguments advanced at Decatur during the past few days, reads as follows:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; or deny to any person within its jurisdiction the equal protection of the laws.

It was upon the celebrated "due process" clause of this section of the fourteenth amendment that the United States Supreme Court principally supported the order for a new trial of the Scottsboro case. The majority opinion of that court held that the defendants were placed in jeopardy of their lives without a properly qualified legal defense, and therefore without "due process of law."

As well as the layman can gather, the lengthy investigation of the jury system in Jackson County is predicated upon the assumption that failure to include Negroes on the jury list would constitute an abridgment of "the privileges and immunities of citizens." In other words, the early stages of the trial at Decatur have presented no fundamentally new questions. The whole problem involved is one which has long been familiar in the procedure of Southern courts.

The federal constitution, generally speaking, has grown out of three periods in our national history. The original seven articles and the first 12 amendments were enacted as a groundwork by 1804. At the close of the War Between the States, the thirteenth, fourteenth and fifteenth amendments were devised by those radical groups intent upon punishing the South as a rebellious and conquered province. The remaining five amendments have been passed since 1913; they refer to such conspicuously modern things as income taxes, direct popular election of senators, prohibition, woman suffrage and "lame duck" Congresses.

Whether the obviously punitive amendments, set up in the heat of passion against the South immediately following the War Between the States, shall remain inflexible at this late date, to the obliteration of the principle of state rights, is a matter of more interest to the South than to any other section of the United States.

Lynchings-1933

Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4340

LEIBOWITZ CONFERRING WITH 9 DEFENDANTS IN COURT HOUSE AT TIME

4-15-33

Judge's Speech from Bench Confirms Growing Lynch Danger; Guards Are Increased

Daily Worker

Scottsboro Boys Take Stand, Deny Charges; "I Was Framed Up" Shouts Patterson

New York, N.Y.

NEW YORK.—The International Labor Defense today urged its more than 800 branches throughout the United States to send protests and hold meetings and demonstrations denouncing the lynch attempts at Decatur.

* * *

(By Special Correspondent)

DECATUR, Ala., April 5.—An armed gang of 200 members of the Ku Klux Klan, who had just concluded a meeting held in another section of the town, last night moved on the Morgan County court house in the rear of which—in a flimsy jail—are confined the nine Scottsboro boys

The attempted attack took place about 8 o'clock in the evening, at the time when Samuel S. Leibowitz, attorney for the International Labor Defense, was conferring with the nine Scottsboro boys in the courthouse. Previously he had won the right to confer with the boys in the courthouse instead of in the jail which, upon a previous visit, he had characterized as "unfit for pigs."

A plea by Sheriff A. W. Davis, Jr., buttressed by the threats of guardsmen to shoot if the lynch gang advanced, resulted in the dispersal of the klansmen.

Sheriff Lies

This morning, however, the sheriff brazenly denied that the gang had actually advanced on the jail, although Capt. Joe E. Burleson, in command of the national guard detachment on duty at the trials, admitted that more sentries had been placed around the courthouse and the jail. At the same time it is reported that 15 more militiamen, bringing machine guns with them, are due to arrive in Decatur momentarily.

That the action of the armed gang was not a "spontaneous" outburst, but was rather the result of systematic organization under the direction of "leading citizens" is undeniable. The courageous action of the local Negroes in testifying on behalf of the defense on the issue of the exclusion of Negroes from jury service coupled with the knowledge that Prosecutor Knight had made out a miserable case undoubtedly hastened the action of the klansmen.

Although your correspondent was informed by a participant that Davis himself spoke to the mob, threatening to shoot and urging them to disperse the local officials as well as the press are seeking to stifle the story in an effort to main the illusory, "peaceful" exterior of Decatur.

Last night Capt. Burleson of the national guard conferred excitedly with Attorney-General Knight a number of times, but the prosecutor refused to divulge the cause of the excitement when questioned by your correspondent.

Judge's Speech

Clear-cut confirmation of the threatened lynch action against the Scottsboro boys and their attorneys was seen when Judge Horton, during the morning session, after sending the jury from the courtroom, declared:

"I will give the order to national guardsmen and peace officers to shoot to kill if any violence is attempted. Any person who seeks to prejudice these cases is not a good citizen, and has forfeited his right to protection under Alabama law. If any effort is made to take these prisoners by violence, if I am present—and I will be present, I, personally, will give the orders to shoot to kill."

After the judge had finished his speech, Capt. Burleson stated in an interview with your correspondent that the meeting of the Ku Klux Klan took place last night, but that he was unable to "discover" the place where it was held. He declared that the gang's plan was to divert part of the national guard to another part of the town, leaving the jail clear for attack.

"The jail is an arsenal and we have plenty ammunition to shoot."

This, taken together with the speech made in court today by Judge Horton, with its solemn warnings against "mob action," indicates clearly that the judge is well aware of the lynch danger and makes speeches from the bench to keep up the pretense of "fairness."

When court opened this morning Haywood Patterson took the witness stand and denied that he participated in any attack upon either Victoria Price or Ruby Bates, as charged by the prosecution.

"No!" was his emphatic answer to a direct question by Attorney Leibowitz as to whether he assaulted the Price woman on a freight train in 1931. She had previously "identified" Patterson as the "third or fourth" Negro who had attacked her and Ruby Bates.

The Negro boy, who has been in prison for more than two years on the framed-up charges, readily admitted that he was on the train on which the attacks are alleged to have taken place, but denied any knowledge of the assaults.

More Frame-up

The feebleness of the prosecution's case against Patterson and the other Negro boys is indicated by the announcement made today by Attorney-General Knight that he would call as rebuttal witnesses two Kilby prison guards, who will testify that Patterson "boasted" of having participated in the alleged attacks.

Negro Boys Testify

Leibowitz today called each of the Scottsboro boys to the stand and all vehemently denied any attacks upon Price or Bates. Willie Robinson, one of the boys removed from the train by a sheriff's posse, was the first defense witness called. He denied all knowledge of the attacks upon the two women.

A dramatic moment in the questioning of the defendants came today when Prosecutor Knight was questioning Haywood Patterson, now on trial for his life.

"I Was Framed"

"You were tried at Scottsboro, were you not?" Knight asked.

"I was framed at Scottsboro!" the Negro boy answered heatedly.

This came as a culmination to the testimony of the other Negro boys who traced every moment of their actions on the freight train, using the miniature trains set up in the courtroom.

Robertson, another of the defendants, testified that he was physically unable to jump over the freight train and engage in a fight or the alleged attack, since he remained in the same flat car all the way between Chattanooga and Paint Rock.

Never Saw Women

All the boys testified they never saw the women on the train, and observed them for the first time. Immediately upon reaching the witness stand, Eugene Williams told how he was for nearly two years kept in full view of the electric chair at Kilby Prison, although he had not even been convicted. He then told the story of the fight between the white and Negro boys on the train on the other side of Stevenson. The young Negro boy told his story calmly, indicating by use of the miniature train how the white boys stepped upon Patterson's hand, while passing over the oil tank and how Patterson asked them to be careful, and how this incident led to the fight which resulted in all but two white boys and an unknown number of Negroes leaving the freight train before reaching Paint Rock.

Quiet and Confident

The bearing of the boys on the witness stand was quiet and self-confident, and they were unswerving in the main points of their story, refusing to permit themselves to be confused by Prosecutor Knight's detailed and deliberately involved questions.

Young Williams told how Patterson saved the life of Gilley, a white boy, by pulling him into the gondola train while the freight was traveling at a high speed. When Knight tried to take the alleged attack on the white girls for granted, Patterson replied:

"I never did that, did not even see the girls. You think I would save a white man and then let him witness such a thing as raping white women?"

For some time the Negro boy argued directly with Knight, all the time vigorously denying the prosecutor's charges and insinuations.

Victoria Price In Jungle

Dallas Ramsay, Negro from Chattanooga, was an important defense witness. He testified that at 6 in the morning before the freight ride he saw Victoria Price with another girl in the Hobo Jungle at Chattanooga. Wednesday, Victoria Price testified she had spent the night at the home of "Callie Broochi" in Chattanooga, not coming to the railway yards until late in the morning. Ramsay testified she asked him when her train would pull out.

He saw her again at 9 p.m. together with Ruby Bates and two white men boarding a freight train. Victoria Price has testified she never met Orville Gilley or Lester Carter, two of the boys on the train, before she got on the train.

The defense announced it would prove that she and Ruby Bates spent the night in a freight car at Chattanooga with these two men before boarding the train.

Testimony Unbroken

The prosecution tried to break down this damaging testimony but failed completely before the composure and clear testimony of Ramsay. Mrs. Beatrice Maddox, sister of Roy and Andy Wright, the next witness on the stand [illegible] had searched all of Chattanooga for such a place as Victoria Price described as "Callie Broochi's" and had not found it.

Daily Worker

She was followed by General George W. Chamlee of Chattanooga chief Scottsboro defense counsel who testified he has lived for 25 years on Seventh Street, Chattanooga where Victoria Price said "Callie Broochi" lived and has never heard of such a person. This was a wealthy business neighborhood.

* * *

NEW YORK CITY NEWS
APRIL 9, 1933

Crosses Blazing As Jurors Weigh Scottsboro Case

By TOM CASSIDY.
(Staff Correspondent of The News)

DECATUR, ALA., April 8.—Fiery crosses are being burned on adjacent Alabama hills in token of the vigilance of the mob. Samuel S. Leibowitz charged in open court tonight.

In an adjoining room, twelve white jurors debated the fate of Haywood Patterson, first of the seven colored Scottsboro youths to be retried for their lives on charges of having attacked two white girls.

Samuel Leibowitz

While national guardsmen patrolled the courthouse grounds, the jurors went to supper at 7 o'clock (8 o'clock New York time) after having deliberated for four and a half hours. They returned in an hour.

Meanwhile, Leibowitz, chief counsel for Patterson, had appeared before Judge James E. Horton, the Lincolnesque magistrate who presided during the colored lad's trial, to argue for a change of venue in behalf of Charley Weems, the next of the Scottsboro septet to be brought to bar.

Brodsky Accompanies Leibowitz.

Leibowitz was accompanied by Joseph Brodsky, attorney for the International Labor Defense Council, which has espoused the seven's cause.

"We submit," Leibowitz said, "that Decatur is no place to try the defendant, Weems. Both Mr. Brodsky's life and my own have been threatened, and even now fiery crosses are burning on the surrounding hills. We have not brought these facts to the attention of the Court heretofore—and asked a change of venue—because of the hazard that the jury might be prejudiced. The guardsmen, as you know, were not brought here at our solicitation.

"But now that the case is in the jury's hands, it is proper to express the opinion that justice will be better served by granting the next defendant a hearing elsewhere."

Motion Denied by Court.

Judge Horton denied the motion and ordered the trial of Weems to begin a week from Monday.

The fate of Patterson was given into the jury's hands at 1:55 o'clock this afternoon, after the Judge had charged the jurors not to be swayed by racial or political prejudice, and had feelingly declared:

"I have acted in this trial as I believed to be right—no matter what the personal cost might be!"

Leibowitz had just concluded his four-hour summation.

"It has been stated by some that this is a race matter," the lean, Spartan jurist declared. "There is talk of whether public opinion here or there feels this or that way on this case. That is no concern of ours.

Court Often Vexed.

"The Court has been vexed a great many ways, by the receipt of a great many telegrams and so forth, but this Court desires only to see justice done in this case. We all love our land.

"I love the Southland. I want to see her good name upheld, and we're going to see righteousness and justice done in this case. Do nothing to reflect on her fair name. It seems sometimes that love which should adorn the human bosom has left it, and that hate has taken its place.

"The State must first prove beyond a reasonable doubt that this defendant is guilty. Remember whatever you do, that no outside matter is any concern of ours."

Both the Judge and Attorney General Thomas E. Knight Jr. were deluged during the session with telegrams from radicals throughout the country demanding that they safeguard the prisoners from lynching in the event of an acquittal.

Victoria Price
State's star witness.

Denies Red Touch.

Leibowitz, hoarse from his oratorical labors of yesterday, apologized to the jury for his physical condition and told them that he talked on because he was fighting a "damnable frame-up by a prostitute." He called the Scottsboro trial of the youths which has been reversed by the U. S. Supreme Court a "judicial lynching."

Referring to the prosecution charge of "sinister influences in New York," he said: "Gentlemen, I've given you the evidence the best I know how. The boy is innocent. I think I've proved that. I'm not an I. L. D. I'm not a Communist. I don't belong to that tribe at all.

"I ask you to let it be spread abroad that Alabama is fair."

Attorney General Knight denounced the defendant, and called him "this thing" in his closing.

He asked that the verdict be not based on "racial prejudice or religious creed," a slap at his prosecution aid, Wade Wright, a member of the All Day Singers sect, who yesterday referred to "New York Jew money."

Knight defended his star witness, Victoria Price, and denounced Ruby Bates, the other of the two who accused the defendants at the first trial. He ridiculed the story of Miss Bates for the defense that the new clothes she wore in court yesterday were purchased for her by the Rev. Harry Emerson Fosdick of New York, to whom she had said she wanted to recant her story of the attack.

After declaring the case to consist of "a framed defense, rather than a framed prosecution," Knight said: "I ask you to put this man in the electric chair for the attack on Victoria Price."

Vets Wire to Scott

NEW YORK.—The National Committee of the Workers' Ex-Servicemen's League today addressed a sharp wire to Dr. E. Scott, who was charged with responsibility by the government for recruiting Negroes into the imperialist war. Scott was at one time secretary to Booker T. Washington, and is at present the treasurer of Howard University, a Negro institution.

The wire follows:

On behalf of four hundred thousand Negroes recruited in World War we demand you wire Governor Miller Alabama for change Scottsboro trial to Birmingham stop Demand De Priest others do likewise.

NEW YORK
E[redacted] WORLD—Telegram
APR 10 1933

THE SCOTTSBORO VERDICT.

THE conviction of Haywood Patterson, first of the Negro defendants in the second trials of the Scottsboro cases, will be appealed from. It should be.

Among other things prejudicial to a fair trial, the defense attorney was able to show that the jury law apparently was administered to exclude Negroes from the panel for this case. On ~~more~~ than one occasion during the trial the State attorneys conducted themselves in such a way as to prevent orderly and judicious consideration of evidence by the jury.

In repudiating her testimony at the earlier trial Ruby Bates last Thursday swore that the other girl in the case, Victoria Price, had framed the Negro youths. Lester Carter, a white friend of the two girls, confirmed the testimony of Ruby Bates.

To execute boys on the discredited evidence of a woman of Victoria Price's character, and following a trial in which racial discrimination seemed to operate in the jury panel, would be unthinkable.

Just as the Chief Justice of Alabama dissented from the Scottsboro conviction, and just as the United States Supreme Court threw out that conviction as a violation of the Fourteenth Amendment of the Constitution preventing States from depriving "any person of life, liberty or property without due process of law," so the Decatur verdict yesterday appears certain to be set aside by a higher court.

Lynchings - 1933 - Legal Punishment for Rape.

Alabama (Haywood Patterson.)

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NEW YORK TIMES

MAR 26 1933

HUNT GIRL WITNESS IN SCOTTSBORO CASE

All Alabama Sheriffs Urged by Attorney General to Find Accuser of Negroes

TROOPS SENT TO DECATUR

Governor Miller Orders Company to Prevent Outbreak at Second Trial, Beginning Tomorrow.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., March 25.—Attorney General Thomas E. Knight ordered a Statewide search today for Ruby Bates, missing witness in Alabama's cause celebre, the Scottsboro case, involving nine Negroes.

Exactly two years ago today, the Bates girl and Victoria Price, her companion on a freight-train riding expedition, charged they were attacked by a dozen Negroes who threw seven white hoboes off the train after a furious fight.

For the second time in two years the State is ready to proceed against seven of the accused Negroes, and once more the prosecution will demand that they pay the penalty provided by the law of Alabama—death in the electric chair at Kilby Prison.

The first trial held in the feverish excitement which prevailed in Scottsboro after the prisoners and their victims were taken from the freight train by an armed posse resulted in the conviction of all the prisoners save one, who then was only 13 years old. The sentences of death meted out by Judge A. E. Hawkins were set aside by the United States Supreme Court after the International Labor Defense entered the case.

While he made no secret of the fact that he was extremely anxious to locate the Bates girl, missing from her home in Huntsville since Feb. 28, Attorney General Knight did not regard her absence as an insurmountable barrier to a successful prosecution. He issued an order to the Sheriff of every county in the State to search for her.

Relies on First-Trial Evidence.

Should they fail to find the young woman, it was understood that he would attempt to introduce the evidence she gave at the first trial against those of the Negroes whom she accused of attacking her. This move probably will be fought by the defense.

While everything appeared quiet on the surface of this Tennessee River town, officials were not inclined to overlook the possibility of trouble when the Negroes are brought here from the Jefferson County Jail in Birmingham early next week.

Coroner Miller issued an order from the Capitol at Montgomery this morning, ordering a detail of thirty National Guardsmen to Decatur for duty Monday morning. They are to report to Judge James E. Horton, the trial judge. This precautionary measure was taken at the request of Judge Horton and Sheriff Bud Davis with the approval of Attorney General Knight.

The guardsmen will keep a twenty-four-hour vigil about the jail from which escape has been easy and frequent in the past.

A capacity crowd is expected to swarm into the second floor courtroom, where the trial is to be held, and orders have been issued to deputies to maintain order at all costs.

Among the townsfolk the attitude is that there will be no trouble unless it is started by "outsiders." By that they mean the Communist sympathizers of the Negroes. While the Negroes are not radicals themselves, they are being defended by lawyers for the International Labor Defense. Communists have been making the most of the opportunity the case has afforded them to carry on organization work among the Negroes of this and neighboring States.

Look for "Reds" at Trial.

Recently pamphlets were circulated in Southern cities announcing that a "labor jury" would be present in the court house to render a verdict after the trial. It would be composed, the announcements said, of Negro and white workingmen, professional men and white-collar workers and it would be representative of a cross-section of the country.

The Sheriff's forces will be especially watchful for radicals from New York, it was said.

Before the opening of the actual trial a defense motion to quash the indictments against the Negroes will be argued by Samuel Leibowitz and Attorney General Knight, both of whom have subpoenaed witnesses to support and contradict the contention that Negroes are systematically excluded from jury service in the State. This contention was one of the points on which the case was carried to the nation's highest tribunal, and it may well prove the peg on which to hang a second appeal if the motion is denied and the Negroes are convicted again.

In reviewing the original verdict, the Supreme Court based its decision solely upon the "inadequacy of the defense counsel," provided by the court in Scottsboro. The courts have held, however, that the establishment of a color line in selecting jurors viloates guarantees of equal rights provided by the Fourteenth Amendment.

Florida Case Will Be Cited.

In the case of Tarrance against Florida the Supreme Court ruled:

"An actual discrimination by the officers charged with the administration of statutes unobjectionable in themselves against the race of a Negro on trial for a crime by purposely excluding Negroes from the grand and petit juries of the county will not be presumed but must be proved. An affidavit of the persons under indictment, annexed to a motion to quash the indictment on the ground of such discrimination, stating that the facts set up in the motion are true, 'to their best knowledge, information and belief,' is not evidence of the facts stated."

Samuel Leibowitz, chief of defense counsel, intends to supply the lacking "proof" by examining twenty-odd witnesses and attempting to prove that some of them, although Negroes, were qualified to serve as jurors and have never been called for such service.

In another case the court held that a Negro who charged exclusion of members of his race from the grand and petit juries which indicted him and convicted him waited too long before raising the issue. The court held:

"If appellant had desired to take advantage of discrimination against him because he was a Negro it should have been taken in advance of his conviction."

While the question of racial discrimination was not raised in the Scottsboro case until after the conviction of the Negroes, the defense is prepared to cite the Supreme Court decision holding that the defendants were not adequately defended in denying that they waited too long to raise the issue.

Knight to Defend Jury System.

Attorney General Knight, who is understood to feel that the defense motion challenges the jury system of his State, is prepared to defend it. He holds that the statute defining the qualification of jurors—a statute the constitutionality of which has been upheld by the Supreme Court—does not discriminate against Negroes as such. He will maintain also that the law is administered fairly.

Arthur Tidwell, one of the three jury commissioners of Morgan County, declared this afternoon that he did not know whether the venire from which the trial jury will be drawn would contain the names of any Negroes. While he admitted that he could not recall when a Negro had served on a jury here, and conceded it "was a long while back," he said he never inquired about a man's color in placing his name in the jury box.

"As long as I know he is a man of good character and sound judgment, like it says in the law book, I put his name in the box," he said. "I don't never ask whether he is a Negro or not and I don't ever see them. I don't know very many persons in this county."

Notwithstanding Mr. Tidwell's assertion, court attendants declared that Negroes never have served on juries here.

DEFENSE OPENS FIGHT; MASS SUPPORT OF ALL WORKERS IS NEEDED NOW

3-[illegible]-33

Defying Threats, Negroes Occupy Third of Seats in Decatur Courtroom

Lynch Danger Exists As Organized Groups Are Mobilized by Alabama Landlords

(By Daily Worker Correspondent.)

DECATUR, Ala., March 27.—Flanked by lines of national guardsmen, the nine framed-up Negro Scottsboro boys marched into the courthouse here this afternoon.

A few moments later counsel for the International Labor Defense swung into action to save the innocent boys from the electric chair.

Highly significant is the fact that Negroes constituted one-third of the spectators in the courtroom. What is more, of the 600 persons who crowded the lawn in front of the court house, the majority were Negroes.

During the morning hours, before the trial was scheduled to begin, less than 100 Negroes were in the crowd, with the majority being whites.

Delay Causes Alarm

The trial, originally scheduled to start at 9 o'clock, did not begin until two o'clock due to the delay in the arrival of the Negro boys from Birmingham, where they have been since the defense compelled their removal from the death cells in Kilby prison.

The crowd began gathering around the courthouse at 7 o'clock when 30 national guardsmen arrived from Hartselle. By 8 o'clock the crowd had grown to 300, and tension grew as the boys failed to arrive. Most of those gathered around the courtroom were from the immediate vicinity, with about one-fourth from outside the county.

Sentiment expressed by some white residents of Decatur before the opening of the trial this morning was: "We figure they'll get what's coming to them, and if not..." Others freely declared that "if those lawyers won't attack the South and behave themselves, there won't be no trouble." All this is a direct result of the press campaign of the Alabama bosses.

As the boys arrived—alert and self-confident—the court was tense. All except Roy Wright were dressed in blue denim overalls, and when Wright, the youngest of the defendants, was led to the place assigned to him, Attorney Liebowitz for the defense shook his hand, much to the amazement of the white officials.

With four soldiers stationed beside the judge's bench, and national guardsmen surrounding the courthouse, concurrent opinion here as the trial proceeds is that the danger grows of lynch action directed by small organised groups coming from the outside towns, like Huntsville.

Demand Rights for Negroes

Citing the Fifteenth Amendment to the U. S. Constitution, which is supposed to grant equal political rights to white and Negro citizens, defense lawyers will soon begin the calling of Negro witnesses to prove that systematic exclusion of Negroes from juries is practised in the state of Alabama. Just how many witnesses will appear depends on the extent to which the prosecution has succeeded in terrorising the twenty-odd Negroes who have been subpoenaed by the I.L.D. attorneys.

Riding with your correspondent over the same route as the freight train which carried the Scottsboro

boys when they were jailed, Liebowitz, defense counsel, said: "Evidence that we will present will show this to be the most contemptible frame-up ever seen."

A spectacular feature of the defense courtroom fight will be the introduction of a replice of the slow-moving freight train on which Ruby Bates and Victoria Price charged they were attacked.

The defense will show that it was impossible for the accused Negro boys to have been in the gondola, or open car, during the period and in the manner charged.

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Hits Troops—State or Federal

"Neither state nor federal troops is a protection for the Scottsboro boys," declared William L. Patterson national secretary of the International Labor Defense today.

"The fact is that the authorities who provide national guardsmen, or federal troops have as their objective the murder of the Scottsboro boys—whether legal or extra-legal.

"Only the mass pressure of the workers of the United States and the world, has saved the Scottsboro boys so far, and only the same force can save them now."

Jury Book Brought Into Court In Effort To Prove Race Bar

Advertiser 3-31-33

Group At Banquet

Auburn will carry on despite the fact at faculty members have been practically without pay since October, 1931 r. L. N. Duncan, member of the college administrative committee, told umni of the institution attending the . E. A. convention at a banquet at the efferson Davis Hotel last night.

"The courage, devotion, loyalty, and ne spirit of the faculty and business en of Auburn which have enabled us to arry on [illegible] terrible times connces me that we [illegible] be able to continue," Dr. Duncan said.

He pointed out that the institution eceived only [illegible] per cent of its appropriation for [illegible] year and only 26 per ent of the reduced appropriation for his year, and added that a large proortion of this had to go into lights, ater, supplies, maintenance of equipnent, and other fixed expenses, leaving nly a meager sum for salaries.

Early in the beginning of the present ear the budget for salaries and other xpenses of the institution was reduced y the administrative committee and oard of trustees in line with reductions n appropriations made by the Legislaure, he reported. The appropriation to uburn was cut 30 per cent by the first pecial session of the Legislature, and of his reduced appropriation only 26 per ent has been received, he said.

He frankly stated that he wished to ive a true statement of the situation at uburn to correct the impression in

ome quarters that salaries and expenses t higher institutions have not been reluced. "We have not only gladly reluced our expenses in line with econonic conditions, but we are actually aced with a situation where loyal, capble faculty members are continuing to erve while receiving only a very meager ortion of reduced salaries," he said.

Dr. Duncan was not critical of the resent Legislature, but stated that they aced an especially difficult problem, the olution to which is not easily reached.

Dean Zebulon Judd, of the Auburn chool of education, who presided as oastmaster, announced at the end of

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of the Morgan County Circuit Court, made a total of 13 witnesses called by he defense.

The State has called only three, J. A. Tidwell, John Tomlinson, and W. J. Briscoe, who comprises the Morgan County Jury Board, which prepares the jury roll and fills the box from which the venires are drawn.

One by one, the witnesses were called to the stand to identify long lists of negroes living in the country and to tate under direct examination by Liebowitz that they had never seen a negro on a jury in Morgan County courts.

It took half an hour or more for each witness and frequently longer as Atty. Gen. Thomas E. Knight, Jr., countered defense moves by asking the witnesses if they had any personal knowledge of whether they had been considered by the jury board and found lacking in the necessary qualifications

Clashes between Liebowitz and Knight each of whom raised his voice frequent-

[illegible] it could be heard in the cor[illegible] outside interrupted proceedings as they sparred for advantage in the legal battle underway.

Only [illegible] kept the spectators [illegible] in the courtroom, which became so warm that ceiling fans were kept running.

There was a general craning of necks as Knight asked the Rev. [illegible] son, negro minister, "are you a member of the Communist [illegible]"

"No, sir," [illegible] replied, shaking his head, and on redirect examination by Liebowitz, said he was a Republican.

More than 180 names of negroes living in the county whom the witnesses described as in their opinion, holding the qualifications necessary to qualify for jury service under the selective jury statute of Alabama were read into the testimony.

Constitutional Issue Raised

During the three days court has been held this week, the same question constantly has been raised whether absence of negroes from juries constituted a violation of the rights of the defendants guaranteed under the fourteenth amendment.

In the maze of tedious testimony the names of the two alleged victims of the attack and of the defendants themselves have drifted into the background.

Patterson was the only one of the defendants brought into court today. The others, Andy Wright and Clarence Norris, of Chattanooga; Charlie Weems and Ozie Powell of Atlanta; Willie Roberson of Columbus, Ga., and Olen Montgomery, of Monroe, Ga., were left in the jail.

Patterson at times dozed during the afternoon as the proceedings moved slowly. He had before him a rusty mule shoe, and a rabbit's foot that his counsel obtained for him at his request.

An effort was made by Liebowitz, who entered the case at the invitation of the International Labor Defense but on his stipulation that he accept no remuneration, to have Judge Horton reverse his previous decision to grant the State a severance for Patterson.

Liebowitz wanted the judge to place all seven facing retrial on trial at the same time, contending that it was unfair to Patterson "to single him out." Atty. Gen. Knight yesterday had informed the court he wished to try Patterson separately as Patterson was in the first trial, which resulted in conviction and his request was granted. The other two are juveniles.

Lynchings-1933

Legal Punishment for Rape

Alabama. (Haywood Patterson.)

(4342

NEW YORK CITY TIMES
MARCH 20, 1933

NEGRO JUROR BAN TO BE TRIAL ISSUE

Defense in Scottsboro Case Will Attempt to Show Unconstitutional Discrimination.

WANTS NEGRO WITNESSES

Seeks Permission to Call These to Stand in Effort to Prove Them Qualified to Be Jurors.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 19.—The witnesses for whom subpoenas will be requested this week by G. W. Chamlee, the Chattanooga lawyer retained by the International Labor Defense to assist Samuel Leibowitz, New York criminal lawyer in the defense of the accused Negroes are, with one exception, colored residents of Jackson County where the crime occurred.

Mr. Leibowitz will attempt to show by examination of these witnesses, if Judge Horton permits that they are qualified to serve as jurors within the meaning of the Alabama statute except for the color of their skins. So far as has been learned here it will be the first time in history that such an attempt has been made to prove racial discrimination in the selection of Southern juries.

One witness, a white man, who now resides in Chattanooga, but who formerly was a resident of Jackson County, is expected to testify that in all the time he lived there no Negroe's name ever appeared upon a jury roll.

The State's answer, as it will be delivered by Thomas E. Knight Jr. Attorney General, is that the Alabama laws do not disqualify Negroes as jurors, but that they have failed to satisfy the jury commissioners appointed by the Governor that they are persons of sound judgment.

Attorneys defending the nine Negroes in the Scottsboro case plan to call twenty witnesses to support their contention that Negroes are systematically excluded from Alabama grand juries and petit juries in violation of the Fourteenth Amendment, it became known today.

Long Argument Expected.

The defense has moved to quash the indictments against the Negroes charged with attacking two white girls, Ruby Bates and Mrs. Victoria Price, on a freight train near Scottsboro two years ago. The motion is based upon the allegation that Negroes were excluded from the grand jury which indicted the nine Negroes.

Argument and the submission of proof in support of the motion is expected to consume the first three or four days of the trial, now scheduled to open March 27 before Circuit Judge James A. Horton of Athens.

Meanwhile the defense attorneys were puzzling over how their witnesses shall be transported from Jackson County to Decatur, the seat of Morgan County, where the trial is to be held. Contrary to popular belief in Alabama the International Labor Defense funds are reported to be limited—notwithstanding the frequently credited reports that the Russian Soviets are supplying the cash for the defense of the accused Negroes, who became Communists after their arrest.

The one day-time train from Scottsboro to Decatur, some fifty odd miles to the west, reaches the latter city at noon and court sessions there usually begin at 8:30 A. M. The other train arrives in the evening and could be used for transporting witnesses only if they were to be kept over night at the expense of the defense, for it is not the State's responsibility.

Another problem before the defense is that the witnesses live in the mountains around Scottsboro and are some distance from the railroad. Consequently they are planning to hire trucks to move their witnesses back and forth between Scottsboro and Decatur.

Mr. Knight was absent from the capital city over the week-end. He said over the telephone that he had been to Decatur to arrange details of the approaching trial and had consulted virtually all the State's witnesses with the exception of Ruby Bates, who disappeared mysteriously on Feb. 28.

Prosecutor in Decatur.

In the meantime Decatur, resentful at suggestions of prejudice against Negroes in general and the Scottsboro Negroes in particular, prepared to make the best of the situation which was foisted upon it. Many of the citizens of Decatur wish that the trial of the Negroes had been sent elsewhere if they could not be tried fairly in Scottsboro, where two years ago they were sentenced to death in the electric chair, only to have the United States Supreme Court order new trials for them.

Attorney General Knight and the defense attorneys have agreed that the Negroes, now confined in the death house of Kilby prison here shall be transferred to the Jefferson County jail in Birmingham, pending their new trial, but as yet the necessary orders have not been signed. Mr. Chamlee mailed copies of the order which he and Mr. Knight agreed upon to Judge A. E. Hawkins of Jackson County, and Horton of Morgan County, and it was expected that these orders would be returned early this week. If and when the orders are signed the prisoners will be moved promptly, according to officials of Kilby prison.

SEVEN YOUTHS TO FACE NEW TRIALS AT DECATUR

Reporter

3-25-33

Birmingham
Ala.

Court attaches and attorneys in the "Scottsboro Case" have been busy this week making final preparations for opening of the retrial for seven of the youths who were granted new trials when the United States Supreme Court reversed the death sentences given the youths who were charged with attack on two young white women late in March, 1931.

The new trial begins Monday, March 27th, but the scene will be shifted from the place of first trial—Scottsboro, in Jackson County, Alabama—and will be heard before Judge James Horton at Decatur in Morgan County, 75 miles west of Scottsboro, to whose court and jurisdiction Judge A. E. Hawkins granted a change of venue several weeks ago.

Wanted Trials Moved to Birmingham

Attorneys for the boys had sought to have Birmingham in Jefferson County designated as the place for retrial, with the feeling that in the Jeffreson County Courts they could get a fairer trial for their clients than may be possible in a small town so close to the scene of the alleged crime. It is thought that the defense has not given up the idea and may make a motion before the Decatur Court to get further change of venue to Birmingham.

Boys Taken From Kilby

In preparing for the new trials officials transferred eight boys from the death cell at Kilby Prison to Birmingham Tuesday night and placed them in the Jefferson County jail for safekeeping pending their new trial Monday at Decatur, the ninth boy of the group, Roy Wright, has been in the Jefferson County jail since a mistrial was entered in his case at the first hearing.

Those brought to Birmingham Tuesday night are Charlie Weems, Haywood Patterson, Clarence Norris, Eugene Williams, Ozie Powell, Willie Robinson, Andy Wright and Olin Montgomery. All except Eugene Williams will face trial next week.

Alabama Jury System Attacked

Defense attorneys, it is said, will present motion to quash the indictments on which defendants are held if no Negroes appear on the jury list from which the trial jury must be drawn.

State Witness Disappears

In the meantime authorities have been trying to locate the whereabouts of one of the state's chief witnesses against the boys, Ruby Bates, who was one of the two alleged victims of the attack, and who is said to have been missing from her home in Huntsville for several weeks now. Whether the state will proceed with the trial if Miss Bates is not found is not known. The girl is said to have signed a letter more than a year ago in which she repudiated her statement that the boys had attacked her. This alleged letter is in the hands of attorneys for the defendants and will doubtless play a big part in plans of the defense.

Attorney General Thomas E. Knight, Jr., will handle the state's case against the defendants, while some of the country's best known criminal lawyers have been employed by the International Labor Defense to represent the boys. These include General George W. Chamblee, chief of the Scottsboro

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IMPORTANT SCOTTSBORO MEETING

Reporter

3-25-33

Birmingham
Ala.

The Scottsboro case has interested men and women throughout the world of every shade of opinion and of every race and color.

Leading scientists, teachers, and other public-spirited citizens as well as churches, clubs and trade unions, all over the United States and in Europe as well have voiced their sentiments and have called for justice and fair play for these nine Negro boys.

Literally on the eve of trial of the Scottsboro case, Birmingham citizens have arranged a public meeting to discuss the various issues that arise out of the case.

It is announced that the speakers will be Dr. Henry M. Edmonds pastor, Independent Presbyterian Church and State Chairman of the Commission on Interracial Cooperation; David Hutton, a senior at Birmingham-Southern College; Dr. Ernest W. Taggart, president of the local branch of the N. A. A. C. P.; and Dr Kenneth E. Barnhart, Professor of Sociology at Birmingham-Southern College.

The following persons have been asked to make brief talks: Oscar W. Adams, editor of The Birmingham Reporter; Mrs. H. C. Bryant, president, Young Women's Christian Association and Dr. Benjamin B. Goldstein, Montgomery rabbi.

Mr. Gaines T. Bradford, editor of The Birmingham World, will preside.

This meeting is sponsored by the Citizens Scottsboro Aid Committee of Birmingham. It does not represent any particular organization or group of persons. It invites and urges all individuals, churches and clubs to join and assist it in its endeavors to aid the nine Scottsboro boys with moral and financial help.

The meeting will be held Sunday, March 26th, at 3 P. M. at the First Congregational Church, 7th Ave. and 15th Street, North.

NEW YORK TIMES
MAR 16 1933

BARS NEW CHANGE IN SCOTTSBORO CASE

Attorney General Refuses to Aid Shift From Decatur—Trial Set for March 27.

NEGROES WILL BE MOVED

Leibowitz Wins Transfer to Birmingham, Where Private Inter-

views Are Not Prohibited.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 15.—Seven of the nine Negroes accused of attacking two white girls on a freight train near Scottsboro two years ago will go on trial for their lives a second time at Decatur, Ala., the seat of Morgan County.

Judge Horton, before whom the Negroes will be tried, agreed today to give the case precedence over all others on his calendar. This was the most important result of a conference here between Thomas E. Knight Jr., the young Attorney General who will prosecute the Negroes, and Samuel S. Leibowitz, chief of defense counsel.

Prior to the conference with the Attorney General, Mr. Leibowitz, George W. Chamlee and Joseph Brodsky, the defense attorneys, failed in an effort to obtain the right to interview without surveillance by prison officials the eight prisoners confined in death cells at Kilby prison.

Leaving the prison, Mr. Leibowitz went straight to Mr. Knight and announced his intention of making immediate application for a writ of habeas corpus calling for the immediate production of all the prisoners except Roy Wright, a 15-year-old prisoner in jail at Birmingham.

Mr. Knight asked for a few minutes' delay while he discussed matters with members of the Supreme Court, which was then in session. Returning to his office, he informed Mr. Leibowitz that he would not oppose an application by the defense for transfer of the eight Kilby prisoners to Birmingham, where prison rules do not forbid private interviews with inmates.

Youth's Charges Are Cited.

Papers were then drawn up to be signed by the Sheriff of Jackson County, where the crime was committed; Judge A. E. Hawkins, before whom the first trial was held, and Judge Horton, who will preside over the new trial. The latter was ordered by the United States Supreme Court when it set aside the death sentences originally imposed on the ground that the Negroes did not have adequate representation by counsel.

Mr. Leibowitz sought to win Mr. Knight's consent to a reopening of the argument on the already granted motion for a change of venue, in order that he might submit proof that Birmingham was a more suitable place for the new trial than Decatur, because of the necessity of calling the militia for protection of the prisoners at the latter place.

The Attorney General refused to assist in that matter in any way, taking the position that it had been settled finally by Judge Hawkins when he named Decatur.

Mr. Leibowitz then called the Attorney General's attention to the Wright boy's statement that he was stabbed by a member of the State militia while the troops were protecting him and his fellow defendants from a lynching mob at Scottsboro.

Mr. Leibowitz said he was anxious to avoid the necessity of depending on the militia for the protection of his clients during their trial and urged the Attorney General to summon the troops who were on duty at Scottsboro for a line-up to permit Wright to identify the man who assaulted him.

Mr. Wright said he did not regard the unsupported word of a Negro prisoner as sufficiently important to warrant such an order, but he told Mr. Leibowitz that he would prosecute the offender if the Negro made a formal complaint against a specific individual and the New York lawyer could locate the alleged offender.

Defense to Assail Jury System.

Although Judge Horton agreed to set the trial down for March 27, the selection of a jury to try the accused Negroes will not begin until the 30th. Before the Negroes are tried, Mr. Leibowitz plans to place the jury system of Alabama on trial by calling witnesses to support a motion now pending to quash the indictments on the ground that Negroes are systematically excluded from jury duty.

It is this phase of the case, touching on one of the fundamentals of the Negro question of the South, which has come to be the paramount issue involved, overshadowing in interest here the fate of the accused men themselves.

Both sides are searching the law books and records for precedents and decisions to bolster up their respective positions.

With the trial date set and a way found to overcome the barriers to private consultation with the eight death-house prisoners, Mr. Leibowitz started at once to Atlanta to catch an airplane tomorrow morning for New York, where he is to appear as defense counsel in a murder trial scheduled to start on Monday. He expects to return to Alabama a week from Friday.

Mr. Brodsky will accompany him and in their absence Mr. Chamlee will be in charge of preparation of the defense case.

Mr. Chamlee is expected to go to Scottsboro tomorrow to try to obtain Judge Hawkins's consent to the order for transferring the prisoners and arrange for the issuance of subpoenas for several witnesses whose presence at the trial is desired by the defense attorneys.

SCOTTSBORO BOYS MOVED FROM KILBY DEATH CELLS

Daily Worker 3-23-33

Now in Birmingham Jail Where Lawyers Will See Them Alone
Lynch Fever Spurs Defense Drive Against Trial in Decatur

BIRMINGHAM, Ala., March 22.—The two year demand of the International Labor Defense, that the defense attorneys be permitted to interview the eight innocent Scottsboro Negro boys without the presence of guards to terrorize the prisoners, was won yesterday, when it was announced they had been moved from the death cells of Kilby Prison in Montgomery, to the County jail here.

Kilby Prison rules prevent prisoners in death cells from being interviewed by counsel without the presence of guards. The fact is, however, that the confinement of the Scottsboro boys in the death cells was illegal, in view of the decision of the U. S. Supreme Court ordering a new trial.

Lynch Spirit Evident.

The boys were taken after dark in a prison van, escorted by carloads of armed guards, to Birmingham. This is an indication of the lynch-sentiment which has been whipped up by the bosses and officials of the state against the innocent boys. The I.L.D. pointed out. The I.L.D. is continuing the demand that the trials be moved to Birmingham. Scottsboro has 2,300 population; Decatur, 50 miles west, has 15,500; while Birmingham, 85 miles south, has 260,000.

During the week, the boys will be interviewed by the defense attorneys for the first time, as final preparations are made for the legal end of the defense.

Liberals Ask Trial Change.

A plea that the Scottsboro trial be held in Birmingham, instead of Decatur was made yesterday in a joint telegram sent through the American Civil Liberties Union to Gov. Miller and Attorney-General Knight of Alabama, by Benjamin Brewster Episcopal Bishop of Maine; Dr. John Dewey; Bishop Francis J. McConnell former president of the Federal Council of Churches; Dr. James H Dillard, president, Jean Slater Fund Charlottesville, Va.; Dr. Elbert Russell, Dean, Duke University, Durham, N. C.; Dr. Mary E. Woolley, president, Mount Holyoke College, South Hadley, Mass.; Arthur Garfield Hays, attorney.

We Must Not Slacken Fight Against Alabama Lynchers

"THE Nigger boys will get the same kind of treatment here that they got at Scottsboro," says a county official at Decatur, scene of the new Scottsboro trial. "They got a fair trial the last time. If any Niggers come around the courtroom and start acting up, something might happen. If this thing had happened 25 years ago there would not have been any trial." Daily Worker

As the date for the new trial nears all the forces of lynch-law are drawn into the task of preparing a new lynching: prosecuting attorneys, attorney-generals, judges and sheriffs and police, businessmen and newspaper writers—all are being assigned their part in the job of murdering these Negro lads. With the most tender care, with the most loving precision, the lynchers of Alabama are building the gallows for the nine Scottsboro boys, long since proved innocent. 3-20-33

The state has refused a change of venue to Birmingham. This legal move, alone, reveals its sinister intention. For there is a growing mass movement of the workers in Birmingham. Negro and white workers have in recent months struggled side by side for bread and work. This common struggle is dealing hammer blows to old race-hatreds. The state knows this, and it knows that where the power of the workers is stronger, the possibility of freeing such victims as the Scottsboro boys is far greater.

New York, N.Y.

But in the small town of Decatur, 50 miles from Scottsboro and only 30 miles from Huntsville, home of the two white girls, there has been, as yet, no struggle of industrial workers, Negro and white, against their exploiters. Like Scottsboro, Decatur is a tiny town of small businessmen and farmers, still filled with the poison of race-hatred.

The right of a private interview with their attorneys, a legal right granted automatically in most cases, has been denied the Scottsboro boys for two years, under every lying and hypocritical excuse.

The forces of the state have already made it clear that they will fight to the last ditch to prevent the inclusion of Negroes on the jury. The accusation of Roy Wright, that the militia at Scottsboro intimidated him by physical torture, into giving false testimony, is dismissed by Attorney-General Knight, deputy of the lynchers, with the statement that "the unsupported word of a Negro prisoner is not sufficiently important to warrant investigation."

The possibility of a lynching **outside the courtroom** grows daily. Unless the defense and the masses behind the defense can call a halt, the boys will be housed in an old jail, admittedly unsafe, from which jail-breaks are so frequent as to be no longer news. This is a deliberate, public and cynical invitation to a lynching!

The local press continues to whip up lynch sentiment against the boys. This press has not changed, but has grown fiercer in its demand for blood, since the Jackson County Sentinel announced that "a Negro juror in Jackson County would be a curiosity—and some curiosities are embalmed, you know."

Thus, by every means at their command—denial of ordinary legal rights, the whipping up of lynch spirit—the Alabama rulers prepare the path over which they hope to lead nine innocent young boys to a horrible death.

What then can save the Scottsboro boys?

Time and again these boys have been snatched from the electric chair by the roar of protest from the masses in every corner of the globe. The events of the past few weeks show, more clearly than ever, that these masses alone can again save the boys.

Demand of Governor Miller, of the Decatur judges, of Attorney-General Knight, that the boys be removed for trial to Birmingham, where Negro and white workers by the thousands are fighting for bread and work and for the rights of Negroes.

Negro workers! White workers! Lift up your voices! Protest! Shout into the ears of the Alabama lynchers: "MURDERERS! The Scottsboro boys shall not die!" Only a mighty outpouring of mass protest can smash this carefully-planned lynching, can swing open the prison doors and set the Scottsboro boys free.

It is upon the basis of a let-down in the mass protest in the past few weeks that the Alabama lynchers have been able to win their legal points. No more victories to the lynchers! Workers and farmers: NEGLECT IS MURDER!

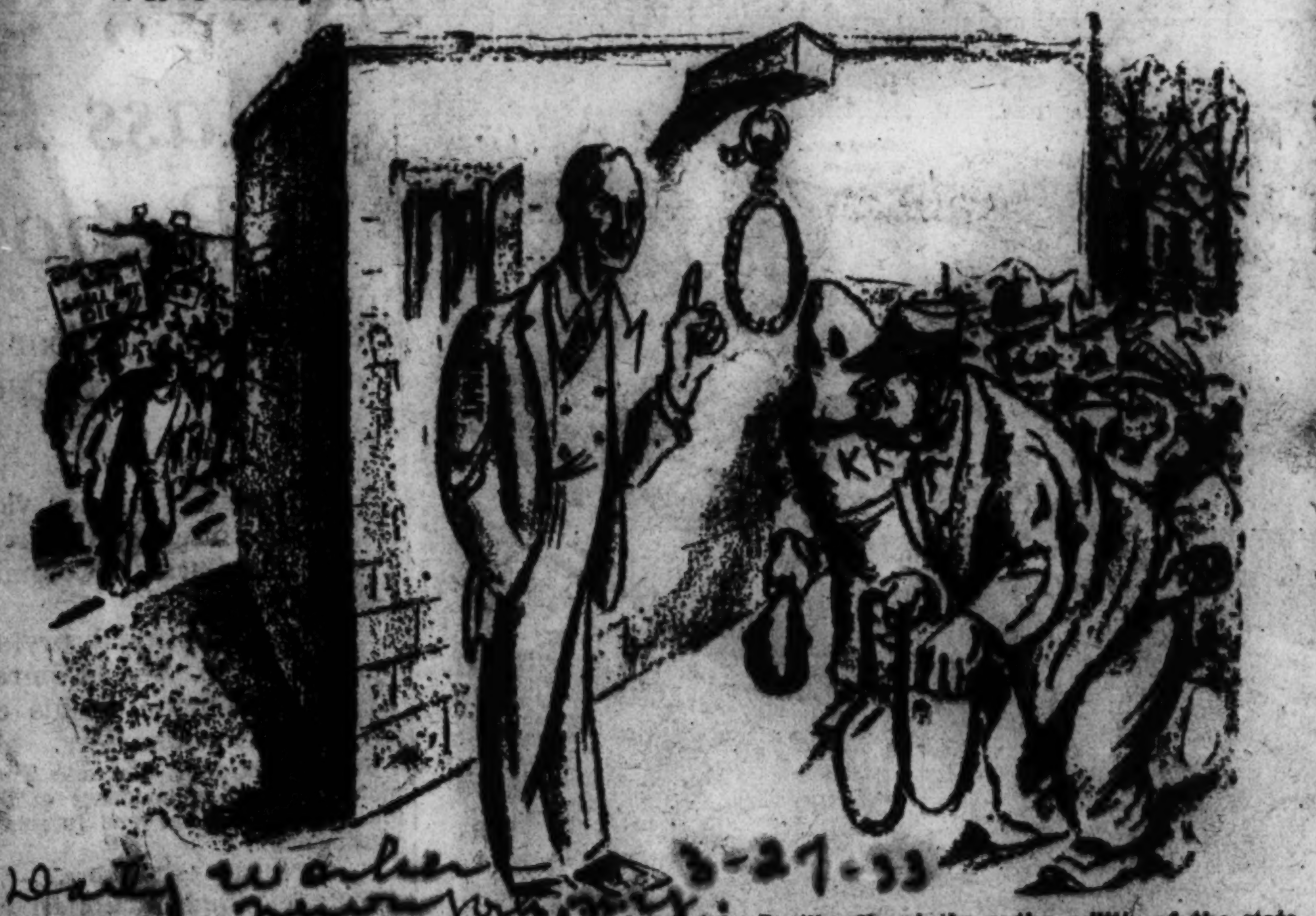
Lynchings-1933
Legal Punishment for Rape

Alabama (Haywood Patterson.)

4343

——FROM THE

What They Call a "Fair Trial"



Daily Worker
New York
3-27-33

"The boys had a fair trial. They will have a fair trial. I will call out the entire militia of the state if necessary to protect them."—Statement by Attorney General Thomas E. Knight, Jr., of Alabama.

Negro Press Columnist in Moving Appeal for the Scottsboro Boys

Daily Worker 3-27-33

Negro

ATLANTA, Ga.—"Do not let the blood of nine lads be on your hands. If the fight should be lost for lack of funds, the State of Alabama will not be one-half so guilty [illegible]."

That is the statement of the columnist writing, "Items in Review," which appears in a score of Negro newspapers throughout the South, in devoting his entire space for one issue to an appeal for funds for the International Labor Defense to carry on its fight to save the lives of the boys.

"Dear Readers," the column begins. "Previous to this time you have never seen any touch of the personal in this column. Its editor has just been an individual, any individual; its contents have been to no one in particular, to everyone in general. But this is being written under the stress of an emergency, and it is to be decidedly personal, a personal letter to YOU from ME.

"There is nothing new now about the Scottsboro case. The veriest school child knows all of the sordid details; knows how a hungry, homeless, job seeking bunch of innocent boys, the youngest of them thirteen or fourteen years of age and all of them less than twenty, were taken off a freight train upon which they were hoboing and clapped into jail on a charge of raping two prostitutes whom they had never seen. . . .

"It is not my purpose to remind you of these things; you know them as well as I do. What I am doing is presenting to you something that you may not know: That the fate of these innocent children now rests entirely with you. The state of Alabama has recently done its worst when it sentenced them to death; there is nothing worse now that it can do. It might repeat the sentence, or it may sentence them to life imprisonment, which, if I am any judge of Southern penal methods means death practically anyway; BUT HOW FAR THE STATE OF ALABAMA MAY GO IS UP TO YOU.

". . . .

"Nine boys—and they might have been your boys—are appealing to all that is human to save them from a horrible death. Don't let them appeal in vain.

"One thing more and I shall have finished. If this case should be lost, look out! There are thousands of unjailed miscreants and potential murderers like those in Alabama who will be all to eager to serve you or your son like they are trying to serve those boys if they are shown by the results of this case that they can get away with it. If you and I, and the twelve million other Negroes in this country allow those boys to be legally lynched for stealing a ride on a freight train, we might all just as well bid goodbye to any sense of safety and security we have ever had.

"That is all my good friends. The address is International Labor Defense, Room 430, 80 East 11th St., New York City, and the time to send it is this minute. Don't let the ghosts of nine murdered boys haunt you the rest of your life because you were too mean, too self-contented, or too thoughtless to send a dollar or a dime to save them. Goodbye."

NEW YORK TIMES

MAR 22 1933

NEGROES SHIFTED FOR ALABAMA TRIAL

Scottsboro Prisoners Taken From State Penitentiary to Birmingham Jail.

PROTECTED ON ROAD TRIP

Heavily Armed Guards in Autos Accompany Prison Van on 104-Mile Journey.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 21.—Eight of the nine Scottsboro Negroes were taken from the death house cells which they have occupied for nearly two years, loaded into a prison van after dark tonight and transferred to the Jefferson County jail in Birmingham to await a second trial for their lives next week at Decatur.

The transfer was carried out in accordance with an order signed by Circuit Judges A. E. Hawkins and James A. Horton of Jackson and Morgan Counties, respectively, in accordance with a request from defense attorneys concurred in by the Attorney General, Thomas E. Knight Jr.

The purpose of the transfer was to permit the defense attorneys to hold unsupervised interviews with their clients, an impossibility at Kilby prison.

The transfer places all of the prisoners under the same roof, for Roy Wright, the 15-year-old juvenile who alone was not convicted at his first trial in Scottsboro, has been there for as long as his codefendants have been in Kilby prison.

The nine prisoners, who are accused of attacking two white girls, Ruby Bates and Mrs. Victoria Price, on a freight train from Chattanooga to Huntsville on the afternoon of March 25, 1931, will remain in the Birmingham jail until just before the new trial, ordered by the United States Supreme Court, opens before Judge Horton in Decatur next week.

The order for the transfer of the prisoners was served upon Warden Walls at Kilby prison late this afternoon. Scarcely a soul in Montgomery knew that it had been received or that the prisoners, who had to be saved from a lynching mob at Scottsboro by the militia, were about to be taken outside prison walls for the first time in two years.

A black prison van rolled up to the prison, which is situated some distance outside of this city. It was dark and the van could scarcely be seen from the highway running past the prison, but if it had been it would have occasioned no undue interest because the van often is there unloading prisoners and hardly a person in Montgomery outside of officials knew that the Scottsboro Negroes were being moved.

Under cover of armed prison guards riding in automobiles before and behind the van, the Negroes started on their 104-mile drive across the country to Birmingham shortly before 7 o'clock. It was estimated that the trip would take about three hours and a half and it was hoped that the prisoners would be delivered to the Jefferson County jail before 11 o'clock.

NEW YORK CITY HERALD-TRI
MARCH 28 1933

Second Trial Of Scottsboro Case Started

Indictment Is Attacked on Ground No Negro Ever Served on Alabama Jury

By The Associated Press

DECATUR, Ala., March 27.—A tedious legal battle to set aside the indictment against seven Negroes accused of attacking two white girls was launched in the Morgan County Circuit Court today as the defense sought to establish its contention that the defendants had been deprived of their rights through exclusion of Negroes from the grand jury that indicted the youths.

The action, forerunner of the second trial of the Negroes, who once were sentenced to death at Scottsboro, Ala., and who won a rehearing on appeal to the United States Supreme Court, began after several hours' delay in transferring the defendants from the Jefferson County jail in Birmingham.

National Guardsmen on Duty

National Guardsmen surrounded the Negroes as they were brought into the courtroom, but there was no disorder.

Samuel S. Leibowitz, of New York, chief of defense counsel, and Thomas E. Knight jr., Attorney General of Alabama, directing the prosecution, clashed frequently as the former sought to prove through witnesses that Negroes had been "habitually excluded" from juries in Jackson County.

[illegible] the defendants drowsed [illegible] wall, only occasionally [illegible] interest in the proceedings, their attorneys read into the records an amended petition to quash the indictments.

Leibowitz declared "there has never been a Negro on an Alabama jury." Attorney General Knight, in a brief statement, denied the allegations and said he was "at issue" with the defense. "We will show the court no such administration of the laws that Negroes are systematically excluded from the juries."

Editor Never Heard of One

J. S. Benson, editor of "The Progressive Age" at Scottsboro, the first witness under direct examination by Leibowitz, said that to his knowledge no Negro had ever served on a jury in Jackson County. Leibowitz asked if Benson knew of a Negro ever having served on an Alabama jury. "I don't know that one ever has," he replied.

Knight took up the questioning and read the jury qualifications calling for good character, sound judgment, requisite age, property holding and intelligence.

"I know some good Negroes, but as Negroes go, I think that sound judgment would get them," Benson said. "Most all Negroes will steal," he replied to a question by Leibowitz.

Several of the defendants joined in the laughter.

"Asked what he meant by Negroes lacking "sound judgment," Benson replied that they were "not trained," adding "and I might say the same applies to women."

John Sanford, a Negro plasterer of Scottsboro, was on the stand when court recessed for the day. He faces cross-examination.

Troops Ordered Out For Decatur

Hartselle Unit To Stand By For Call If Needed

During 7 Negroes' Trial

3-26-33

Montgomery Ad

Under instructions from Adjt. Gen. Hartley A. Moon by direction of Gov. Miller, First Lieut. Louis C. Pa[illegible]llo, commanding Troop C 127th Engineers, Alabama National Guard, stationed at Hartselle, was ready last night to furnish as many Guardsmen as Morgan County officials might require to aid in preserving order during the retrials at Decatur beginning this week, of the seven negroes convicted at Scottsboro two years ago of criminally assaulting two young white girls.

The Governor's order transmitted through Col. Moon, was in response to a letter from Circuit Judge [illegible] E. Horton of the Morgan Circuit Court, which stated that the sheriff of the county could not employ more than four additional deputies while court was in session, and said some National Guardsmen might be needed to supplement the sheriff's forces in keeping order during the impending trials at Decatur.

Expressing doubt that the force of deputies available under the law, would be adequate, Judge Horton requested that all preliminary arrangements be made so that the Guard organization at Hartselle could be called on for any further forces required. The services of not more than 30 Guardsmen would be sufficient in his opinion, he said.

It was made clear by the circuit judge in his letter, that the request was not on account of any threat of danger, or in anticipation of any trouble of any kind, but was merely looking to the having ready at hand of enough men in addition to the sheriff and his deputies, to preserve order during the trials, at all times.

The order of the Governor based on the request, was that the commanding officer of the Hartselle Troop, have 30 of his men in readiness for any call for their services that might come from Judge Horton, the Solicitor, or the sheriff.

Trial Scheduled To Open In Decatur Monday

DECATUR, ALA., March 25.—(AP)—Seven negroes in whose behalf persons throughout the world have raised their voices Monday face a Morgan County jury in the second battle for their lives against charges of attack.

The negroes are seven of nine indicted March 31, 1931 by a Jackson County Grand Jury on charges of attacking two young white girls in a gondola car of a Southern Railway freight train as it rumbled through the Sand Mountains.

The trials were brought here under a change of venue granted by Judge A. E. Hawkins in Jackson Circuit Court three weeks ago, after the United States Supreme Court had set aside the death sentences imposed.

National Guardsmen have been requested for the trial to preserve order and prevent crowding the courtroom. Presence of Guardsmen at Scottsboro in April, 1931, when the negroes first were tried was one of the grounds of appeal before the Alabama Supreme Court and the United States Supreme Court.

Subpoenaes have been issued for approximately 35 witnesses, among them Ruby Bates, one of the two alleged victims, who still is missing from her home at Huntsville. The girl left her home on Feb. 27, and her mother said she had no word from her since.

Officers investigating the girl's disappearance said they had found no clues but have continued quietly to seek her.

Advertiser

There was little probability that selection of a jury would get started Monday before the noon recess, as a motion to quash the indictment still is pending before the court.

This motion, contending the negroes were deprived of their constitutional rights because no negroes were [illegible] on the Grand Jury that returned the indictments was filed at Scottsboro on March 6, along with the motion for a change of venue by Irvin Schwab, one of the five attorneys employed in the case by the International Labor Defense.

3-26-33

Atty. Gen. Thomas E. Knight, Jr., directing the prosecution, filed an answer, and Judge Hawkins granted the change of venue, removing the motion to quash from his jurisdiction.

Ad

Absence of negroes from jury panel in the trials, also was offered as a ground by the defense for a new trial, but this phase of the appeal was not mentioned in the Alabama Supreme Court decision affirming the sentences or the United States Supreme Court in ordering new trials.

The negroes, Andy Wright, 19, Haywood Patterson, 19, both of Chattanooga, Tenn.; Willie Roberson, 17, of Columbus, Ga.; Olen Montgomery, 19, of Monroe, Ga.; Charlie Weems, 22, and Ozie Powell, 18, both of Atlanta, Ga., now are held at Birmingham and will be brought here tomorrow or early Monday.

The case had its inception just two years ago today when the freight train aboard which the alleged attacks occurred was stopped at Paint Rock, and the negroes were taken into custody.

Officers searching the train found in the gondola car the two white girls who alleged they had been attacked after six white youths had been thrown from the train at Stevenson.

The arrest and the story of the two girls who said they were "hoboing" their way home from Chattanooga after an unsuccessful search for work, created much excitement in Jackson County.

Threats Recalled

During the trials, the International Labor Defense entered the case with telegraphic protests and radical organizations wired Judge Hawkins demanding an immediate change of venue.

In the succeeding months since the negroes were first tried, persons of prominence have added their names to thousands who have asked that the negroes be released.

Gov. Miller has kept a file of the protests and they range from printed postal cards, all bearing the same "demand for immediate freedom of these young workers," to lengthy petitions and cablegrams, one of which was signed by the scientist, Albert Einstein.

Gov. Miller and Chief Justice John C. Anderson of the Alabama Supreme Court revealed that they had received threats in the weeks immediately preceding the arguments on the appeal in January, 1932.

In their first trials, the negroes were defended by attorneys appointed by the court, but the International Labor Defense employed George W. Chamlee, of Chattanooga, who interceded and subsequently four other attorneys from New York joined the staff of counsel.

The defense will be directed by Chamlee and the others of counsel employed by the International Labor Defense.

The National Association For the Advancement of Colored People sought to retain Clarence Darrow, noted Chicago criminal attorney, and Arthur Garfield Hayes, of New York, to plead the case before the Alabama Supreme Court. The International Labor Defense, however, demurred and Darrow and Hayes declined to go into the case under wild terms.

Darrow and Hayes after two days in Birmingham, announced they would not enter the case.

FIRST OF FRAMED SCOTTSBORO BOYS ON TRIAL TODAY

No Negroes in Venire, Defense to Demand Its Dismissal

SEEK SEPARATE TRIALS

Southern Press Forced to Alter Tone

(By Our Correspondent.)

DECATUR, Ala., Mar. 29.—Following a day's recess won by the defense for the purpose of investigation in preparation for the motion to dismiss the panel of 100 prospective jurors, the trial of the first of the nine Scottsboro boys begins tomorrow.

The defense demand that the venire be dismissed will be based on the ground that not a single Negro is included in the 100 prospective jurymen called.

For Separate Trials.

At the same time lawyers for the I.L.D. indicated that they would make a finish-fight for separate trials for each of the boys.

The prosecution has selected Haywood Patterson, 19-year-old Negro youth from Chattanooga as the first to be tried in connection with the "rape" frame-up against him and the other eight innocent boys, as a result of which they had been sentenced to die in the electric chair.

According to the present plans of Attorney-General Knight who is prosecuting the case, the six of the Scottsboro defendants would be tried together in one trial following the conclusion of the trial of Patterson.

Because the defense can prove that they are juveniles, the case of Roy Wright and Eugene Williams have temporarily been put aside until Judge Horton rules on their status.

Newspaper Tone Alters.

The two-year protest movement initiated by the International Labor Defense, coupled with the general struggle for Negro rights, has brought about somewhat of a changed attitude among certain sections of the white population. This is reflected by a slightly altered tone of even some of the white southern newspapers.

The protest storm has undoubtedly put the southern bourbons on the defensive, forcing a greater show of "impartiality," and is indicative of the strength of the defense.

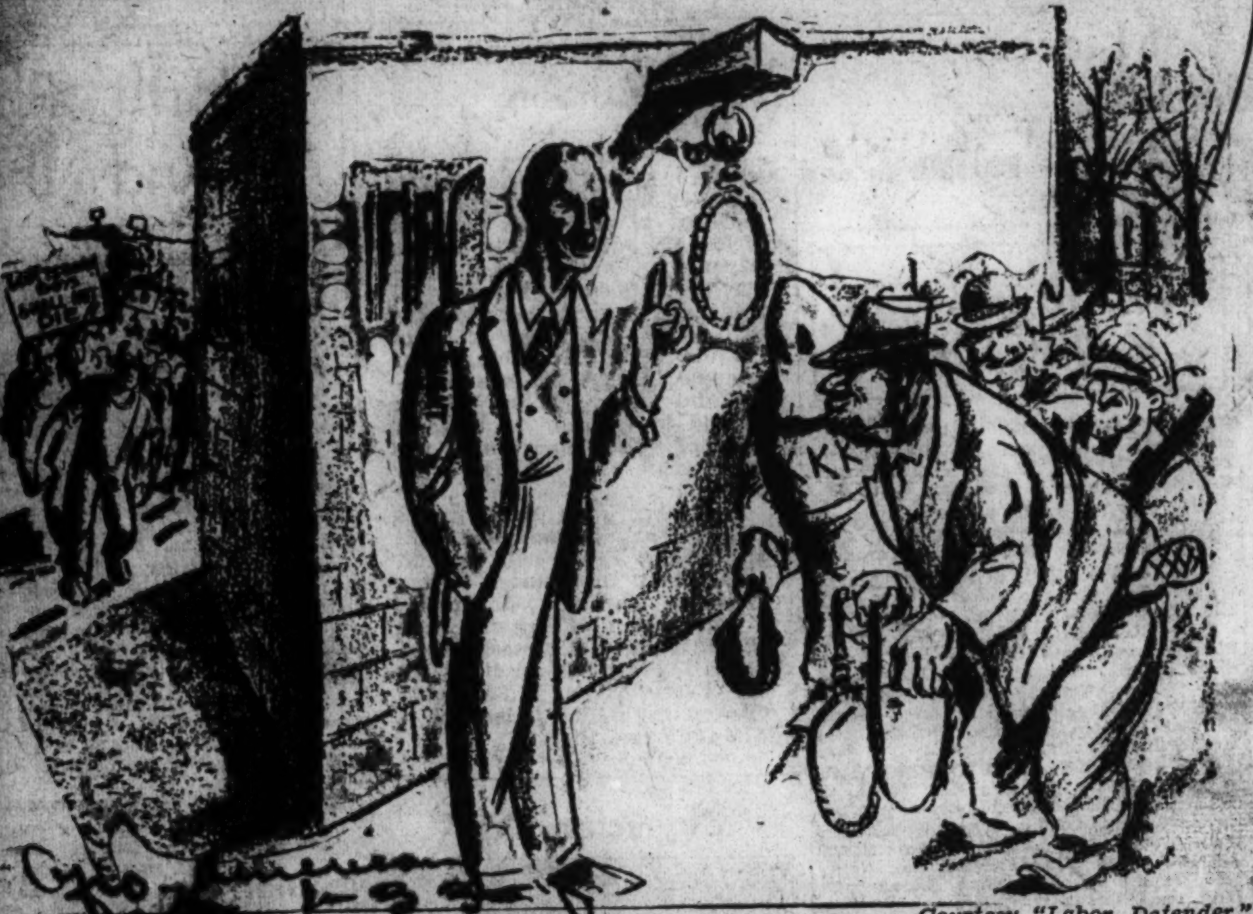
Although the atmosphere in Decatur is on the surface peaceful, the danger of extra-legal action has not diminished by one whit. The next few days will definitely show the trend of events.

Lynchings-1933
Legal Punishment for Rape

Alabama (Haywood Patterson)

4344

A Fair Trial in Alabama



—Courtesy "Labor Defender."

"The boys had a fair trial. They will have a fair trial. I will call out the entire militia of the state if necessary to protect them."—Attorney-General Thomas E. Knight, Jr., of Alabama.

THE TRIAL AT DECATUR

4-1-33

We have never given up the hope that sanity would finally prevail in the trial and disposition of the Scottsboro youths condemned to death on a statutory crime.

The change of venue which moved the second trial away from the scene of its former incited surroundings is one indication of the desire to prevent the stain of this blot from deepening.

With able defense counsel and an atmosphere that assures, at least a chance to have the facts put to record, there would seem to be nothing of means wanting to establish the truth.

The case has been on trial in the newspapers, street corners, cross roads, drawing rooms and every other conceivable place for many months so much that one is amazed at the world interest and activities which have taken form here and there to express the sympathetic urge of humanity for plain justice.

Reporter

More than the lives of nine boys, the principles of just administration of the law are at stake and on trial and this weighs quite as heavily on the rest of the world as does the sorrow of it on the homes that these boys represent.

Birmingham, Ala

An effort to get into the records, first, the open truth that everyone admits—a truth that would be worth nothing to the case or the cause of justice outside—has consumed the first days of the trial.

The difference between the trial now in progress and the former trial will be enough to convince the interested onlooker that a Negro coming to trial on an indictment of this nature and under such circumstances as of the former trial has not the chance of a sheep-killing dog to establish his innocence or to get the benefit of any doubt or mitigating circumstances that might accrue to any one else so placed.

Perhaps, the courts may not always be blamed for the failure to give alleged criminals an opportunity to establish their innocence; thus far, the courts of Alabama are not on trial, but there are traditions interwoven into the fabric of Southern social economy that are eternally on trial and cases of this kind are ordained to test, with the world sitting as a jury, whether or not these traditions can or should live as a part and parcel of the social order of a democracy. The machinery of American justice is intricate. In the South it is made more intricate by the modifications of a double standard social system.

The matter of simplifying it decreases in chance in proportion as such cases go unchallenged by a world of able justice loving individuals. Whatever the findings in this trial may be, it has the support of a thousand precedents in kind on which to rest—a thousand precedents that have gone unchallenged because of the supine fear of ostracism.

The world will be interested in knowing the truth of this case for the sake of having authoritative information on which to amend its own conception of justice.

It will watch the trend of it and await the verdict with a keen anticipation of the outcome to determine what measure of sanity can be made to prevail after time for reflection.

It now appears that the trial is proceeding orderly and may eventuate in a verdict as fair as could be expected.

Scottsboro Trial Begins Monday

Advertiser

Legal Skirmishes Ended, Testimony Will Start In Retrial Of Negro Youth

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., April 1.—(AP)—Attorneys for both sides today said they were ready for the retrial of Heywood Patterson, 19, of Chattanooga, one of nine negroes charged with attacking two white women on a freight train near Scottsboro more than two years ago.

All preliminary motions were disposed of during the week, and a one-day recess until Monday was given by Judge James E. Horton to permit attorneys time to prepare for taking of testimony in the trial in which for a second time Patterson's life will be at stake.

Patterson was arraigned Thursday on one of the two indictments against him charging an attack on Mrs. Victoria Price, of Huntsville, aboard a Southern Railway freight train on March 25, 1931, in Jackson County.

Trials of six of the other eight negroes whose death sentences were set aside by the United States Supreme Court have not been set, and will not be until the Paterson case is disposed of.

Attorneys for both sides have held their counsel on the strategy they will employ, but Samuel S. Liebowitz, of New York, chief counsel for the negroes, indicated yesterday he might attack the veracity and character of the principal State witness.

Liebowitz asked prospective jurors if they would discriminate against a negro, if evidence was produced to show that a white witness was not reliable, or was of bad character.

The miniature train which Liebowitz planned to use in his defense of the negroes was unpacked and prepared for moving into court Monday. The train, made up of 30 brightly painted box cars, gondolas, loaded flats, and an engine, measures more than 32 feet in length.

Liebowitz's aides, Joseph R. Brodsky, of New York, and George W. Chamlee, Sr., of Chattanooga, who were employed by the International Labor Defense shortly after the negroes were convicted in Jackson County Circuit Court two years ago, today were engaged in assembling testimony.

Atty. Gen. Thomas E. Knight, Jr., directing the State's case, and his aides, T. E. Lawson, assistant attorney general, Solicitor H. G. Bailey, of the Ninth Judicial Circuit, and Solicitor Wade Wright, Eighth Judicial Circuit kept their counsel today.

Knight has not [illegible] will be the first witness [illegible] nor how many he will [illegible] the stand in support of the State's charge that Patterson attacked Mrs. Price.

4-2-33

One witness in the first trials, Ruby Bates, one of the alleged victims of the attack, still was missing today, despite a widespread search that has continued since her disappearance from her Huntsville home, Feb. 27.

Atty. Gen. Knight said sheriffs of several counties were investigating reports that she had been [illegible] but thus far no trace of the girl had been found. Her mother, Mrs. Mary Bates, clings to her first statement that she believed her daughter was kidnaped.

Montgy Adv

During the last week, 29 witnesses were heard as Liebowitz introduced testimony in an attempt to have the indictment and the venire quashed on grounds that negroes were "systematically and arbitrarily excluded from juries in Alabama solely because of their race."

Although every seat in the court room was crowded throughout the week, there was no disorder or confusion. National guardsmen on duty at the doors permitted only the number that could find seats or standing room in the rear to enter the courtroom unless they held press passes.

Patterson was alone in the courtroom the last three days. The other eight negroes, Roy Wright, 16, Andy Wright, 19, Eugene Williams, 16, and Clarence Norris, 19, all of Chattanooga; Charlie Weems, 22, and Ozie Powell, 19, of Chattanooga; Willie Roberson, 19, of Columbus, Ga., and Olen Montgomery, 19, of Monroe, Ga., remained in jail.

All except Roy Wright and Williams, both juveniles, probably will be tried immediately after the Patterson case is disposed of, unless the defense seeks severances. Liebowitz said he might ask separate trials, since the State declined to try all seven at once.

The first trial, in Jackson County two years ago this month, resulted in death sentences for all except Roy Wright, who was granted a mistrial when a jury could not agree on his punishment. The Alabama Supreme Court reversed Williams's death sentence because of his age, and the U. S. Supreme Court reversed the other seven.

During the first trials the International Labor Defense wired Judge A. E. Hawkins and Gov. B. M. Miller, demanding the immediate halting of "this legal lynching," and since then thousands of protests from individuals and organizations have flooded the executive offices in Montgomery.

Lynchings - 1933
&
Legal Punishment for Rape

Alabama - (Haywood Patterson.)

4345

NEGRO JUROR BAN TO BE TRIAL ISSUE

Times

Defense in Scottsboro Case Will Attempt to Show Unconstitutional Discrimination.

3-20-33

WANTS NEGRO WITNESSES

New York

Seeks Permission to Call Them to Stand in Effort to Prove Them Qualified to Be Jurors.

N.Y.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY, Ala., March 19.—The witnesses for whom subpoenas will be requested this week by G. W. Chamlee, the Chattanooga lawyer retained by the international defense to assist Samuel Liebowitz, New York criminal lawyer in the defense of the accused Negroes are, with one exception, colored residents of Jackson County where the crime occurred.

Mr. Liebowitz will attempt to show by examination of these witnesses, if Judge Horton permits, that they are qualified to serve as jurors within the meaning of the Alabama statute except for the color of their skins. So far as has been learned here it will be the first time in history that such an attempt has been made to prove racial discrimination in the selection of southern juries.

One witness, a white man, who now resides in Chattanooga, but who formerly was a resident of Jackson County, is expected to testify that in all the time he lived there no Negroe's name ever appeared upon a jury roll.

The State's answer, as it will be delivered by Thomas E. Knight Jr., Attorney General, is that the Alabama laws do not disqualify Negroes as jurors, but that they have failed to satisfy the jury commissioners appointed by the Governor that they are persons of sound judgment.

Attorneys defending the nine Negroes in the Scottsboro case plan to call twenty witnesses to support their contention that Negroes are systematically excluded from Alabama grand juries and petit juries in violation of the Fourteenth Amendment, it became known today.

Long Argument Expected.

The defense has moved to quash the indictments against the Negroes charged with attacking two white girls, Ruby Bates and Mrs. Victoria Price, on a freight train near Scottsboro two years ago. The motion is based upon the allegation that Negroes were excluded from the grand jury which indicted the nine Negroes.

Argument and the submission of proof in support of the motion is expected to consume the first three or four days of the trial, now scheduled to open March 27 before Circuit Judge James A. Horton of Athens.

Meanwhile the defense attorneys were puzzling over how their witnesses shall be transported from Jackson County to Decatur, the seat of Morgan County, where the trial is to be held. Contrary to popular belief in Alabama the International Labor Defense funds are reported to be limited—notwithstanding the frequently credited reports that the Russian Soviets are supplying the cash for the defense of the accused Negroes, who became Communists after their arrest.

The one day-time train from Scottsboro to Decatur, some fifty-odd miles to the west, reaches the latter city at noon and court sessions there usually begin at 8:30 A. M. The other train arrives in the evening and could be used for transporting witnesses only if they were to be kept over night at the expense of the defense, for it is not the State's responsibility.

Another problem before the defense is that the witnesses live in the mountains around Scottsboro and are some distance from the railroad. Consequently they are planning to hire trucks to move their witnesses back and forth between Scottsboro and Decatur.

Mr. Knight was absent from the capital city over the week-end. He said over the telephone that he had been to Decatur to arrange details of the approaching trial and had consulted virtually all the State's witnesses with the exception of Ruby Bates, who disappeared mysteriously on Feb. 28.

Prosecutor in Decatur.

In the meantime Decatur, resentful at suggestions of prejudice against Negroes in general, and the Scottsboro Negroes in particular, prepared to make the best of the situation which was foisted upon it. Many of the citizens of Decatur wish that the trial of the Negroes had been sent elsewhere if they could not be tried fairly in Scottsboro, where two years ago they were sentenced to death in the electric chair, only to have the United States Supreme Court order new trials for them.

Attorney General Knight and the defense attorneys have agreed that the Negroes, now confined in the death house of Kilby prison here shall be transferred to the Jefferson County jail in Birmingham, pending their new trial, but as yet the necessary orders have not been signed. Mr. Chamlee mailed copies of the order which he and Mr. Knight agreed upon to Judge A. E. Hawkins of Jackson County, and Horton of Morgan County, and it was expected that these orders would be returned early this week. If and when the orders are signed the prisoners will be moved promptly.

ASKS 26 SUBPOENAS IN SCOTTSBORO CASE

Times

Defense Lawyer Seeks to Prove Exclusion of Negroes From Alabama Juries.

3-21-33

STATE MAY AVOID ISSUE

New York

Rumor in Capital Is That Some Negroes Will Be Called for the Trial Jury Next Week.

N.Y.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

MONTGOMERY Ala., March 20—G. W. Chamlee, one of the attorneys retained by the International Labor Defense to defend at their second trial the nine Negroes once sentenced to death for an attack upon two white girls, announced today that he had requested twenty-six subpoenas for witnesses through whom the defense hopes to establish that racial discrimination keeps Negroes off juries in Jackson and Morgan Counties.

Included among the subpoenas which Mr. Chamlee asked Sheriff Davis of Morgan County to issue for next Monday morning is one for Peter Jarman, Secretary of State, calling for the production of records of the Federal census of 1930, which shows the proportion of Negro and white citizens in the two counties. The other subpoenas were for jury commissioners and Negroes who, the defense will attempt to show, are qualified to serve as jurors except for the color of their skins.

Not one of these witnesses is wanted in connection with the charge on which the accused Negroes are to be tried for their lives. The trial itself probably will not start until Wednesday of next week, because both sides expect that the argument and submission of proof of systematic exclusion of Negroes from juries in Alabama, in support of a motion to quash the indictments, will consume the first two days.

First Actual Test of Issue.

While the Supreme Court of the United States has held that Negroes cannot be excluded from jury service because of their race, the issue never has been the basis for a reversal of the lower courts, chiefly, according to the defense lawyers, because no actual proof of exclusion has ever been offered before, the litigants relying in the past on contentions and affidavits. This time it is regarded as certain that direct evidence on the question will be offered.

Attorney General Thomas E. Knight, upon whose young shoulders has fallen the task of prosecuting the nine defendants and at the same time defending Alabama's jury system, intends to enter a denial of the allegations of exclusion, leaving it to the defense attorneys, headed by Samuel S. Liebowitz of New York, to assume the burden of proof.

It has been rumored here for days that the State might avoid the issue by arranging to have the names of a few Negroes placed upon the venire which will be called up for the trial, while at the same time preventing their serving as jurors by the exercise of peremptory challenges. Persons close to Mr. Knight, however, said he intended to meet the issue squarely and attempt to prove the defense charges unfounded.

The placing of Negro names upon the jury roll in Morgan County where the trial will be held, it was said, would have no bearing on the validity of the indictments which were returned two years ago in Jackson County. The motion now before the court is to quash the indictments, but it will be followed, if it is lost, by a motion to dismiss the venire from which the petit jury will be selected, unless it contains Negroes as well as whites.

Negroes Still in Death House.

Eight of the nine defendants are still prisoners in the death house of Kilby prison, but it was expected that they would be transferred to the Jefferson County jail at Birmingham for safekeeping until their trial next week. Prison rules of Kilby prohibit private interviews with inmates of the death house, and it is for that reason that the defense attorneys want to effect the transfer.

Mr. Chamlee said that Sheriff McBryde of Jackson County had signed the order requesting that if the prisoners must be moved they be held at Birmingham because of the "present insecurity" of the jail in his county. Judge A. E. Hawkins, who granted a motion for a change of venue in the case, also has signed the order and it has been forwarded to Judge James Horton, who will preside over the new trial at Decatur.

As soon as the order is returned to him, Mr. Chamlee said, it would be forwarded to Montgomery for service upon Warden Walls at Kilby prison. As soon as possible and consistent with the secrecy which officials hold necessary for the safety of the prisoners, they will be moved to Birmingham, it was said.

DEMANDS THE CHAIR FOR SEVEN NEGROES

Times

Accuser of Scottsboro Case Defendants, on Eve of Second Trial, Repeats Charges.

3-25-33

OTHER WITNESS HUNTED

New York

Sheriff Will Ask for Protection of Militia When Decatur Court Proceedings Start.

N.Y.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

HUNTSVILLE, Ala., March 24.—ictoria Price, who alleges that she nd Ruby Bates were assaulted by dozen Negroes on a freight train ear Scottsboro two years ago, told er story again here today and expressed the hope that the men she ccuses will die in the electric hair.

Seven of the nine Negroes who ere seized by an armed posse near aint Rock and are accused of the rime are to go on trial before udge James E. Horton at Decatur ext week, and Mrs. Price is the tate's chief witness. Ruby Bates as mysteriously disappeared. Attorney General Thomas E. Knight r., who will prosecute the second rial of the Negroes, spent the day ere directing efforts to locate her.

Meanwhile at Decatur, thirty miles away, the statement was made that Sheriff Bud Davis, whose responsibility it will be to protect the defendants from mob violence and guard against their escape from the dilapidated Morgan County jail during the trial, had decided after a conference with Judge Horton to ask Governor Miller to order thirty National Guardsmen to the city for special duty next week.

The understanding is that the Sheriff is swayed more by a realization of the danger of escape from the jail, which was condemned two years ago, than by fear of an attempted lynching. The order for the militia probably will not be issued until next week, since the defendants are not likely to be taken to Decatur from the Jefferson County jail in Birmingham until Tuesday or Wednesday, although argument on a motion to quash the indictments against them is set for Monday morning.

Deaf to Changing Venue.

The International Labor Defense, an organization with Communist affiliations which has interested itself in the case of the accused Negroes, has been campaigning actively for another change of venue to Birmingham, but thus far Samuel S. Leibowitz, chief of defense counsel, has not moved in that direction before any court. The International Labor Defense, however, made public in Birmingham a telegram to Mr. Knight, urging him to consent to a transfer of the trial "in the interest of fairness and justice."

The telegram was signed by Kenneth E. Barnhart, Professor of Sociology at Birmingham-Southern College; David Hutto, a student; L. J. Baptiste, pastor of the First Congregational Church, and Ernest W. Taggart. Mr. Knight's only comment was:

"I shall not ask for a further change of venue from Morgan County to Jefferson or any other county.

"The citizens of Morgan County did not ask that the trial be held there, and I am sure the defendants will receive from them a fair and impartial trial."

So fearful is the State of losing its remaining star witness before the trial opens that a deputy sheriff has been assigned to watch night and day at the barely furnished little shack where Mrs. Price lives with her mother, a widow for seventeen years. Mrs. Price is her mother's sole support. She earns $6.50 every other week, when she works as a hand in a local cotton mill. She has been twice married.

Sh told her story of what took place on the afternoon of March 25, 1931, when she and Ruby Bates boarded a freight train in the yards at Chattanooga to return from a fruitless job-hunting expedition to the latter city without mincing words or sparing details while her mother rocked to and fro before a dull fire in the coal grate.

Tells Story of Attacks.

She and Ruby Bates, Mrs. Price stated, decided to seek their fortunes in Chattanooga when the mill where she had been employed after leaving school at the age of 14 was closed. With their clothing covered by men's overalls they made their wal to Chattanooga on freight trains, spent the night at the home of one Callie Broches, whose address Mrs. Price could not remember, and were told that there was no more chance of finding work in Chattanooga than in their home town of Huntsville.

Without so much as going to a mill in Chattanooga, Mrs. Price admitted, they decided to give up their search and return home "because Ruby wanted to go right back." About 1 A. M., clad once more in overalls, the two girls boarded an oil tank car in the yard at Chattanooga and rolled out with the train when it started for Memphis.

"We didn't see no white boys or colored boys either then," she said. "But when we got to Stevenson we were getting cold and we decided to look for a box car when the train stopped there. he box cars were closed up but we did see a gondola car and got into that."

"A few minutes later some white boys—I think there were seven of them—climbed in and said:

" 'Hello, girls, do you mind if we ride with you?'

"Ruby and I said we didn't care if they behaved themselves. We were sitting at the rear end of the car and the boys went to the front and lay down. hey were singing "Pass Around the Bottle," when we heard some yelling and a big Negro jumped into the gondola car from the roof of a box car, shooting a pistol.

"There was a big fight and the Negroes pushed all the white boys off the train about two miles and a half past Stevenson—all of them except one, I mean. Two of them held me and one held a knife over my throat. I don't remember much until at Paint Rock the train stopped."

Insists on Identification.

Mrs. Price denied that she or the missing Bates girl had been guilty of any improprieties with the white men on the train and asserted she never had seen any of them before. She had told nothing but the truth at the first trial, where she identified one after another of the defendants, and she said she would do so again next week at Decatur.

"Nothing ain't going to stop me from telling my story," she declared with emphasis. "They made me suffer and I want to see them punished. They deserve to be electrocuted."

A few blocks away is the cabin where the Bates girl's mother lives in apparent poverty on "thickening gravy and bread," as she explained. The last she saw of her daughter, she said, was on Feb. 28, when a voice called to her from an automobile at the gate and Ruby ran out of the house.

"I was lying down with a sick headache and I don't know who it was who called," said Mrs. Bates. "None of the boys she had been going with since last Fall is missing."

Mrs. Bates is convinced that her daughter was "kidnapped," but by whom she professed to have no idea. She was greatly worried by her daughter's continued absence, especially since the girl, she said, had been under a physician's care since her journey in the freight train, but it was a week after Ruby had vanished before her mother informed Sheriff Giles of the disappearance.

Then she sent him a letter which she had received from her daughter, postmarked in Montgomery. In the letter Ruby advised her mother not to worry, but said she was afraid she might die. According to Mrs. Bates, the girl took with her only the clothes on her back. Her delay in notifying the authorities of her daughter's disappearance, Mrs. Bates said, was caused by fear that publicity might bring harm to the girl.

TRIAL OF SEVEN BEGINS MONDAY

Negroes Accused of Scottsboro Crime Will Face Court at Decatur; Troops Asked

Telegraph 3-27-33 Macon Ga

DECATUR, Ala., March 25 (AP)—Seven Negroes in whose behalf people throughout the world have raised their voices, Monday face a Morgan county jury in their second defense against charges of attack.

The Negroes are seven of nine indicted March 31, 1931, by a Jackson county grand jury on charges of attacking two young white girls in a gondola car of a Southern railway freight train as it rumbled through the sand mountains.

The trials were brought here under a charge of venue, granted by Judge A. E. Hawkins in Jackson circuit court three weeks ago, after the United States Supreme court had set aside the death sentences imposed on April 9.

National Guardsmen have been requested for the trial to preserve order, and prevent crowding the court room. Presence of guardsmen at Scottsboro in April, 1931, when the Negroes first were tried, was one of the grounds of appeal before the Alabama Supreme court, and the United States Supreme court.

One of Girls Is Missing

Subpoenaes have been issued for approximately 35 witnesses, among them one of the two alleged victims, who still is missing from her home at Huntsville. The girl left her home on Feb. 27, and her mother said she had no word from her since.

Officers investigating the girl's disappearance said they had found no clues, but have continued quietly to seek her.

There was little probability that selection of a jury would get started Monday before the noon recess, as a motion to quash the indictment still is pending before the court.

This motion, contending the Negroes were deprived of their constitutional rights, because no Negroes were included in the grand jury that returned the indictments, was filed at Scottsboro on March 6, along with the motion for a change of venue by Irvin Schwab, one of five attorneys employed in the case by the International Labor Defense.

Crime Committed in 1931

The Negroes, Andy Wright, 19; Haywood Patterson, 19, both of Chattanooga, Tenn.; Willie Roberson, 17, of Columbus, Ga.; Olen Montgomery, 19, of Monroe, Ga.; Charlie Weems, 22, Clarence Norris, 19, and Ozie Powell, 18, all of Atlanta, Ga., are held at Birmingham and will be brought here either Sunday or early Monday.

The case which had its inception just two years ago Saturday, when the freight train aboard which the alleged attacks occurred, was stopped at Paint Rock, Ala., and the Negroes were taken into custody.

Officers searching the train found in the gondola car the two white girls who alleged they had been attacked after six white youths had been thrown from the train at Stevenson, Ala.

Incomplete. ↙

Handcuffed Together

(Continued from Page One)

Cou[illegible] 3-27-33 [illegible]

Alabama, submitting to the court of order of transfer of the nine boys from the Birmingham jail to this court.

The Scottsboro boys handcuffed together, left the Birmingham jail at 11:14 in the prison van, and guarded by four deputies armed with double barreled shotguns. They arrived at 1:50 at the Morgan County Court House.

Between the adjournment of the court this morning and its reopening this afternoon, the balance of curious spectators had changed from a majority of whites to an overwhelming majority of Negroes. The white spectators had retired to a small area near the courthouse, while the courthouse lawn and the empty lot across from the courthouse, and jail was filled to overflowing crowds with Negro men and women, many of whom watched silently the armed manifestations of the county officials. Though no open comments were made when word circulated through the crowds that the prison van had arrived, the Negroes and whites rushed to see them come out. Soldiers with fixed bayonets scattered the crowds. The prison guards, with fingers on the triggers of their rifles and shotguns, stepped a few feet away and the door was opened. The nine boys, dressed in blue denim overalls and handcuffed to each other, came out of the van looking wonderingly at the crowds and soldiers about them. Twelve soldiers with guns on their shoulders, immediately surrounded them and escorted the group into the court room, where the handcuffs were removed when the boys were placed back of the defense table.

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson)

4346

Judge in Scottsboro Trial Moves to Halt Evidence on Exclusion of Negroes from Service on Juries

Daily Worker 4-1-33

(By Our Special Correspondent)

DECATUR, Ala., March 31.—At the end of the fourth day of concentrated attack by lawyers for the International Labor Defense on Alabama's "selective jury system" which bars Negroes from service, Judge Horton, presiding in the trial of the Scottsboro boys, late today announced that he has "heard about enough evidence along this line."

The defense motion to dismiss the indictments against the innocent Negro boys on the ground that no Negroes sat on the grand jury, having been denied by Judge Horton, Attorney Leibowitz for the ILD, had proceeded to demand that the entire venire of 150 from which the jury is to be picked to try Haywood Patterson be dismissed—for the same good cause.

Many Negro Witnesses

To support the claim that Negroes are systematically excluded from jury service, the defense has called a score of Negro witnesses to prove that they had never known of any one of their race serving as a juror in Morgan County.

Yesterday—for the first time in the history of the State of Alabama—the huge red book in which the names of prospective jurymen are kept, was brought into court on the demand of the defense which said it was ready to call 150 more witnesses to prove its charge of Negro exclusion on juries.

"Are You a Communist?"

Failing to discredit the testimony of the Negro witnesses, Attorney General Knight, son of Alabama's chief justice who wrote the opinion sustaining the original Scottsboro frame-up, barked at the Rev. W. J. Wilson, a Negro minister: "Are you a member of the Communist Party?" Wilson replied in the negative, and on redirect examination it was brought out that the witness was a Republican.

After the defense had put Sheriff Davis on the witness stand, and he admitted that he was unable to find a single Negro among the 1,500 on the Morgan County jury roll, Judge Horton placed the burden of proof on the prosecution to show that "the state had performed its duty according to the law." Earlier in the session the defense had called to the stand Captain Burleson of the national guard stationed here, who too admitted that he was unable to find the name of a single Negro from his part of the county on the roll—

Admit "Prima Facie" Case

So effective was the defense of the Alabama jury method—part and parcel of the whole system of the national oppression of the Negroes of the south—that the judge was compelled to admit, in response to a direct question by Attorney Leibowitz, that the defense had "made a prima facie" case and that it was up to the prosecution to show that Negroes were not discriminated against.

Called to the stand by the prosecution, J. Tidwell, Commissioner of Jurors, wriggled uncomfortably under the fire of defense questioning. Later, asked "Who would you consider a leading Negro citizen of Morgan County, Tidwell replied, "Don't know any."

Leibowitz's question, "Is there a single Negro in Morgan County having the qualifications for jury service?" the commissioner answered: "No."

In seeking to prove that the entire venire is illegal—and a direct violation of the rights of the defendants under the fourteenth amendment to the U. S. constitution—defense attorneys threatened to call as witnesses every person on the jury roll—which numbers altogether about 2,000—who is not conceded by the state or commission to be white.

Barriers for Negro Voters

Late this afternoon Judge Horton had told Leibowitz that the defense would not be permitted to record the race of every man on the Morgan County jury rosters, and had declared that only three more witnesses would be allowed to testify in the defense motion to quash the venire on the grounds that Negroes had been excluded.

To become a voter in Morgan County, it was pointed out, a Negro must be able to remember by heart and recite the whole Constitution of the United States and interpret it to the satisfaction of their lynch masters, a feat which few whites or Negroes can accomplish. Similar limitations are imposed upon white workers, it was pointed out, unless the boss-controlled political machine is convinced that they are "all right." Other disqualificatory rulings and "customs" exclude most Negroes and many white workers from jury service.

Threats have been made against the lives and safety of any Negroes who dare testify for the defense in support of this petition, it was revealed, but the militancy of the Negroes of Northern Alabama has been aroused around the issue of the Scottsboro defense, and they are prepared to testify.

Other threats have been made in letters to Leibowitz and other International Labor Defense attorneys warning them to "stay home where they belong" and not to continue with their attack upon the basic Jim Crow and Negro exclusion customs established by the white bosses and landlords.

These were defied by the defense attorneys who announced they would not be deterred for one moment in their battle for Negro rights, and to save the Scottsboro boys.

The attack upon the jury list is expected to last the remainder of this week, postponing the picking of the jury itself until Monday. This process is expected to take at least a week, once it is begun.

REFUSES TO QUASH SCOTTSBORO CASE

Times

Court Rejects Defense Motion, Based on Exclusion of Negroes From Juries.

3-29-33

JURY RECORDS BROUGHT IN

New York, N.Y.

After Issuing Subpoena, Judge Rules Without Admitting Them as Evidence.

PAMPHLET SALE STOPPED

Complaint of Negroes' Counsel Brings Warning From Judge to Three Boys and Employer.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 28.—Circuit Judge James E. Horton denied a motion today to quash the indictments against nine Negroes, accused of attacking two white girls nears Scottsboro two years ago, and immediately the defense turned its guns upon the administration of the jury law in this county where the defendants are to be tried.

Samuel S. Leibowitz, chief counsel for the defendants, whose sentences of death were set aside by the United States Supreme Court, announced after the court's ruling that he would continue his fight against the alleged "systematic exclusion" of Negroes from Alabama juries.

The motion to quash the indictments was based on the contention that Negroes were excluded from the grand jury which returned the twenty true bills against the defendants. Mr. Leibowitz called thirteen witnesses, nine of them Negroes, in support of his assertion of systematic exclusion.

The defense contends that the Alabama statute setting forth the qualifications of jurors is dishonestly administered to exclude Negroes from service on juries.

Potential Negro Jurors Testify.

Mr. Leibowitz called his witnesses to prove from the mouths of excluded potential jurors that they were qualified in every respect save color to serve on juries and that they never had been called upon in their county.

Thus far his evidence has been confined to Jackson County, where the indictments against the Negroes were returned. His next move, he stated, will be to show that Negroes are also excluded from the jury rolls of Morgan County. It is from the latter that the venire from which a jury will be chosen to decide the guilt or innocence of the defendants must be chosen.

The ruling of the court on the motion to quash the indictments came at the opening of the afternoon session as Attorney General Knight was about to call the State's first witness to refute the charges of racial exclusion by the defense.

In the morning Mr. Leibowitz had requested the court to issue subpoenaes duces tecum for the jury rolls and jury boxes of Jackson County at the time when the Negroes were indicted on charges made by Ruby Bates and Victoria Price, the two white girls who charged they were attacked by the Negroes on a freight train coming from Chattanooga.

Orders Jury Records Produced.

After a prolonged argument in which Mr. Knight declared that the defense was "aiming around Robin Hood's barn," Judge Horton granted the request for the issuance of the subpoenas but reserved decision on the admissibility of the evidence contained in the jury roll.

Mr. Liebowitz had threatened to call every person whose name appeared on the jury roll of Jackson County, "even if it breaks the State," before Judge Horton granted the request to issue the subpoenas.

Before that Mr. Liebowitz said he would withdraw his motion if Attorney General Knight would concede that only the names of white men were included on the roll.

Mr. Knight replied:

"The State will concede nothing, prove your case."

Mr. Leibowitz reserved the right to present further evidence that only white men were acceptable as jurors in Jackson County after the production of the jury roll.

A recess for luncheon was taken, and it was expected that the afternoon session would be marked by an attempt on the part of the State to support the contention that the color line plays no part in the selection of jury men.

But at the opening of the afternoon session Judge Horton brought the little trial of Alabama's jury system to a close without having heard the witnesses called by the State. The decision seemed to surprise both State and defense counsel.

"Mr. Attorney General," Judge Horton said, "the court has decided not to hear further testimony on this question. The motion is overruled."

Mr. Leibowitz, who is counting upon the question of exclusion of Negroes from jury duty as a loophole for an appeal if the Negroes are convicted a second time, smiled pleasantly and offered no argument against the exclusion of further testimony on an issue which, until then, had been one of fact with no problem of law involved.

Announces Separate Trials.

As soon as the motion to quash the indictments was out of the way, Judge Horton indicated his readiness to proceed with the trial.

Attorney General Knight, whose father, a justice of the Supreme Court of Alabama, wrote the opinion upholding the original conviction which was reversed by the United States Supreme Court, declared his intention of trying "each defendant as he was tried before." This amounted to a request for a severance of the indictments, and it was not opposed by Mr. Leibowitz at the time.

The Attorney General, however, requested that the court take proof of the ages of Roy Wright and Eugene Williams to determine whether they should be tried as juveniles or adults subject to the penalty of the law.

Then the case of Heywood Patterson was called.

The big Negro, dressed in his blue denim prison uniform, arose from the row of seats in which he and his fellow-defendants had been sprawling all day. He stood looking blankly, first at the lawyers and then at the judge. He said nothing, but his eyes rolled back and forth. The eight other defendants, lolling in their chairs, showed their first interest in the proceedings.

Plea Entered With Proviso.

Mr. Leibowitz informed the court that he refused to enter a plea lest he prejudice a contemplated motion to quash the venire which Sheriff Bud Davis and the judge were drawing from names placed in a black tin box vigorously shaken before the court room crowd and the defendants. It was his intention, Mr. Leibowitz said, to file a motion to quash the venire on the same ground on which he had moved to quash the indictments.

Informed by the court and Attorney General Knight that no technical objection would be raised to a motion to quash the venire if his client entered a plea at that time, Mr. Leibowitz said:

"Then we plead not guilty to the charge."

No defendant other than Patterson was arraigned under agreement by counsel for both sides after he had entered his plea through his attorney.

The court declared a recess until 8:30 A. M. Thursday, when the introduction of the State's evidence will begin.

The one-day holiday was declared to permit the defense to gather evidence and obtain affidavits in support of the contention of Mr. Leibowitz that "the rolls from which the jury box was filled, unjustifiably and in violation of the Fourteenth Amendment excluded Negroes solely because of their race."

Law Phrases Fluster Negroes.

All the witnesses called by Mr. Leibowitz were Negroes. They were John Sanford, C. S. Finley, Mark Taylor, Trap Mosely, Louis Cole, Ples Larkin, John Stapler, Will Watkins and L. C. Stapler. All declared they were qualified to serve as jurors.

Mr. Knight, in cross-examination, flustered them by asking their definitions of "moral turpitude" and "esteemed in the community in which they live," phrases from the jury law.

"I don't understand that kind of talking," said Watkins when Mr. Knight asked him what he understood by the word "esteemed."

In addressing his questions to the Negroes Attorney General Knight called them by their Christian names. Once Mr. Leibowitz interrupted and said:

"Call him Mr. Sanford, please."

"I'm not accustomed to that," retorted Mr. Knight.

Generally, Mr. Knight's attitude to the witnesses was friendly, as, for example, in the following colloquy with Stapler:

"How are you getting on?"

"All right, sir."

"Nobody imposes on you?"

"No, sir."

"Have you been mistreated in Jackson County?"

"No, sir."

Leibowitz Objects to Booklet.

The morning session as enlivened by a renewal of the threat of the defense to seek a second change of venue on the ground of prejudice. Mr. Leibowitz came into court at the opening of the session and said:

"I want to call your honor's attention, if I may, to the sale at the door of this court house of certain booklets entitled "The Inside, Unpublished Story of the Infamous Scottsboro Trial."

Mr. Leibowitz then described to the court the contents of the booklet which set forth a version of the evidence in the case and read the last two sentences denouncing the Communist party and stating that when the booklet was read the defendants will all be dead.

Declaring that if it were not for the International Labor Defense "these nine boys would now be dead," Mr. Leibowitz said that unless such propagandizing stopped he would be forced to ask for a change of venue.

The defense attorney offered a copy of the booklet in evidence and Attorney General Knight arose, holding a sheaf of handbills circulated by Communist sympathizers, and said that in his opinion the use of propoganda was evenly divided.

Judge Horton accepted the pamphlet offered by Mr. Leibowitz, but rejected the handbills which Mr. Knight proffered.

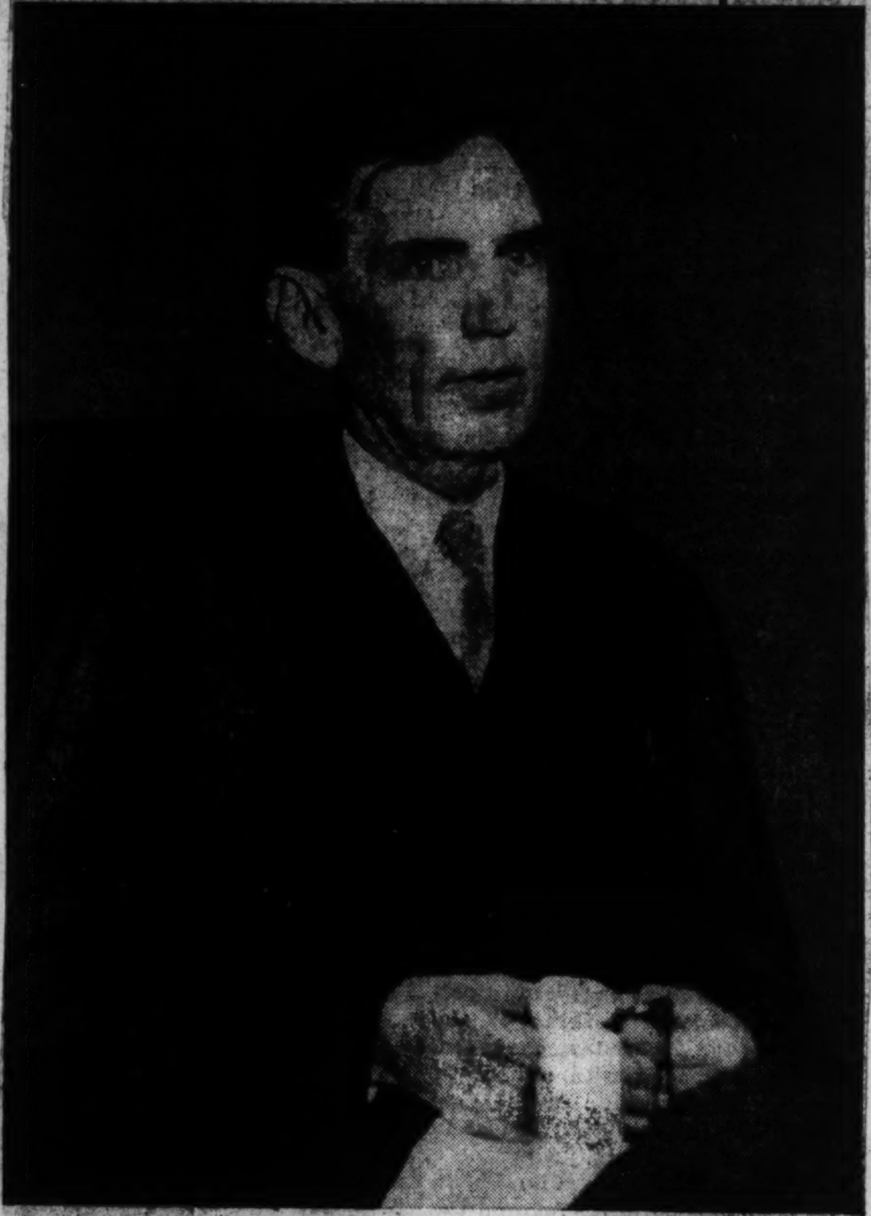
Judge Stops Sale of Pamphlets.

Judge Horton ordered Deputy Sheriffs to bring in all the salesmen of the pamphlets that they could round up. Within five minutes the deputies were back with three very frightened young men, who stood quaking before the bench as the judge warned them to cease selling the pamphlets. Finally they were allowed to go, after Mr. Leibowitz said he did not wish to punish an yone "trying to earn a dollar in these times."

The three youths brought into court described themselves as Leon Smith, 15; Allstone Hargrove, 14, and Sam White, 19. They said they had been employed by Kyle Frazier.

Judge Horton issued a bench warrant for Frazier for contempt of court, but when Frazier appeared and apologized, saying he had no intention of disseminating propaganda prejudicial to the defendants, the court dismissed him with a warning.

PRESIDING OVER TRIAL OF ALABAMA NEGROES.



Times Wide World Photo.

Judge James E. Norton.

Lynchings-1933

Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4347

NEGRO DEFENSE GETS TEST OF JUROR LIST

Times

Judge in Scottsboro Case Grants Right to Inspect Roll for Racial Bar.

3-31-33

COURT CLASH ON MOVE

New York, N.Y.

County Official and Prosecutor Resent Challenge as to Knowledge of 'Color Line.'

NEGROES TESTIFY IN ISSUE

Point Raised Over Jury System in South Brings Request for Briefs to Aid Virginia Trial.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 30.—Samuel Leibowitz, chief counsel for the Negroes whose conviction two years ago at Scottsboro for an attack on two white girls was reversed by the United States Supreme Court, won the right today to inspect the secret roll from which jury men are chosen in Morgan County.

Circuit Judge James E. Horton, who is presiding over the Negroes' second trial for their lives, ordered the jury roll produced over the objection of Attorney General Thomas E. Knight Jr., while Arthur J. Tidwell, one of the county's three jury commissioners, was on the stand.

Mr. Leibowitz, who has lost one fight to quash the indictments against the Negroes on the ground that members of their race were excluded from the grand jury and is now waging another similar battle to quash the venire for the jury for Haywood Patterson's trial, immediately set about the task of proving that all o fthe 2,000-odd names inscribed upon the rolls are those of white men.

Mr. Tidwell was called by the defense after J. H. Green, clerk of the Circuit Court, and eleven Negroes, most of them boasting college educations, testified that for as long as they could remember there had been no Negroes on the juries of Morgan County.

List of Negro Witnesses Checked.

Three physicians, two preachers, a dentist, a bill poster, a motion-picture exhibitor, an undertaker, a high school principal and an operator of a billiard parlor were among the witnesses whom Mr. Leibowitz sought to prove were qualified to perform the duty of citizens on juries, except for the fact that they were Negroes.

From what might be described as an impromptu blue book of the Negro citizenry of Morgan County, prepared last night by the defense attorneys, the witnesses read into the record the names of about 180 colored acquaintances, whose qualifications, they averred, were as good as theirs.

When the procession of witnesses stopped at the direction of Judge Horton, who ruled that further testimony along this line would be merely cumulative, Mr. Leibowitz announced for the record that he had requested subpoenas for about 400 other Negroes whose qualifications for a place upon the jury roll he was prepared to prove.

The court allowed the names of all these uncalled witnesses to be entered upon the record with as much probative force as though they had testified.

Ever since the defense, supported by the International Labor Defense, an adjunct of the Communist party, raised the question of the right of Negroes under the Fourteenth Amendment to sit on juries in State courts officials have maintained that it was a challenge to the selective jury system of the entire South.

Today they found justification for that belief in a letter from John Galleher, Commonwealth's Attorney for Loudon County, Va., who wrote asking briefs on the matter in the Scottsboro case. He wanted the brief to aid him in preparing to meet the issue in the case of a Negro now awaiting extradition from Boston, Mass., to answer a charge of murdering two white women in their beds in Virginia.

The letter, received by John K. Thompson, Solicitor of Jackson County, was turned over to Mr. Knight, who indicated that he would comply with the request.

Communist "Observers" at Trial.

Meanwhile the peaceable atmosphere that has marked this proceeding against the Negroes, who are accused of criminally assaulting Ruby Bates and Victoria Price on a freight train, continues to exist not only in the court room but in the town as well. A noticeable increase in the number of Communist sympathizers and "observers," coupled with reports that agitators were trying to arrange "mass demonstrations" among the Negroes, however, led to concern in some quarters regarding its preservation.

Mr. Leibowitz, who is not a sympathizer with the Communists, however, has made it clear he will remain in the case only so long as demonstrators are held in check, and that, more than anything else, is counted upon here to prevent unfortunate developments. The Communist sympathizers who were in court durnig the day conducted themselves circumspectly and quietly, and there was no parading or displaying of placards.

The climax of the day's session came with the production of the jury roll, a huge loose-leaf tome bound in red leather. It was borne into the court by the towering Sheriff, But Davis, who stooped a little under its weight and bulk. Tuesday, when Mr. Leibowitz sought to obtain a similar volume from Jackson County, where the first trials were held, Judge Horton granted his request, but then denied the defens motion bfore the rolls were producd in court.

At the outset of his examination, Mr. Tidwell, who was appointed to the Jury Board by Governor Miller, testified that the list, from which Judge Horton had culled a venire of 100 names for the trial of Haywood Patterson, was made up last January and February and that it had not been tampered with or changed.

"I ask you to produce that list," said Mr. Leibowitz.

Jury Roll Offered in Evidence.

Mr. Tidwell sat stock still, darting puzzled looks first at Attorney General Knight and then at Judge Horton. Judge Horton said that the jury roll was in the custody of the Sheriff, and he directed that official to bring it into the court room. As soon as Mr. Tidwell had identified it, Mr. Leibowitz offered the document, which under the Alabama law is protected from public scrutiny, in evidence.

Mr. Knight objected on the ground that the jury roll was immaterial evidence, even thought a study of it should disclose that there were no names of Negroes written on its pages. He argued that, since the Commissioners held discretional powers, "which no one can go behind," the absence of Negroes from the list could not show an arbitrary misuse of power. Judge Horton, however, held the roll to be "proper evidence."

Turning to Mr. Tidwell, sitting with the bulky jury roll propped up before him on a chair, Mr. Leibowitz continued his examination as follows:

"You and your fellow-commissioners are required to place on that roll the names of all citizens who possess the ualifications prescribed by law—all citizens—isn't that true?"

Mr. Tidwell conceded that such was his understanding of the law.

"Now isn't it a fact," demanded the New York defense attorney, "that all the names written in that book are names of white citizens?"

"I don't know," said Mr. Tidwell.

"Do you mean that for an honest answer?" shouted Mr. Leibowitz.

Tidwell Resents Question.

Mr. Tidwell swung around in his chair and seemed about to rise. Several onlookers in the first row of spectators learned forward.

"Do you mean to say that I would swear falsely?" demanded the Jury Commissioner, color rising in his cheeks.

"I don't mean to say anything. I'm asking you a question," snapped the defense attorney with a rising voice.

The heated colloquy abated when Mr. Knight objected to the "badgering of this witness" and what he called an "attempt to grill him" on the operations of his mind. Judge Horton's calm voice quieted the brewing storm, and Mr. Leibowitz asked:

"Can you point to the name of any colored citizens on that page?"

The defense lawyer's finger was pointing to the first sheet in the book, and Mr. Tidwell bent forward to study it better.

"I don't know whether they are white, black or yellow," he insisted.

The witness then explained that many of the names were placed upon the rolls without any personal examination by him. There was no member of the commission, he declared, who could say from an inspection of the names which represented white citizens and which, if any, denoted Negroes.

Mr. Leibowitz interrupted his examination to ask that the Attorney General stipulate on the record that the rolls contained the names of only white men. This, Mr. Knight refused to do, asserting that he regarded the whole line of inquiry as "immaterial, anyway."

Mr. Leibowitz explained that he made the request only in the interest of saving time in order that the trial of Patterson, which is being held up pending the outcome of the fight on the jury system, might proceed. Then he added:

"If yo uare going to put me to my proof, all right. It is my purpose and intention to prove that no Negro's name appears upon that jury roll, and I'll do it if it takes till doomsday. Go ahead."

Scrutiny of Roll Begun.

A little later Mr. Tidwell conceded that some persons whose names appeared on the roll were known to him, and under the direction of Mr. Leibowitz, he began a page-to-page scrutiny of the book, telling the color of those whose names were familiar to him. While this was going on, the judge left the bench, the lawyers gathered about the jury commissioner and the stenographer joined the huddle.

When court recessed until 8:30 o'clock tomorrow morning, Mr. Tidwell had failed to point to any Negroes on the roll, but there were many names which he alleged were unfamiliar to him. This evening the volume was being checked by defense attorneys in an effort to discover whether any of the Negroes, whom the defense holds to be qualified for jury duty, are included in the roll.

Tomorrow it is planned to call the other two jury commissioners to continue the process of elimination. When that is done, Mr. Liebowitz said, it is his intention to cause subpoenas to be issued for all those on the roll whose color remains in doubt, in order that there can be no doubt that no Negroes are included; then this court and those above it may decide whether their absence results from a recognized system of exclusion or mere coincidence.

Unofficial estimates placed the number of names upon the roll as between 2,000 and 2,500 and it was a question of some concern to residents of this State, already in such financial straits that it is threatened with a shutdown of its schools, how far Judge Horton would allow the defense to go. It was hoped that some compromise could be effected to shorten the proceedings, but Mr. Liebowitz was determined to complete his record and Mr. Knight was unwilling to surrender.

Negroes Called As "Qualified."

The Negroes whose qualification for jury duty Mr. Liebowitz sought to prove in court were Dr. Frank S. Sykes, Dr. N. E. Cashin and Dr. N. M. Sykes, physicians; Hulett J. Banks, bill poster; the Rev. L. R. Womack, J. J. Sykes, motion picture exhibitor; W .G. Wilson, a lay preacher; J. D. Pickett, high school principal; Robert Bridgeforth, billiard hall proprietor; George H. Reynolds, undertaker, and Dr. Willis James Wood, dentist.

The testimony which these men gave differed only in minor details of personal experience. All had a wide acquaintance among the Negro population of the county and all were able and willing to name scores of other Negroes, who in their opinion were "esteemed in their community for their intelligence, good character and sound judgment." None of the men they named, the witnesses all said, could be disqualified because of their age, unsound mind or convictions for offenses involving moral turpitude.

Each of the witnesses declared he had never seen a Negro on a Morgan County jury. Objections from the State, upheld by Judge Horton, prevented each of the witnesses from answering the following hypothetical question profoundedby Mr. Leibowitz:

"If it should be proved conclusively that the names of none of the Negrose who have named appear on the jury roll of this county, would you not be forced in all honesty to believe that they were excluded solely because they were members of the African race."

In cross-examination, Mr. Knight drew admissions from each that he had no first-hand knowledge regarding the inclusion or exclusion of his name for jury duty. Each admitted also that, if his name were excluded, he could not name the specific reason for which it was barred by the jury commissioners.

Status As Voter Insufficient.

Mr. Leibowitz in re-direct examination of his witnesses, two of them veterans of the World War, one a former student of Phillips-Exeter Academy and Howard University and one a leader of the local Negro Civic League, established that none had ever been called upon to submit to examination on his qualifications. Several of the witnesses were voters who, Mr. Leibowitz maintained, had won the right to suffrage only by demonstrating their ability to interpret the Federal Constitution, but Judge Horton would not let them display their knowledge on this subject, holding that the qualifications of voters and jurors were different.

Dr. N. M. Sykes, who attended the University of Illinois, was asked by the prosecutor:

"Did you ever serve on a jury while you were in Illinois?"

"I was called, but didn't serve," was the answer."

Before ordering Mr. Leibowitz to submit proof of his charge that Negroes are systematically and arbitrarily barred from jury service, Judge Horton denied a motion by the defense to try all the defendants jointly, as they were indicted.

The day's proceedings concerned only Patterson, whose case is the only one thus far set down for trial. He was the only one of the nine defendants, two of whom will be tried in Juvenile Court, who was brought to the court room from the nearby jail. He sat through the proceedings, taking no part in them and showing little interest.

SCOTTSBORO BODY PLEDGES SUPPORT OF GARDEN MEET

4-1-33

Workers' Groups Rally Members for Mighty Protest Wednesday

NEW YORK.—Members of the Scottsboro Unity Defense Committee meeting in Harlem Thursday night pledged their support to the mass meeting against German fascist terror, to be held at Madison Square Garden, Wednesday evening, April 5, at 7 p. m. The support of this organization, which includes among its membership such well known Negro writers, ministers and intellectuals as Countee Cullen, Langston Hughes, S. Clayton Powell and Augusta Savage, came as a recognition of the close connection between Nazi deeds of horror and those like the attempted Scottsboro legal lynching perpetrated against the Negro in this country.

Widespread Negro support of the Garden meeting is following the exposure of such statements as that contained in the Hitlerite organ,, National-Sozialistische Monatshefte.

This paper not only characterized the Negro as "the latent brute who can be tamed neither by slavery nor civilization" but came boldly to the defense of the American ruling class with the statement: "Of course, most of the Negroes who are lynched do not merit any regret."

An even larger number of militant organizations are announcing their support of this mighty protest demonstration. The Friends of the Soviet Union, recognizing that "Fascism in Germany . . . brings to a close focus the war threat against the USSR," calls on all its members and friends to rally and march in a body to the Garden on Wednesday.

The New York District of the International Labor Defense, in an appeal for support for the meeting, declares that "the bloody Hitler fascist terror not only menaces workers, national minorities and intellectuals in Germany, but immediately concerns every American worker," and points out the connection between the Nazi outrages and the capitalist terror in the United States.

"Icor," represening tens of thousands of the Jewish people, has rallied to the support of "this decisive fight against fascist atrocities."

A statement reaching the Daily Worker from the Group Theatre, one of New York's foremost organizations, characterizes the German fascist regime as "a threat, not only to racial and political groups, but to culture itself."

SCOTTSBORO CASE ATTORNEYS CLASH

Telegraph

Defendants Drowse as Leibowitz Seeks to Have Indictment Set Aside

3-28-33

DECATUR, Ala., March 27. (AP)—A tedious court battle to set aside the indictment against the Scottsboro Negroes was launched Monday as the defense sought to establish its contention the defendants had been deprived of their rights through exclusion of Negroes from the grand jury that indicted them.

Samuel S. Leibowitz of New York, chief of defense counsel, and Attorney General Thomas E. Knight, Jr., directing the prosecution, clashed frequently as the former sought to prove through witnesses that Negroes were "habitually excluded from juries in Jackson county."

Macon Ga.

The seven Negro defendants are charged with attacking two white girls on a freight train March 25, 1931. They were sentenced to death at their first trial, but the United States supreme court set aside the death sentences and ordered new trials. The action Monday was the forerunner of the second trial.

While the defendants drowsed against the wall behind their counsel table, occasionally showing interest in the proceedings, the attorneys who seek their freedom read into the records an amended petition to quash the indictments.

Trial Slow to Start

Delay in bringing the Negroes from the Jefferson county jail in Birmingham to Decatur, held up proceedings until the afternoon session and attorneys sparred cautiously through their statements setting up the premise for testimony.

Leibowitz, contending that the exclusion of Negroes from the grand jury had denied the defandants of their constitutional rights, declared "there has never been a Negro to serve on an Alabama jury."

Attorney General Knight in a brief statement told the court he denied the allegations.

J. S. Benson, editor of The Progressive Age at Scottsboro, the first witness under direct examination by Leibowitz, said to his knowledge no Negro had ever served on a jury in Jackson county.

The editor was on the stand for approximately 45 minutes with the examination punctuated by objections and exceptions from both sides.

Leibowitz asked Benson if he knew of a Negro ever serving on an Alabama jury.

"I don't know that one ever has," he replied, and Knight took up the questioning again, that led to a prolonged examination by Leibowitz, concerning various Negroes in the county.

Knight read the qualification calling for good character, sound judgment, and qualifications as to age, property and intelligence, and Benson replied, "I know some good Negroes, as Negroes go, but sound judgment would get them."

"Most all Negroes will steal," Benson replied to a question by Leibowitz and a ripple of laughter swept the court, several of the defendants joining in the laugh.

Asked what he meant by Negroes lacking "sound judgment" Benson caused another laugh, saying they were "not trained and I might say the same applies to women."

Missing Witness Sought On Eve Of Decatur Trial

Opening Scottsboro Case Starts Today; Victim Of Attack Reported In State

Jury Fight Begun

200 Negroes Called By Defense To Prove Race Is Bar To Court Service

Constitution

3-30-33

By T. [illegible] DAVENPORT
Associated Press Staff Writer.

DECATUR, ALA., March 29—(AP)—Search for Ruby Bates, missing state witness in the "Scottsboro case," tonight extended to every corner of North Alabama as preparations went forward for the first of the new trials tomorrow.

The girl's father today gave Atty. Gen Thomas E. Knight, Jr., addresses at which he believed she could be found and an immediate check was started in an effort to have her available in time for the opening of the Heywood Patterson trial tomorrow.

Patterson is the first of seven negroes to face retrial on charges of attacking Victoria Price and the Bates girl, both of Huntsville, Ala., aboard a freight train in Jackson County, on March 25, 1931. He was arraigned yesterday and entered a plea of not guilty.

The other six facing retrial are: Ozie Powell, 19 and Charles Weems, 22, of Atlanta; Andy Wright, 19, and Clarence Norris, 22, of Chattanooga; and Olen Montgomery, 19, of Monroe, Ga., and Willie Roberson, 19 of Columbus, Ga. They will be tried after the Patterson case is finished.

Although Ruby Bates is missing, the State, if she cannot be found, will offer her testimony from the previous trial in which the seven facing retrial, and Eugene Williams, whom the Alabama Supreme Court held was probably a juvenile, were convicted and sentenced to death. The case of Williams and Roy Wright, ninth negro named in the indictments, has been deferred until the court determines their ages.

Other Victim To Testify.

While the search for the Bates girl went ahead, Victoria Price, the other alleged victim of the attack, was at her home in Huntsville, and will be brought here tomorrow by Sheriff Ben Giles, of Madison County.

Patterson was arraigned yesterday on the indictment charging him with an attack on the Price girl, the same charge on which he was convicted and snetenced to death in the trials in Jackson County two years ago. While the State checked every angle of the case today, counsel retained by the International Labor Defense prepared for a new assault on Alabama's selective jury system.

Samuel C. Leibowitz, of New York chief of defense counsel, said he had 200 Morgan County negroes, among them doctors, lawyers and a college professor to sustain his motion to quash the venire, because no negroes were in the jury box from which the 150 names were drawn.

Leibowitz, in discussing his movements today. said it was not an effort to start a crusade against Southern jury systems, but "we are taking every step possible to protect the interests of these nine negro boys."

The motion to quash, overruled yesterday, and the drive to quash the venire both hinge on the predicate that the alleged "sysematic exclusion" of negroes from the jury violated the constitutional rights of the defendants and the fourtenth amendment.

Train Scene Reconstructed

Leibowitz today unpacked a minature train which he will use in the trials. The train, Leibowitz said, was as near as possible a counterpart of the Southern Railway car on which the State charges the attacks occurred.

The train, measuring more than 32 feet when fully assembled, contains a gondola car, similar to that in which the attacks were purported to have taken place.

Atty. Gen. Knight late this afternoon said he was doing everything possible to find the Bates girl, but was not optimistic over the prospects of locating her by 8:30 a.m. tomorrow.

Efforts were made today to sell to newspapermen information as to her whereabouts, but, when pinned down, the man offering the information was uncertain that he had positive proof.

National guardsmen brought here have found their duties consisted principally of escorting the defendants from the jail to the court room, as the crowds have been orderly and readily obeyed instructions to maintain order.

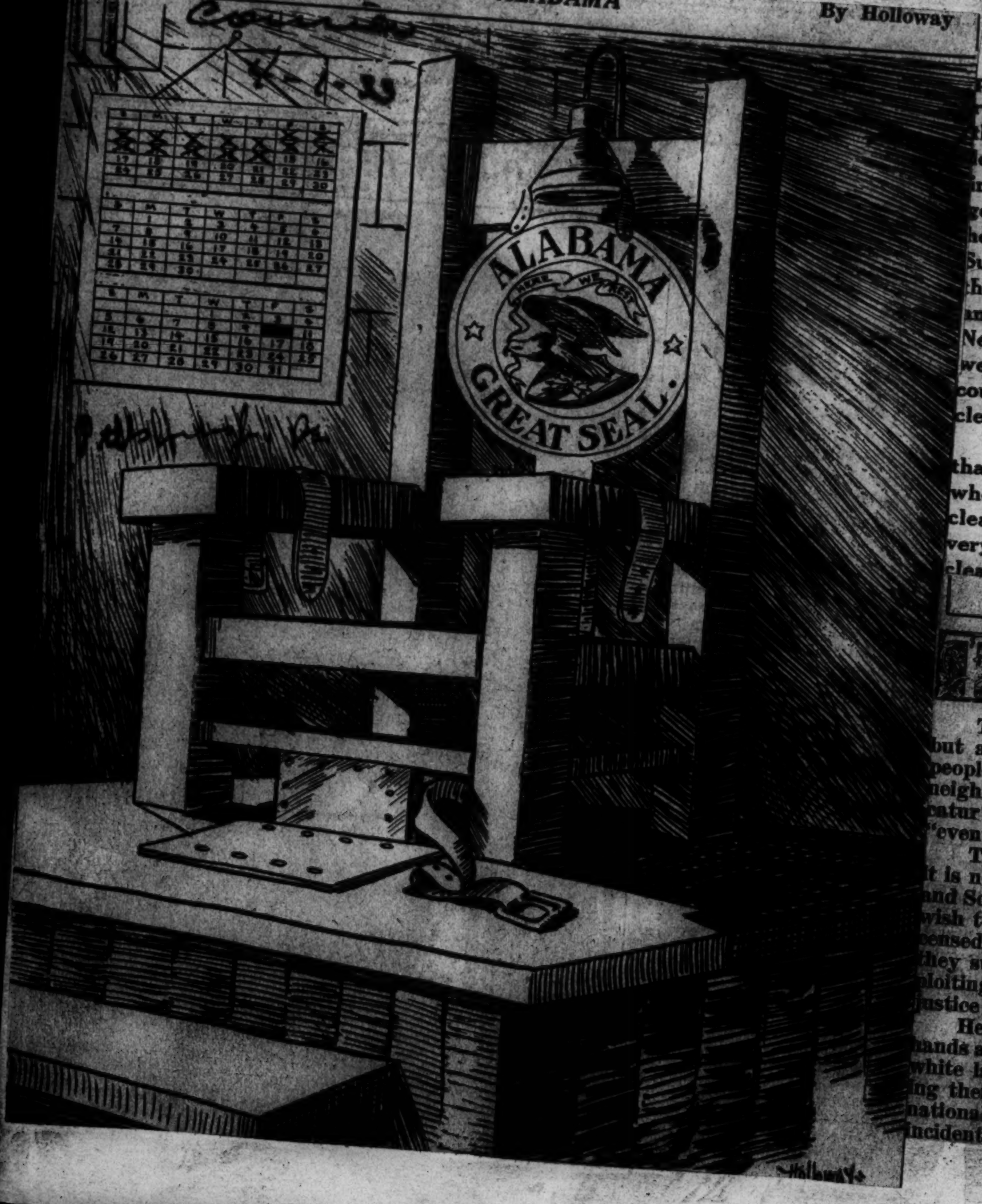
Lynchings-1933
Legal Punishment for Rape

Alabama (Haywood Patterson)

4348

WORLD'S EYES FOCUSED ON ALABAMA

By Holloway



Courier
4-1-33
Pittsburgh, Pa.

ACCORDING TO WHOSE OX IS GORED

The Negro's demand for a fair and just attitude on the part of other races must be accompanied by nothing less than right and justice within his own ranks. The contention of the Negro leadership for fair play will have little effect unless there is a sincere attitude on the part of those contending to be fair in their every dealing. Such a thought suggests itself as the conduct of many Negro attendants at court hearings is observed. Even this week as the United States Supreme Court remanded the cases of nine Negro youths to the court of Scottsboro, Alabama, because of the hilarious and disorderly conduct of attendants at a previous hearing, Negroes who packed a court room in another southern state were guffawing, applauding and otherwise exhibiting uncouth conduct that caused the presiding jurist to threaten to clear the courtroom.

Such conduct makes it clear to the careful observer that the Negro exhibits an attitude of "it just depends upon whose ox is gored." Certainly there needs to be a house-cleaning within the ranks of the race and until that is done very thoroughly and effectively, the demands that others clean house will prove of no avail.

HELP THE SCOTTSBORO DEFENSE

THE Scottsboro Defense is being hampered by lack of funds. Unless there is an adequate defense the boys will surely be convicted again, and this time they will surely be railroaded to the electric chair.

The trial has been shifted to Decatur, but that town is but a replica of Scottsboro, and the temper of the white people is little different from that of their brethren in the neighboring community. Already there are troops in Decatur to guard against what are called, euphemistically, "eventualities."

4-1-33

The unreconstructed white people of Alabama feel that it is not the nine Scottsboro boys, but the State of Alabama and Southern "peculiar institutions" which are on trial. They wish to continue those "peculiar institutions." They are incensed at world criticism. They are on the defensive. If they suffer a defeat, the morale of all color-prejudiced, exploiting Southern whites will be shaken and the hands of justice and right will be strengthened.

Help in the form of money is needed to strengthen those hands and protect the Negro from legalized mob murder. The white lawyers defending the Scottsboro boys are contributing their services. Negroes should at least help the International Labor Defense to defray the necessary expenses incident to the trial.

NEW YORK MIRROR

MAR 27 1933

Seek Scottsboro Witness

RUBY BATES.

Seek Bates Girl For Scottsboro 2d Trial Today

By CARTER BROOKE JONES,
International News Service Staff Correspondent.

DECATUR, Ala., Mar. 26 (INS).—A State-wide search for Ruby Bates, youthful witness in the Scottsboro attack case, was pressed tonight as preparations were made for the second trial tomorrow of seven Negroes charged with attacking two young white women.

The other principal witness, Victoria Price, was under the protection of a deputy sheriff at her Huntsville home.

Miss Bates vanished from her home in Huntsville more than two weeks ago.

Two years ago today, Miss Bates and Miss Price, cotton mill girls were "bumming" their way back home from Chattanooga on a freight train, when, they allege, a dozen Negro youths appeared and assaulted the girls. Nine of the Negroes were arrested.

The seven who will face a second jury next week were convicted at Scottsboro and sentenced to death, but granted a new trial by the United States Supreme Court.

NEW YORK TIMES

MAR 27 1933

MASS MEETING URGES JUSTICE FOR NEGROES

Birmingham Resolution Calls for Venue Change in Trial—50 White Persons Attend.

Special to THE NEW YORK TIMES.

BIRMINGHAM, Ala., March 26.—A mass meeting calling for fairness at the second trial of seven Negroes in the Scottsboro case was held here today, and a resolution adopted urging change of venue from Decatur to Birmingham.

Speakers stressed that it was justice which was wanted for the Negroes, and not necessarily acquittal. Among the speakers were Dr. Henry M. Edmonds, Pastor of the Independent Presbyterian Church and chairman of the Alabama Inter-Racial Commission; Dr. Kenneth E. Barnhart, Professor of Sociology at the Birmingham-Southern College; Ernest W. Taggart, president of the Birmingham branch, National Association for the Advancement of Colored People; Rabbi Goldstein of Temple Beth-Or, Montgomery, and David Hutto, a student at Birmingham-Southern.

The First Congregational Church, a Negro house of worship, was crowded for the meeting, and hundreds stood outside. About fifty whites attended.

Rabbi Goldstein in his speech declared that the meeting had been called because of a belief that the courts guaranteed constitutional liberties regardless of race, color or creed. He appealed for funds to help carry on the defense in the Scottsboro case.

Mr. Hutto, who is president of the Epworth League of his college, declared that the day of racial supremacy was passing away.

Dr. Edmonds, remarking that the inter-racial commission was cooperating with the International Labor Defense to aid the accused Negroes, said:

"We can all be sure that if the International Labor Defense had not taken up the defense, others would have done so."

He felt that Decatur was a satisfactory place for the trial, and said that similar views had been expressed to him by Bishop McDowell, Episcopal leader, and Ward Nelson, State secretary of the Young Men's Christian Association.

Dr. Barnhart, reviewing the history of the case, quoted at length from the decision of the United States Supreme Court, and expressed the opinion that the second trial would result differently from the first. He said no apologies were needed for his interest in the case, which had become a matter of international interest.

Dr. Taggart declared that the National Association for the Advancement of Colored People was behind the efforts to get justice for the defendants, although as an organization it had refused to cooperate with the International Labor Defense in the case.

Allen Taub of New York, one of counsel for the defense, spoke in behalf of a Birmingham trial for the Negroes.

NEW YORK TIMES

MAR 24 1933

TROOPS AWAIT CALL TO ALABAMA TRIAL

Sheriff and Attorney General Have Not Asked for Guard in Scottsboro Case.

WITNESS STILL MISSING

Girl Who Accused Negroes Cannot Be Found—Change of Venue to Birmingham Urged.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 23.—The question of whether to ask National Guard protection for the trial of the Negroes accused of attacking two white girls when it opens here Monday remained undecided today.

The advisability of calling upon Governor Miller to supply the troops was being considered by Sheriff Bud Davis of Morgan County and Attorney General Thomas E. Knight Jr., who arrived here this evening to make final preparations for the trial.

The Sheriff, however, was out of town and a final decision will not be reached until tomorrow. Representatives of the militia units at Hartselle and Athens, neighboring towns, called at the Sheriff's office in the morning in quest of information, but were unable to obtain it.

They explained that if their troops were to be called out they would like to know it far enough in advance to be able to make the necessary arrangements to be on hand with full complements of men on the day the trial opens.

The absence of Sheriff Davis from the county was in connection with the approaching trial of the Negroes, who once were condemned to death for their alleged attack upon Ruby Bates and Mrs. Victoria Price. The sentences were not carried out because the International Labor Defense carried an appeal to the United States Supreme Court, which ordered new trials.

Among the subpoenaes which the Sheriff and his deputies were serving was one for the Bates girl, who disappeared from her home in Huntsville, thirty miles from here, on Feb. 28. Sheriff Ben Giles of Madison County, which includes Huntsville within its borders, said that all efforts to find the girl had failed.

The coming trial was the chief topic of conversation in Decatur tonight. The facilities of the local hotel, it was said, will be taxed to the utmost after Sunday night. The Western Union and Postal Telegraph Companies have rented space in buildings near the courthouse and extra operators are being sent here to handle the press reports of the proceedings.

Although it is regarded as unlikely that Judge A. E. Hawkins of Scottsboro, Jackson County, where the original convictions were obtained, would reconsider his decision to transfer the trials to Decatur in granting a defense motion for another change of venue, agitation for removal of the proceedings to Birmingham was gaining momentum.

A mass meeting was to be held in Birmingham tonight to urge the court to reconsider. Attorney General Knight said he had received a communication from the American Civil Liberties Union asking him to use his influence to take the trial to Birminghan and several residents of this Tennessee River city let it be known that they would have small objection.

No action can be taken, however, unless Samuel Leibowitz, chief of defense counsel, who now is in New York, decides to ask for reconsideration of the motion to change the venue, and it was regarded as unlikely that he would do so for fear of losing the plea and then having to try the case in a community aroused by the allegations of prejudice that would be necessary to support the request.

Jury Selected In Scottsboro Case

Advertiser
4-1-33

12 Morgan County Citizens Chosen To Try Negro; Quash Motion Is Denied

Montgomery, Ala.

DECATUR, ALA., [illegible] (AP)—Twelve Morgan County [illegible] early tonight were empaneled as the jury to try Heywood Patterson, 19-year-old Chattanooga negro, on charges of attacking Mrs. Victoria Price more than two years ago.

The jury was completed at 6:45 p.m., and 10 minutes later was in charge of bailiffs to remain over the weekend, as taking testimony in the trial, the first of the new trials in the "Scottsboro case," will not begin until Monday.

Half of the jurymen are from Decatur and only three of them are farmers.

The jury is as follows:

Eugene D. Bailey, Jr., of Decatur, draftsman, foreman.

John J. Bryant, of Falkville, farmer.

Eddie Edwards, of Decatur, filling station operator.

William L. Grimes, Decatur, bookkeeper.

Robert L. Landers, Decatur, unemployed.

James F. Stewart, Jr., of Hartselle, merchant.

J. Foreman Wallace, of Danville, farmer.

Irwin Craig, of Decatur, barber.

Cecil Crawford, of Jopha, farmer.

John Davis, of Decatur, bookkeeper.

Eugene E. Graves, of Decatur, banker.

Robert L. Kitchens, of Decatur, salesman.

In qualifying the veniremen, 25 were excused for fixed opinions, five for scruples against capital punishment, and four who would not convict on circumstantial evidence.

The venire, through excuses and challenges in qualifying, was reduced to 50, just half of the original number of the venire. The State was given 13 strikes and the defense 25.

Judge James E. Horton, presiding, gave the jurymen the usual charge about remaining together and instructed them to discuss the case as little as possible over the weekend.

Once the qualifying got well underway, the procedure moved swiftly.

Qualifying the jury started immediately after Judge Horton had denied a motion to quash the venire because no negroes appeared on it, or on the jury roll, from which the venire was drawn.

The denial of the motion came suddenly in the afternoon session after Atty. Gen. Knight had told the court the rest of the State's evidence on it, was [illegible]e and moved denial.

Advertiser

"[illegible] on the State to show that the jury commission complied with the statute in making up the jury roll," the court said after Leibowitz had asked: "Do I understand the court to hold that we have made out a prima facie case?"

4-1-33

The advantage was short lived as soon afterward Judge Horton denied the motion [illegible] Thomas E. Knight, Jr., attorney general, said the rest of the State's rebuttal witnesses would offer [illegible] that negroes were not "sy[illegible]y and arbitrarily" excluded from jury duty because of their race.

Montgomery Ala.

The decision ended three and a half days effort of the defense to lay predicates for an appeal to the United States Supreme Court.

Judge Horton immediately swore the prospective jurymen and attorneys began a careful questioning of each man. The State has one challenge to each two strikes made by the defense and Knight occasionally challenged a venireman who expressed an opinion or opposed capital punishment.

In a previous trial seven of the nine negroes were sentenced to death for the alleged assault which the girls said occurred on a North Alabama freight train.

Two others received commutations of death sentences because of their youth. All were granted new trials by the United States Supreme Court.

Each prospective juror was asked if the color of the defendants would make any difference in his judgment of the evidence and a series of other questions

that indicated the taking of testimony would not get under way until Monday.

Advice was received here by telephone last night from Decatur that the trial judge, in addition to holding that negroes are not systematically excluded from jury lists in Morgan County, also overruled motion by defense counsel to quash the venire drawn for the trial of two of the seven defendants. The decision of Judge Horton in favor of the State, represented by Atty. Gen. Knight followed a hotly contested legal battle over the two points raised, which had waged for several days between the Attorney General and counsel for the negroes.

Lynchings-1933

Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4349

PICK JURY TO HEAR SCOTTSBORO CASE

2

Defense Loses Long, Hard Fight Against Calling of All-White Venire.

4-1-33

JUDGE ADMITS THE POINT

New York, N.Y.

Ruling Record Is Established, He Cautions Crowd Against Any Demonstrations.

LEIBOWITZ IS GUARDED

Soldiers Patrol Defense Counsel's Quarters After Threats Reach the Officers' Ears.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 31.—From a venire composed exclusively of white men, a jury was chosen in Morgan County Courthouse this afternoon for the retrial of Haywood Patterson, one of the nine Negro defendants in the Scottsboro case, after the defense lost its long, hard fight against exclusion of Negroes from the jury rolls.

Judge James E. Horton ruled this forenoon that Samuel S. Leibowitz, chief of defense counsel, had established a prima facie case against the Alabama jury system as violating the Fourteenth Amendment, and called upon Attorney General Thomas E. Knight Jr. to proceed with evidence in its defense.

Mr. Knight called only one witness, Arthur J. Tidwell, a jury commissioner, who was placed upon the stand yesterday by the defense and rested after the official had declared that he and his colleagues had placed upon the jury rolls "all" qualified males in the county. In cross-examination Mr. Tidwell admitted that he did not know of a single Negro who could make the grade.

Court Room Crowd Tense.

Judge Hortion then rendered his decision on an issue which had assumed greater proportions in the minds of many citizens of the South than the guilt or innocence of the nine men accused of attacking Ruby Bates and Victoria Price on a freight train near Scottsboro two years ago. The words, "motion denied," fell from his lips upon the ears of a tense court room crowd.

"I except," said Mr. Leibowitz, who frequently during the presentation of his evidence of systematic and arbitrary exclusion of Negroes by the country's jury commissioners, has hinted at the possibility of a review by the United States Supreme Court, which once before set aside death sentences originally imposed at Scottsboro and ordered new trials for the condemned Negroes.

The court room crowd, many of whom know at first or second hand hair-raising tales of conditions here during the reconstruction period following the war between the States, received the court's decision without a sound or murmur, but with relieved expressions.

Before proceeding to the selection of the jury Judge Horton delivered an eloquent and solemn warning against allowing discourtesy or violence or racial prejudice to mar Alabama's record for fair administration of impartial justice.

Protests Counsel's Methods.

The selection of the jury had hardly begun, however, before Fred Morgan, the postmaster of Eva, a little near-by town where he has a reputation for prowess at "all-day singing," a local festival of a semi-religious nature, stalked from his seat among the veniremen to a place before the bench to protest against the manner in which Mr. Leibowitz was examining a prospective juror.

"Us jurors in Morgan County," he said, extending his arm with an oratorical gesture, "are not accustomed to taking the charge from the defendant's attorney, and we don't like it."

He was about to continue, when Judge Horton's surprised expression as he looked over the top of his glasses with obvious disapproval of the interruption, stopped him. Unruffled but stern, the judge said:

"The court will take charge of this. These are legal matters and the questions are perfectly proper. The court always permits questioning of prospective jurors by the attorneys for both sides, and counsel in this case were invited to ask proper questions. There is nothing improper about any of this. Please take your seat again."

Conflict Over Procedure.

As the New York attorney for the defense continued his examinations, objections from Attorney General Knight became more and more frequent, and Mr. Leibowitz found himself in frequent conflict with the Alabama court procedure in selecting jurors—a practice that is considerably different from that usually followed in his home State.

Mr. Leibowitz's fight against the existing jury system has aroused such antagonism among certain elements here that Captain Joseph Burleson, commanding the thirty National Guardsmen on duty for trial, decided tonight to assign five uniformed armed guards to protect the New York attorney.

As Mr. Leibowitz was leaving court, Captain Burleson, who had heard whispered threats against him walked over and asked him where he was staying and how he intended to go home. When Mr. Leibowitz, who declined the Captain's offer of a lift in his car, reached his apartment at Cornelian Court, where he is staying with his wife, he found five national guardsmen patroling in front of the building with fixed bayonets.

Out of a venire of eighty-four farmers, artistans and tradesmen who responded to the court's call for 100 talesmen, twenty-five were excused for having fixed opinions on the case, four for harboring scruples against capital punishment and five for prejudice against circumstantial evidence. All but twelve of the fifty who remained were disposed of by peremptory challenges in a sort of tic-tac-to game between counsel for the State and the defendant.

The defense used most of its peremptory challenges to get rid of overalled farmers from communities where prejudice against Negroes is said to be unusually strong, while the State, with half as many "strikes," used theirs especially against young men suspected of favoring liberal ideas and residents of more urban centres of the county.

Members of the Jury.

The following comprised the jury, which tonight is locked up at a local hotel awaiting the actual opening o the trial Monday morning:

Eugene Bailey Jr., draftsman, of Decatur.
John L. Bryant, farmer, of Falkville.
Eddie Edwards, hosiery mill worker, of Decatur.
William L. Grimes, bookkeeper, of Decatur.
Robert L. Lander, unemployed, of Decatur.
James F. Stewart Jr., Merchant, of Hartselle.
G. Forman Wallace, farmer, of Danville.
Irwin Craig, barber, of Decatur.
Cecil B. Crawford, farmer, of Joppa.
John Davis, bookkeeper, of Decatur.
Eugene E. Graves, bank cashier, Decatur.
Robert L. Kitchens, automobile salesman, of Decatur.

The process by which the jurymen were chosen was interesting. The entire venire was summoned inside the railed enclosure where defendant and counsel sat. There before the bench these white citizens of Morgan County stood with upraised hands and swore to administer justice to one of another race and color without fear or favor. Then they shuffled back to their seats in the crowded courtroom to appear in groups of four and answer questions of the court on their qualifications as jurors.

Local Attorney Aids Defense.

Judge Horton asked them all to tell under oath whether they were householders or freeholders, whether they had been convicted of a crime within the twelve months, whether they had formed ineradicable opinions and the rest of the ritual of qualification. Then he turned them over to the opposing counsel for further probing of their minds.

The State in each case waived the proffered right, merely challenging for cause when a venireman expressed a prejudice against circumstantial evidence, or aversion to capital punishment. Mose of the veniremen were known to Wade Wright, the circuit solicitor who is assisting Mr. Knight. The defense had the services of Clifton Almon, a local attorney retained today, to assist in selecting the jury.

But Mr. Leibowitz, a stranger accustomed to practice in the New York courts, conducted an exhaustive examination as long as the court would let him. He wanted to know whether the talesmen understood the meaning of "reasonable doubt," of the "presumption of innocence," and whether a woman's word controverted by a man, would assume special importance in their eyes. It was while he was proceeding along this line that the postmaster from Eva, who later was challenged peremptorily, injected himself into the proceedings.

A Clash Between Counsel.

Once when Mr. Leibowitz asked a prospective juror if he would heed Judge Horton's explanation of the law, Attorney General Knight objected and the court ruled that the question was improper. Mr. Leibowitz smiled apologetically, and asked the court to bear with him, asserting that if he transgressed the rules of practice it was the result of unfamiliarity with local customs.

"I'm just trying to learn," he said.

"We'll teach you," snapped Mr. Knight.

"All right, Professor Knight," said Mr. Leibowitz.

Finally when the examination of the talesmen left only fifty qualified to serve as jurors, the court declared a recess to permit counsel on both sides to confer on whom to try to keep and whom to "strike" from the list of available jurors.

The system in use here permits the defense two challenges for every one used by the State, thus making the number contingent upon the number of veniremen remaining in the box after all the challenges for cause.

Twenty-five Challenges for Defense.

As there were fifty in this case the State had thirteen and the defense twenty-five peremptory challenges, the State taking the odd one. As the two sides lined up—with Sheriff Bud Davis helping the State in weding out unsatisfactory talesmen—Judge Horton came down from the bench and moved about the courtroom like a professor in a class room, seeing to it that each venireman was seated according to his number on the list, a copy of which lay on each counsel table.

"The State strikes No. 7," said Mr. Wright, who relieved Mr. Knight of this part of the work.

"Two for the defendant now," said Judge Horton back on the bench.

"The defense strikes 3 and 26," said Mr. Leibowitz.

As a number was called the man it represented got up and walked to one side of the room until only twelve remained in the seats Judge Horton had set aside. While the striking process was going on Patterson sat somnolently in a chair tilted against the wall. He took no part in the selection of the jury which will decide whether he shall go free, die in the electric chair or spend a long term in prison.

By the time the intricate procedure was completed it was nearly 7 P. M. and Judge Horton, who had opened court at 8:30 in the morning, declared a recess until Monday morning, when the witnesses in the case were directed to be on hand ready to testify.

Jury Warned Against Discussion.

Before sending the jury to the hotel with Deputy Sheriffs to shepherd them the judge warned the jurors not to discuss the issues in the case with outsiders or among themselves until they are sent to the jury room to deliberate on Patterson's fate.

Court-room observers said that an address such as Judge Horton delivered from the bench this afternoon before proceeding with the selection of a jury was most unusual here. Seemingly it was prompted not only by the fires that have been kindled by the crime itself and the intervention of the Communist party on behalf of the accused Negroes, but by the antagonism expressed locally on street corners and in homes, as a result of the attack on the tSate's jury system by Mr. Leibowitz.

Speaking slowly and distinctly with apparent feeling, Judge Horton said:

"I have been judge of your court for a number of years and I feel I can say, with a degree of gratification, to the jurors of this county and others on my circuit that so far as I have been able to see, all the jurors who ever sat before me have tried each case as far as they were able, according to the law and the evidence, and to render a true verdict in every case.

Calls for Calmness.

"I never knew a juror in any case to come to me and tell me of influences brought to bear with the purpose of impeding the course of justice. I have every confidence than this venire will do the same. In my experience I have had occasion to preside at trials involving some who were rich and prominent and some who were not so rich or prominent; there were important cases and some that were not so important, but in all I have felt that true justice was meted out.

"I have seen jurors with wet eyes and I have heard foremen read verdicts with a voice that quavered, showing the agony experienced in reaching a verdict. Never have I known of a juror who flinched at performing his duty, wherever it might lie.

"So far as the law is concerned, it knows neither native nor alien, Jew or gentile, black or white. This case is no different from any other. We have only our duty to do without fear or favor.

"So far, order in the court room has been good. Our citizenry has been calm and quiet, but I feel I must tell all our citizens to abide calmly the decisions of the court. In no other way can we enjoy the fruits of liberty. You must follow out the law as it is laid down to you and obey the law as it is.

"We have had great justices on the Supreme Court of Alabama, men of whose names we are proud. No one of them has ever written an opinion counseling any course save to obey the law.

"It would be a blot on the men and women of this country, a blot on all of you, if you were to let any act of yours mar the course of justice in this or any other case. I trust you will not show by discourtesy or violence anything but a proper regard for law and order. Your fellow-citizens would bow their heads in shame if any act of yours were to interrupt the course of justice.

"If any among you are tempted, remember that they would consider it a disgrace and a shame upon the fair name of this and the other counties of our State to have anything happen here to reflect upon the administration of justice in our courts. I expect from you proper restraint and a fair decision according to the law and the evidence. We must be true to ourselves, and if we be true to ourselves we can't be false to any man."

Presses Exclusion Point.

The opening of court this morning found Mr. Leibowitz still trying to prove from examination of the jury roll that a system of exclusion kept Negroes from serving on juries, although they were entitled under the law of the State and the Fourteenth Amendment to the United States Constitution to do so.

While a driving rain pelted the windows of the courtroom and a howling wind or near hurricane force uprooted trees and telephone poles outside, he called to the stand Sheriff Davis and Captain Joseph Burleson, the Militia officer commanding the detail of National Guardsmen on duty at the court and jail, in an effort to establish the color of those whose names were on the roll. Searching the record from A to Z and from cover to cover the two witnesses confessed that they had been unable to find the name of a single Negro [illegible]

Still pressing his fight to establish definitely the color of every man on the jury roll, Mr. Leibowitz asked for subpoenas for every postmaster in Morgan County, and Judge Horton granted the request.

SCOTTSBORO TRIAL STARTS ANEW TODAY

Defense Will Attack Jury System in Effort to Quash Indictments.

Times

WITNESS STILL MISSING

3-27-33

Ruby Bates Widely Sought by State — Leibowitz Charges His Witnesses Have Been Threatened.

New York

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 26.—The fight to save the lives of seven Negroes once condemned to death for alleged assult upon two white girls will open tomorrow in the Morgan County Court with an attack upon the jury system of Alabama.

Samuel Leibowitz, New York criminal lawyer who is chief of defense counsel in this famous Scottsboro case, arrived here today, ready for a finish fight on the question of the right of Negroes to sit on juries deliberating the fate of men of their own race.

He charged that some of the twenty-six witnesses he had subpoenaed in an effort to prove that some Negroes qualified by Alabama law to serve as jurors had been barred because of their black skins, have been subjected to threats and intimidation since they were served.

He said he would ask the protection of the court for these witnesses and declared that, if necessary, he would call on Governor Miller to ask for Federal troops to supplant the National Guardsmen who have already been ordered here.

The accused Negroes, in prison for two years as a result of charges made against them by Ruby Bates and Victoria Price, their accusers, will be brought here sometime before Tuesday morning.

Whether their arrival will be the occasion for an outbreak of violence is an open question, but the answer depends to some extent upon the behavior of Negroes and sympathizers of the Communist party, which has come to the aid of the defendants.

Governor Pledges Fair Trial.

Judging from the comments of representative citizens of Alabama the case of the Negroes has ceased to be an isolated matter of jurisprudence and has become entangled [illegible]

Nevertheless, a fair trial has been promised by Governor Miller and Attorney General Thomas E. Knight Jr., who is making desperate efforts to find one of his star witnesses, the Bates girl, missing since Feb. 28.

The original verdict of guilty, returned against eight of the nine prisoners at Scottsboro nearly two years ago, has been upheld by the Supreme Court of Alabama, with the prevailing opinion of the court written by Justice Thomas E. Knight, father of the Attorney General who will prosecute the second trial.

This decision was overruled by the United States Supreme Court, which, reversing the original verdicts, set aside the death sentences and ordered new trials.

To many of the leading citizens of the State the Supreme Court decision was accepted as a rebuff to Alabama's highest court. To them the only satisfactory outcome of a new trial would be a second conviction and new sentences of death.

Also interwoven with the case is the South's traditional attitude toward the Negro—an attitude of benevolent paternalism which refuses, however, to recognize the equal rights guaranteed by the Fourteenth Amendment and invoked by the defense in its motion to quash the indictments on the ground that Negroes were excluded from the grand jury.

Most important of all is the implicit challenge to the State's jury system contained in the defense motion. It is that which brought Attorney General Knight into a case which otherwise would have been prosecuted by the regular circuit solicitor and it is that which the people of Decatur really are agitated about to a much greater extent than the fate of the Negroes.

The Factor of Communism.

Another factor enters into the case which is about to go to trial. That is the fact that it was the International Labor Defense, an adjunct of the Communist party, which first came to the defense of the Negroes after they had been convicted and sentenced to death in the electric chair of Kilby prison.

The South is irrevocably committed to a policy of rugged individualism. Alabama is devoted to the protection of States' rights and is resentful of outside interference in the administration of its laws. Its officers are determined to administer them withotu "outside interference."

Its officials, from Governor Miller down, regard as "outside interference" the deluge of telegrams sent to them by Communist sympathizers and which threaten their lives if the accused Negroes are not acquitted.

These threatening telegrams and letters have been almost as important a factor in crystallizing sentiment against the Negroes as has been the nature of the crime charged against them.

Both Sides Ready for Trial.

The organization work being carried on by the Communist party among the share-croppers of the Black Belt—organization work that has already resulted in bloodshed—has had its effect, too.

Teh Scottsboro case, iwth its attendant threat of winning Negroes to the Communist cause, has come to hold a threat to the peace and security of the South, and the demand of the defense for equal rights under the law for peoples of all races and color has accented that threat.

It is in that sort of atmosphere that the trials of the accused Negroes are to open here this week. In spite of all the extraneous matters that have intruded upon a simple matter of guilt or innocence, Attorney General Knight is certain that the people of Decatur and Morgan County will be able to give the accused men a fair trial.

Mr. Knight, besides being Attorney General of the State, is chairman of the Board of Pardons and he is determined that regardless of the verdict of the jury, no Negro will be executed until both he and the Governor are convinced of his guilt.

The prisoners are now in Birmingham jail awaiting their transfer here. The first order of business before the court is the disposition of the defense motion to quash the indictments. If that is denied, the defendants will be arraigned for pleading, a jury will be drawn and the trial will start immediately. Both sides claim to be ready.

PATTERSON TRIAL BEGINS THURSDAY

Scottsboro Defense to Carry on Attack on Alabama Jury System Despite Setback

Telegraph

3-29-33

Macon, Ga.

DECATUR, Ala., March 28 (AP).—A new atack on Alabama's jury system was in the offing tonight as defense counsel gathered evidence on which to base proof that no Negroes were included in the jury box from which the venire for the trial of Haywood Patterson, 19-year-old Chattanooga Negro was drawn Tuesday.

The trial of Patterson was set for Thursday after Judge [illegible] E. Horton surprised the attorneys by dismissing the first motion to quash the indictments against the Scottsboro Negroes, charged with attacking two white girls.

The motion to quash was based on an allegation that the defendants were deprived of their constitutional rights because the grand jury which indicted them contained no Negroes.

Hardly had this motion been disposed of before Samuel C. Liebowitz, chief of defense counsel, raised the question again, refusing to enter a plea for Patterson, whom Attorney General Thomas E. Knight, Jr., has elected to try him first.

"We refuse to enter a plea," Liebowitz said, "and move to quash the venire because the rolls from which the box was filled, unjustifiably and in violation of the Fourteenth amendment, contained no Negroes, solely because of their race."

Other Trials Deferred

Judge Horton immediately overruled the motion to quash the venire but told the defense counsel it would not prejudice the motion when offered again.

Liebowitz and his associates, Joseph R. Brodsky, of New York, and George W. Chamlee, of Chattanooga, immediately began assembling their evidence that Negroes were excluded from the jury box solely because of their race.

Arraignment of the other six Negroes, Andy Wright, 19, and Clarence Norris, 22, both of Chattanooga; Olen Montgomery, 19, of Monroe, Ga.; Charlie Weems, 22, and Ozie Powel, 19, both of Atlanta, and Willie Roberson, 19, of Columbus, Ga., was deferred until after the Patterson trial is disposed of.

Two Granted Severances

Severances were granted for Roy Wright and Eugene Williams, both of whom the defense has contended are juveniles, with the court to determine their ages later.

Under Alabama law, juveniles can not be brought under the jurisdiction of the circuit court until after they have been before a juvenile court.

Denial of the motion to quash the indictment, came just as court reconvened after the noon recess and with indications that testimony would continue for a day or two more.

As Attorney General Knight arose to call the state's first witness, Judge Horton said, "Mr. Attorney General, the court has decided not to hear further testimony on this question. The motion is overruled."

It was several moments before the import of the announcement spread over the court room which had settled down for an afternoon of testimony relating to the method of selecting juries under Alabama statutes.

Liebowitz entered an exception and the way was paved for arraignment of Patterson, who, dressed in blue denims, stood quietly beside his attorneys as Solicitor Joe Bailey, who prosecuted the defendants in their first trial a year ago, read the indictment charging him with attack.

Liebowitz entered a plea of not guilty, and attorneys went into a conference with Judge Horton regarding the method of procedure for the trials.

Attorney General Knight planned to try Patterson alone, and then call the other six defendants in a single trial. Liebowitz, after court had recessed, however, indicated that he might seek severances, which would call for seven separate trials.

Lynchings-1933
Legal Punishment for Rape
6

4350

Alabama (Haywood Patterson)

Daily Worker
4-14-33

HOLD DEMONSTRATIONS AGAINST SCOTTSBORO VERDICT THRUOUT U. S.

New York Workers Meet in Union Square Today; Other Cities Protest Saturday

Labor Defense Demands Postponement of Trial of Weems Pending Patterson Appeal

A *Plea* from Haywood Patterson--

"Birmingham, Ala.
Jefferson County Jail.
April 9, 1933

"I no by now you all have hearde of me getting the chair again and I wants you all to do something quick you all no that I was really framed up on this time just as the first time. And as you all say you all will keep the fight up I hope you will because I'm innocence and need help. And I wish you all will send some stamps and some money to get some with,

"And you all write me a letter and let me no
"Because I'm worried to death
"oh! well
"I will close

"From Haywood Patterson"

• • •

Answer this plea by Haywood Patterson from the shadow of the death chair—**BE AT UNION SQUARE TODAY AT 5 P. M.!**

ST. LOUIS, April 13.—The National Association for the Advancement of Colored People of this city today announced that it would participate in the Scottsboro demonstration to be held here on Saturday noon before the City Hall. A delegation to be elected at the demonstration will present a resolution to the mayor and board of aldermen demanding that they go on record for the freedom of the Scottsboro boys.

• • •

NEW YORK.—The scores of preliminary protest meetings following the lynch verdict against Haywood Patterson, one of the Scottsboro boys indicate that the demonstration scheduled for Union Square today at 5 p.m. will undoubtedly be one of the most impressive ever held in this city.

Feeling against the frame-up verdict which dooms the 19-year-old Negro boy to the electric chair in the face of indisputable evidence of his innocence was heightened last night when reports arrived from Decatur, Ala., that Attorney-General Knight would bitterly oppose any attempt to postpone the trial of Charlie Weems, second of the Scottsboro defendants, whose trial has been set for the coming Monday.

Mrs. Patterson, Brodsky Speakers.

The Union Square demonstration was originally scheduled to be held Wednesday, but was postponed until today on account of the rain and snow storm which swept over the city during the entire day. In spite of the weather, groups of Negro and white workers huddled around the north side of the square and listened to brief speeches.

Speakers at the demonstration today will include Mrs. Janie Patterson, mother of the boy who is to be sentenced to the electric chair by Judge Horton on Monday; Joseph R. Brodsky, chief counsel of the International Labor Defense, who has just returned from Decatur; William L. Patterson, national secretary of the International Labor Defense; Dr. Joshua R. Kunitz, secretary of the National Committee for the Defense of Political Prisoners, who attended the Decatur trial; Clarence Hathaway, organizer of District 2, Communist Party, and Roger Baldwin, secretary of the American Civil Liberties Union.

The I. L. D. yesterday announced that it is pushing its fight to postpone the trial of Charlie Weems, which has ben set for Monday, and also for the other defendants in order to enable it to gather up its witnesses—many of whom have been terrorized—in various parts of the state. The I. L. D. demands that the trials be delayed until the appeal on the Patterson verdict has been heard by the Alabama Supreme Court.

I.L.D. Needs Funds

Moreover, the expenses incident to the Patterson trial have completely exhausted the resources of the I.L.D., and is practically without funds to gather and feed witnesses, pay technical expenses, etc., for the forthcoming trials.

Workers are urged to wire protests demanding postponement of the trials until after the appeals are heard, also a change of venue to Birmingham, Ala., when the trials come up. Wire to Gov. B. M. Miller, Montgomery, Ala. and Judge Horton, Decatur, Ala.

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LIEBOWITZ WRITES TO I.L.D.

"May I take advantage of this occasion to express my sincerest admiration for the splendid struggle you are making on behalf of these downtrodden and victimized boys," Samuel S. Liebowitz, chief trial attorney in the Scottsboro trials, writes in a letter from the courthouse at Decatur, Ala., to William L. Patterson, national secretary of the International Labor Defense, in a letter made public today.

The occasion for the letter was forwarding to the International Labor Defense of a check for $25 sent to him from New York as a contribution toward the fight being waged to free the nine innocent Scottsboro Negro boys.

"This contribution came unsolicited and is but one of many proofs that have come to me that a fight for justice enlists the heartfelt sympathies and support of unprejudiced men and women all over the land.

"May I not take advantage of this occasion to express my sincerest admiration for the splendid struggle you are making on behalf of these downtrodden and victimized boys.

"I have given of my best in this trial without any monetary renumeration whatsoever"—but I have received a far greater and dearer reward—namely, the thanks and appreciation of many men and women previously unknown to me, who have assured me that my course was just.

"The realization that in our land there are still countless numbers ready to support a struggle for justice and right is sufficient recompense for my effort.

"Very truly yours,
SAMUEL S. LIEBOWITZ."

• • •

CHICAGO DEMONSTRATION

CHICAGO, April 13.—Workers in Chicago, and particularly the thousands of Negroes on the Southside, will add their voices to the international wave of protest against the Haywood Patterson verdict when they join the parade and demonstration here on Saturday. The mobilization point is 33rd St. and State St. The I.L.D., under whose auspices the demonstration is being arranged, announces that many organizations have announced that they will participate.

• • •

PHILADELPHIA MEET

PHILADELPHIA, Pa., April 13.—Mrs. Janie Patterson will be welcomed by Philadelphia workers when she arrives here at 12 o'clock on Saturday. She will be the chief speaker at a Scottsboro protest demonstration to be held at Reyburn Plaza at 1 o'clock.

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CLEVELAND PROTEST

CLEVELAND, April 13.—The Public Square will be the scene of a Scottsboro demonstration on Saturday. Similar meetings are being arranged in Cincinnati and other cities throughout the state.

Times

NEGRO FOUND GUILTY IN SCOTTSBORO CASE; JURY OUT 18 HOURS

Verdict Carries Sentence of Death After One Juror Had Held Out for Life Term.

DEFENSE SCORES FINDING

Leibowitz Terms It a Mockery of Justice While Lauding Fairness of Judge.

PROMPT APPEAL PLANNED

Prisoners Are Moved to Birmingham as Their Counsel Seek Postponement of Other Trials.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., April 9.—Haywood Patterson, the 19-year-old Negro whose conviction at Scottsboro two years ago for an attack on two white girl hoboes was set aside by the United States Supreme Court was convicted again today by a Morgan County jury which condemned him to death.

Eight other Negroes, two of them juveniles, are awaiting retrials, the first of which is scheduled to open before Judge James E. Horton here a week from tomorrow.

Samuel S. Leibowitz, chief of defense counsel, said today that he would seek a postponement of the other trials pending the outcome of a second appeal in Patterson's case.

The jury, chosen from a venire composed of white men after the defense lost its motion to quash it on the ground that Negroes were arbitrarily excluded from jury service, took only three ballots in the eighteen hours in which it deliberated on the evidence.

On the first ballot, taken a few minutes after the

balance the evidence of Victoria Price against Ruby Bates, who had repudiated her former testimony, the jurors voted unanimously for a verdict of guilty. The second ballot was on the question of punishment, which was left to the discretion of the jury under the laws

of Alabama. Eleven jurors voted to send Patterson to the electric chair, with one member holding out for life imprisonment. When the third ballot was taken the jurors voted unanimously for the death penalty.

Court Only Half Filled.

The verdict was returned at 10:58 this morning, when most of the churches of Decatur were holding services in observance of Palm Sunday. Less than half the seats in the court room where the defense had been battling for a week to save the Negro's life were taken when the jury reported. The only

Negro present was the janitor of the court house, who stood silently turning his cap around in his hands as he waited.

At 10 o'clock word was sent from the jury room to Judge Horton in Athens, fifteen miles away, that the "twelve good men and true," who were sent to bed in disagreement at 11:35 last night, had reconciled their differences. A little later Patterson was marched into court from the jail under a heavy guard.

Captain Joseph Burleson, commanding a detail of thirty members of the National Guard assigned here for the trial, led the procession into the court room. Two militiamen followed with rifles ready. The guns of the two guards behind the Negro dug into his back. The militiamen sat down on either side of him behind the defense counsel table.

Wait Forty Minutes for Judge.

Three guardsmen took up posts outside the railed enclosure and three more were stationed at the one door leading from the court room. Downstairs other guardsmen cleared the corridors and lawns of loiterers, both white and black.

Patterson lolled in a chair, puffing a cigarette. His expressionless face was immobile in the forty minutes while he awaited Judge Horton's arrival, but sounds of laughter coming from the jury room seemed encouraging to the Negro.

G. W. Chamlee of Chattanooga, the only Southerner aligned with counsel for the defense, whispered a word of cheer to him. Mr. Leibowitz paced up and down the court room nervously. He was hallow-eyed for want of sleep.

Thomas E. Knight Jr., Attorney General of Alabama, called into the prosecution when the State's jury system was challenged by the defense, sat at his table, the muscles of his face twitching nervously.

When Judge Horton arrived and took his place on the bench, Sheriff [illegible] Davis and [illegible] clerk of the Circ[illegible] [illegible] seats on [illegible] The tired-faced young [illegible] John H[illegible] opened note[illegible] a fresh page to take down the last words in a [illegible] that has become a cause célèbre.

Tense Scene in Courtroom.

"Let the jury come in," said Judge Horton.

The tension in the court room tautened. The door to the jury room was thrown open by a bailiff. Through it there filed the twelve men for whose decision America was waiting. They were a tired-looking group, but the faces of only a few bore the imprint of the momentous decision they had made. Some were smiling.

The jurors gathered before the bench, just as they had when they raised their hands as veniremen and swore that they would "a true verdict render" if they were chosen for the momentous task before them some ten days ago. Mr. Liebowitz peered into their eyes one by one as though seeking to [illegible] while they stood [illegible] courtroom.

Patterson continued setting down. Nobody told him to stand up. Hardly a soul looked at him. All eyes were focused upon Eugene D. Bailey Jr., the draftsman who was elected foreman of the jury. In his hand was a slip of paper. He folded and unfolded it nervously. The man beside him nudged him when Judge Norton asked:

"Have you agreed upon a verdict?"

Foreman Appeared Dazed.

Apparently startled by the court's question, Bailey replied:

"We have, your Honor."

"Well, let me have it then," said Judge Horton.

Bailey took two steps forward and handed the paper to the judge who, in charging the jury yesterday, urged them to banish bigotry and prejudice from their minds that they might render a verdict based solely on the evidence before them. Judge Horton took the paper and read the fateful words written upon it in large letters in pencil:

"We find the defendant guity as charged and fix the punishment at death in the electric chair."

Towering above the jurors, the six-foot jurist stood on the raised dais behind the bench and thanked the jurors for their "patience," and told tnem he believed they had rendered a verdict which they thought just and fair.

Patterson's face did not so much as twitch as he heard the words that spelled his doom unless the higher courts intervene in his behalf again. From the court room crowd there was not a murmur. There were not many among them who were surprised, despite the elaborate, painstaking defense prepared by the International Labor Defense and presented by Mr. Leibowitz, who has defended eighty-five clients in capital cases without losing one to the electric chair.

At first Judge Horton said he would go through the formality of pronouncing sentence tomorrow morning. When Mr. Leibowitz and Mr. Chamlee declared they could not be present to represent their client at that time, Attorney General Knight consented to a week's delay.

Leibowitz Greets Judge.

After the last formal words had been spoken, Mr. Leibowitz walked up to the bench and grasped Judge Horton's hand. The judge shook it warmly. Mr. Leibowitz, who had undertaken the defense of the penniless Negro without a fee, was trembling. He said:

"I am taking back to New York with me a picture of one of the finest jurists I have ever met. But I am sorry I cannot say as much for a jury which has decided this case against the weight of evidence."

"Now you are speaking under the pressure of feeling," said Judge Horton.

"No, I am not, your Honor," said Mr. Leibowitz. "I believe wholeheartedly that if the verdict in this case had been left to your Honor this Negro would have been acquitted."

"That is not my province; I cannot express an opinion on that," replied the judge, relinquishing the New York lawyer's hand.

"I know that, your Honor, but I could not help saying what I did," said Mr. Leibowitz.

Leibowitz Denounces Jury.

Afterward Mr. Leibowitz issued a statement in which he said:

"This is a black page in the history of American civilization. An occasion where once more twelve citizens of Alabama, swayed by bigotry and prejudice and hearkening to the yelps of a bombastic Ku Klux who hurled mud at the Jew and the people of the great State of New York to sympathetic ears in the courtroom crowded with lantern-jawed morons and lynchers, brought in a verdict that is a mockery of justice.

"The hatred for New York and other metropolitan centres of commerce and modern enlightenment was even more vicious than the hatred manifested by this outrageous verdict against the Negro.

"You must know this God-forsaken place, some of the creatures that live here, the mobs that burn crosses at night, masked like cowards so that decent people cannot see the sordidness and venom in their hideous countenances in order to understand that the verdict here was just a piece of judicial lynching.

Pays Tribute to Judge.

"This does not apply in any respect to the wonderful jurist who presided over this trial, but he was like a straw caught in the whirlpool of bigotry and intolerance that surged through the courtroom, and his calm and judicious warnings to the twelve in the jury box could not have fallen upon understanding or willing ears.

"As far as the defense is concerned, we shall fight with every drop of blood in our veins all the harder now because we feel that this outrageous challenge to humanity itself must be met in no uncertain terms if civilization and the humanity that the immortal Lincoln lived and died for is not to degenerate into Hitlerism on the one hand, and anarchy on the other.

"Will we appeal this case? Most assuredly; up to the highest court of our land that once before hurled this mess back into the laps of the bigots, and we'll continue to fight until hell freezes over, not only to save nine innocent men, but to uphold the good name of our country to the rest of the world on the plane where every decent citizen feels it rightfully belongs."

After the verdict was returned, Mr. Knight and his assistant, Thomas F. Lawson, left by motor for the State capital at Montgomery. Mr. Leibowitz caught the 2:30 train for New York and Mr. Chamlee drove to his home in Chattanooga. Joseph Brodsky, the International Labor Defense lawyer, left last night while the jury was out, to prepare for the trial of Charlie Weems, scheduled to open a week from tomorrow.

Patterson was removed to the Jefferson County jail in Birmingham, where the other eight defendants were taken last night.

Case Started Two Years Ago.

The case, which has stirred up feeling not only in the South but in other parts of this country and in Europe as well, originated two years ago on a freight train running between Chattanooga and Memphis, Tenn. On that train were the two women, Victoria Price and Ruby Bates; a dozen Negroes and seven white hoboes. Between Chattanooga and Stevenson, Ala., the white men and Negroes became involved in a fight, which ended when the whites were forced off the train about two and a half miles past Stevenson.

The white hoboes flashed word of their battle with the Negroes to Paint Rock, where an armed posse of between sixty and seventy-five countrymen stopped the train, arrested nine of the Negroes and took the two women into custody as material witnesses. At Paint Rock the girls charged that they had been criminally assaulted by the Negroes.

Judge A. E. Hawkins, at Scottsboro, convened a special session of the grand jury, and while the town seethed with excitement and open threats of lynching, the Negroes were indicted jointly and severally. Within two weeks they were tried, and all but one, Roy Wright, then 13 years old, were convicted. The jury which sat in judgment on the juvenile Wright disagreed. The trials of the Negroes consumed three days, less than was taken for Patterson's trial here.

Labor Defense Enters Case.

The International Labor Defense, a Communist adjunct, interested itself in the case and prepared an appeal against the conviction of death sentences of the Negroes, although, as far as has been ascertained, none of the prisoners had any connection at that time with the Communist party, or any other radical organization.

The Supreme Court of Alabama affirmed the original verdicts and upheld the sentences recommended by Jackson County juries with one exception. Eugene Williams, one of the Negroes sentenced to death, was held to be a juvenile and a new trial was ordered for him. Attorney General Knight's father wrote the prevailing opinion.

The cases of the other seven Negroes were appealed to the United States Supreme Court, which on Nov. 7 reversed the criminal verdicts, set aside the death sentences imposed at Scottsboro and ordered new trials on the ground that the first were unfair, because the accused Negroes were not adequately represented by counsel.

The cases were set for trial at Scottsboro on March 6, but Judge Hawkins granted a defense motion for a change of venue on the ground that an impartial consideration of the evidence was impossible at Scottsboro. The defense wanted to try the case in Birmingham, but it bowed to the will of the court.

Will Ask for Trial in Birmingham.

Now it is planned to file a new motion for a change of venue before the next trial opens, because of the speech of Wade Wright, County Solicitor, who in arguing the State's case to the jury, urged them to demonstrate that "Jew money from New York can't buy and sell Alabama justice."

Patterson was the first of the nine defendants to be tried a second time for his life. Before his trial actually opened, the defense attorneys waged two unsuccessful battles against the State's selective jury system.

Witnesses were called to prove the contention that qualified Negroes were barred from jury service in violation of the Fourteenth Amendment to the Federal Constitution, through maladministration of a statute the constitutionality of which has been upheld by the United States Supreme Court.

These onslaughts, unsuccessful though they were, helped to crystallize sentiment against the defense, already handicapped by the fact that its clients were Negroes accused of a heinous crime against white women. It was known that the Communists were organizing Negroes and using the Scottsboro case for that purpose.

The word went abroad that the case was being used as a wedge toward effecting social equality for the Negro in the South, and no amount of argument from Mr. Leibowitz, who disclaimed the rôle of reformer and crusader, could counteract that belief.

Girl Repudiated First Testimony.

At the trial, Ruby Bates, who two years ago testified that she had been attacked on the freight train as well as Victoria Price, repudiated her former testimony and charged the Price woman with "framing" the Negroes.

Lester Carter, one of the white hoboes thrown off the train, rounded up by deputy sheriffs and held in the Scottsboro jail until the first trials of the Negroes were concluded, corroborated her.

The white hoboes never were called to testify by the State.

The jury, however, chose to believe the Price woman who stuck to the main part of her story, although uncontradicted evidence was presented to show that she did not tell the truth about her activities in Chattanooga.

Members of the jury admitted that they did not consider the testimony of the Bates girl, who was produced by the defense dramatically after a month's absence from her home in Huntsville. They refused to discuss that phase of the case.

Much was made by the State of the fact that Carter and the Bates girl appeared in court in comparatively stylish raiment purchased in New York City.

Lynchings-1933
&
Legal Punishment for Rape

4351

Alabama. (Haywood Patterson.)

Scottsboro Defense Launches Attack On State Jury System

3-29-33

Horton Dismisses Motion To Quash Indictments Against Negroes

By T. M. DAVENPORT
Associated Press Writer.

DECATUR, ALA., March 28—(AP)—A new attack on Alabama's jury system was in the offing tonight as defense counsel gathered evidence on which to base proof that no negroes were included in the jury [illegible] from which the venire for the trial of Haywood Patterson, 19-year-old Chattanooga negro, was drawn.

The trial of Patterson was set for Thursday, after Judge James E. Horton surprised the attorneys by dismissing the first motion to quash the indictments against the nine negroes, charged with attacking two white girls.

The motion to quash was based on an allegation that the defendants were deprived of their constitutional rights because the Grand Jury which indicted them contained no negroes.

Hardly had this motion been disposed of before Samuel C. Liebowitz, chief of defense counsel, raised the question again, refusing to enter a plea for Patterson, whom Atty. Gen. Thomas E. Knight, Jr., has elected to try first.

"We refuse to enter a plea," Liebowitz said, and moved to quash the venire because the rolls from which the box was killed "unjustifiably, and in violation of the fourteenth amendment, contained no negroes solely because of their race."

Motion Overruled

Judge Horton immediately overruled the motion to quash the venire, but told the defense counsel it would not prejudice the motion when offered again.

Liebowitz and his associates, Joseph R. Brodsky, of New York, and George W. Chamlee, of Chattanooga, immediately began assembling their evidence that negroes were excluded from the jury box solely because of their race.

Arraignment of the other six negroes, Andy Wright, 19, and Clarence Norris, 22, both of Chattanooga; Olen Montgomery, 19, of Monroe, Ga.; Charlie Weems, 22, and Ozie Powell, 19, both of Atlanta, and Willie Roberson, 19, of Columbus, Ga., was deferred until after the Patterson trial.

Severances were granted for Roy Wright and Eugene Williams, both of whom the defense has contended are juveniles, with the court to determine their ages later.

Denial of the motion to quash the indictment came just as court reconvened after the noon recess and with indications that testimony would continue for a day or two more.

Jury Rolls Subpoenaed

Judge Horton, just before the noon recess, had granted the defense request for a subpoena for the jury rolls of Jackson County for the year 1931.

As Atty. Gen. Knight arose to call the State's first witness, Judge Horton said: "Mr. Attorney General, the court has decided not to hear further testimony on this question. The motion is overruled."

Liebowitz entered an exception and the way was paved for arraignment of Patterson, who, dressed in blue denims, stood quietly beside his attorneys as Solicitor Joe Bailey, who prosecuted the defendants in their first trial a year ago, read the indictment charging him with an attack on Mrs. Victoria Price.

Liebowitz entered a plea of not guilty and attorneys went into a conference with Judge Horton regarding the method of procedure for the trials.

Atty. Gen. Knight planned to try Patterson alone and then call the other six defendants in a single trial. Liebowitz, after court had recessed however, indicated that he might seek severances, which would call for seven separate trials.

Story Of Case Sold

The quiet procedure of questioning with regarding methods of selecting jurymen in Jackson County was interrupted during the morning as Liebowitz called attention of Judge Horton three boys selling booklets entitled "The Inside Story of the Infamous Scottsboro Trials."

The three boys, Leon Smith, 15; Allston Hargrove, 14, and Sam White, 19, all of Decatur, were brought before Judge Horton and told him they did not know they were doing wrong. The judge dismissed them with the admonition that no more of the booklets should be sold and confiscated those they had.

A bench warrant was issued for Kyle Frazier, of Decatur, by Judge Horton. The youths named Frazier as the man who hired them to sell the booklets. Frazier appeared voluntarily during the luncheon recess and apologized to Judge Horton, who dismissed him.

Ruby Bates, one of the alleged victims of the attack, still was missing tonight, and State officials said they had no inkling as to where she might be found, although they still were searching for her.

The girl disappeared from her home in Huntsville on the night of Feb. 27.

Defense Attacks Indictments For Scottsboro Case

Knight Denies Claim That Negroes Are Regularly Barred On State Juries In Court At Decatur

3-28-33

Attorney For Seven Says Clients Were Deprived Of Rights By Race Ban

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., March 27.—(AP)—A tedious battle to set aside the indictments charging seven negroes in the Scottsboro case with attacking two white girls was launched by the defense today in Morgan Circuit Court.

The action, forerunner of the scheduled second trial ordered by the U. S. Supreme Court for the negroes, was based on the contention that the defendants had been deprived of their rights through exclusion of negroes from the Grand Jury that indicted them.

Samuel S. Liebowitz, of New York, chief of defense counsel, and Atty. Gen. Thomas E. Knight, Jr., directing the prosecution, clashed frequently as the former sought to prove through witnesses that negroes were "habitually excluded" from juries in Jackson County.

While the defendants drowsed against the wall behind their counsel table, occasionally showing interest in the proceedings, the attorneys who seek their freedom read into the records an amended petition to quash the indictments.

Delay in bringing the negroes from the Jefferson County Jail in Birmingham to Decatur, delayed proceedings until the afternoon session and attorneys sparred cautiously through their statements setting up the premise for testimony.

Liebowitz is setting forth his case contending that the exclusion of negroes from the Grand Jury had denied the defendants of their constitutional rights declared "there has never been a negro serve on an Alabama jury."

Atty. Gen. Knight, in a brief statement, told the court he denied the allegations and was at issue with the defense "and we will show the court no such administration of the laws to show that negroes are systematically excluded from the juries."

J. S. Benson, editor of The Progressive-Age at Scottsboro, the first witness under direct examination by Liebowitz, said to his knowledge no negro had ever served on a jury in Jackson County.

Editor On Stand 45 Minutes

The editor who was on the stand under direct and cross-examination for approximately 45 minutes, with the examination punctured by objections and exceptions from both sides.

Liebowitz asked Benson if he knew of a negro ever serving on an Alabama jury.

"I don't know that one ever has," he replied, and Knight again took up the questioning that led to a prolonged examination by Liebowitz concerning various negroes in the country.

Knight read the qualification calling for good character, sound judgment, and qualifications as to age, property, and intelligence and Benson replied, "I know some good negroes, as negroes go, but I think that sound judgment would get them."

"Most all negroes will steal," Benson replied to a question by Liebowitz and a ripple of laughter swept the court, several of the defendants joining in the laugh.

Asked what he meant by negroes lacking "sound judgment," Benson caused another laugh by saying they were "not trained, and I might say the same applies to women."

Benson and Jeff Moody, president of the Jackson County Jury Board, were asked at length concerning the qualifications of various negroes, while the spectators for the first time during the day showed signs of becoming restless.

Liebowitz sought to establish, through Hunt Stuart, former president of the Jackson County Jury Board, which made up the list from which the Grand Jury indicting the defendants was drawn, that negroes were excluded from the lists because of their race.

Stuart replied that he had no way of knowing the race of every man on the lists and he could not say that there were no negroes' names in the jury box.

The witness described how the lists were made up on recommendations of leaders in various precincts, but that the commissioners had no way of determining race or creed. "A man's race, religion, fraternal or political affiliations were never discussed," he said, but admitted he could not recall a negro's serving on a jury in the county.

The defense established through an affidavit from Mrs. Marie Owen, director of the State Department of Archives and History, that the 1930 census showed 36,881 persons in Jackson County, of whom 2,689 were negroes, and later got into the record that, of this number, 666 met the age qualifications for jury duty.

Kelly Morgan, clerk of the 1931 Jury Board, said he could not recall whether there were names of negroes on the list from which the Grand Jury was drawn. He, like Stuart, said race and creed of prospective jurymen were not discussed in making up the lists. Morgan could not say whether the name of a negro appeared on the list, but Liebowitz indicated he probably would call for the jury list.

John Sanford, a negro plasterer, of Scottsboro, recited various qualifications he held as a probable juror, but said he had never been called for duty, nor had any other member of his race. Under Liebowitz's questioning, he named a number of negroes whom he believed qualified to serve as jurors, but said none to his knowledge had ever been called for service.

Sanford, who was on the stand when court recessed for the day, faces cross examination on the opening of court tomorrow at 8:30 a.m.

The courtroom was well emptied before the recess for the day was taken but outside many lingered to see the blue denim-clad negroes marched to the jail under escort of National Guardsmen.

The rumor persisted that Ruby Bates, one of the two principal witnesses, was in Decatur, but Sheriff A. W. Davis said he had no knowledge of her whereabouts and his deputies were unable to find her. The other victim of the alleged attack, Mrs. Victoria Price, was in the courthouse, ready when called again to give her story of events on the freight train rumbling through Sand Mountain of Jackson County on March 25, 1931.

The seven negro defendants are Haywood Patterson, 19; Charlie Weems, 20; Clarence Norris, 19; Ozie Powell, 18; Willie Roberson, 18; Andy Wright, 19; and Olem Montgomery, 17.

NEGRO IDENTIFIED AS ONE ATTACKER

Telegraph

Woman Names Heywood Patterson as Assailant Despite Long Cross Examination

4-4-33

DECATUR, Ala., April 3 (AP)—Under a merciless cross examination, a young Alabama woman Monday clung to her story that six Negroes attacked her aboard a freight train two years ago, and that Heywood Patterson, one of nine indicted in the "Scottsboro attack case", was one of the six.

Macon, Ga.

Samuel S. Leibowitz, of New York chief of counsel, supplied by the International Labor Defense to defend the Negroes, cross-examined the woman thoroughly as he led her through a maze of details covering a three-day period, culminating in the attack.

Calm through the recitation of sordid details of the attack on direct examination, she frequently showed flashes of temper as she heatedly registered negative answers to Leibowitz's questions.

While the long questioning went forward, Patterson, flanked by National Guardsmen, sat stolidly behind the defense counsel table.

Conductor Gives Testimony

Examination of the woman was interrupted to permit R. S. Turner, of Sheffield, conductor of the freight train on which the attacks were purported to have taken place, to testify. As Turner called off the location of various types of cars, Leibowitz assembled a miniature train on a table before the jury.

Frequent clashes between Leibowitz and Attorney General Thomas E. Knight interrupted the cross examination in which the woman's veracity and general reputation were subjects of questions.

Twice Judge James E. Horton warned the attorneys that objections must be directed to the court and not to each other personally.

On direct examination, the woman said she and her companion had gone to Chattanooga aboard a freight train to seek work but failing, had begun the return journey the following day on a freight train.

Telegraph

White Boys Thrown Off

4-4-33

They started on a tank car, but at Stevenson, Ala., moved to a gondola car, half filled with chert. As the train pulled away from the water tank at Stevenson, she said, seven white youths piled into the opposite end of the car from her and her companion.

Macon, Ga.

"Five or 10 minutes" out of Stevenson, she said, 12 Negroes came running over the top of box cars and jumped into the gondola.

"Heywood Patterson was one of them, and he carried a pistol which he fired over the top once or twice," she testified. In the fight that followed, she said six of the seven white boys were knocked from the car.

Knife Held at Throat

Orrville Gilley, she said, was the seventh youth and he remained, because he was afraid he would be killed if he jumped, and said, "I'll stay here and be killed with these girls."

In a clear voice but with eyes downcast, she told of the happenings after the youths were forced from the train.

"They stripped my overalls from me and one held a knife at my throat," she said under direct examination by Solicitor H. G. Bailey who prosecuted in the first trials two years ago. She then told of the attack.

Woman Describes Collapse

When the train halted at Paint Rock, where nine of the 12 Negroes were taken into custody, the woman said she climbed from the gondola, but collapsed unconscious as she reached the ground.

"I didn't know nothing more until I woke up in a grocery store at Paint Rock," she said.

Leibowitz opened his cross examination seeking to have her identify cars of the miniature train as similar to those making up the freight on which she averred she was attacked.

"Them are toys and don't look like the train we rode," she said.

The first show of temper came from the witness as Leibowitz persisted in his questions as to whether she bit, scratched or picked any of the Negroes, and raised her voice to reply, "I don't know. I won't say, I just fought."

A cross examination of minute details as to her struggles during the alleged attacks was begun by Leibowitz and once the witness, with eyes flashing and lips drawn tight shouted, "I answered you four times."

Frequently throughout the three-hour cross examination, the witness protested she was not educated and that Leibowitz was talking too fast. "I ain't got no education," she said.

Heywood Patterson Will Go on Trial For His Life Today in Decatur, Ala.

Defense attorneys in the so-called "Scottsboro case" are shown here. Left to right, they are Joseph R. Brodsky and Samuel Leibowitz of New York and George W. Chamlee of Chattanooga.

Telegraph 4-3-33

DECATUR, Ala., April 3 (AP)—Once within the shadow of the electric chair, Heywood Patterson, 19-year-old Chattanooga Negro, Sunday night faced trial with his life at stake as one of nine Negroes indicted in the "Scottsboro attack case."

With his eight companions, Patterson was in the Morgan county jail. Less than five months ago, the Negro with six of his companions was confined in Kilby prison at Montgomery under sentence of death which the United States Supreme court set aside. The high court also ordered a new trial.

Macon, Ga.

Unlike the previous trial, when he was defended by attorneys appointed by the court, the Negro Monday will be flanked by four attorneys, three employed by the International Labor Defense, which for nearly two years has been active in the case and a fourth who volunteered to defend them without cost.

Samuel S. Leibowitz, of New York chief of counsel, who is directing the defense volunteered to defend the Negroes on invitation of the I. L. D., but without remuneration. The other attorneys associated with him are Joseph R. Brodsky, New York, George W. Chamlee of Chattanooga and T. C. Almon, of Decatur.

On the opposite side of the courtroom Attorney General Thomas E. Knight, Jr., represents the state, with T. E. Lawson, assistant attorney general, Solicitor H. G. Bailey, of the Ninth district who prosecuted the Negroes in Jackson county two years ago, and Solicitor Wade Wright of the Eighth district, assisting him.

As in the trials in Jackson county two years ago in which the Negroes were convicted and sentenced to death for an alleged attack on two white girls aboard a Southern railway freight train, Patterson will be the first to face trial.

Attorney General Knight, who asked a severance for Patterson, indicated the other six would be tried jointly. They are Andy Wright, 19, and Clarence Norris, 19, both of Chattanooga; Charlie Weems, 22, and Ozie Powell, 19, both of Atlanta; Olen Montgomery, 19, of Monroe, Ga., and Willie Roberson, 19, of Columbus, Ga.

The court has the question of the age of the other two Negroes, Roy Wright, 16, and Eugene Williams, 16, both of Chattanooga, to determine, before any disposition may be made of their cases.

Wright was given a mistrial two years ago, and Williams' death sentence was reversed because of the question of his age.

Under Alabama law, a juvenile must first be brought before a juvenile court which at its discretion can place him in the jurisdiction of a circuit court for trial. Both gave their ages as 14 when arrested at Paint Rock, Ala., two years ago, and charged with attacking the two girls.

The first trials of the Negroes were held in Scottsboro, from which trials have taken their name "Scottsboro case."

Lynchings-1933
Legal Punishment for Rape

Alabama (Haywood Patterson)

4352

NEW YORK TIMES
MAR 2 8 1933

FIGHT FOR NEGROES OPENS IN ALABAMA

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DECATUR CROWD ORDERLY

Defendants Brought From Birmingham for Preliminaries to New Trial

WITNESSES PUT ON STAND

Four White Men Testify They Do Not Recall a Negro Juror but Deny Systematic Exclusion.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, March 27.—An orderly court room crowd saw nine Negroes, accused of a crime which the South regards as more heinous than murder, brought into court here today to stand trial for their lives and listened apathetically as their lawyers tried to prove that Negroes are excluded from jury duty as effectively as though the law drew a color line.

Four white witnesses, fidgeting uncomfortably in their chairs facing Judge James E. Horton, who presided, admitted that for as long as they could remember they had not seen or heard of a Negro sitting upon a jury in Jackson County, where the defendants were indicted and convicted two years ago by juries composed entirely of white men.

One after another, however, they denied that the absence of members of the colored race was the result of a systematic scheme of exclusion, but one, J. S. Benson, editor of The Progressive Age, a Scottsboro weekly, said that it would be well-nigh impossible to convince him that any but a white man possessed that "sound judgment" and "training in law and justice" which he regarded as essential for a "fair and impartial verdict."

"They'll all steal," he said once when Mr. Leibowitz sought to find why he rejected the idea of a Negro serving upon a jury in his county.

Unable to Name a Negro Juror.

Jeff Moody, chairman of the Jackson County Jury Commission, conceded that he could not name a single Negro whose name appeared on the jury roll of his county, which, according to census figures presented by Mr. Leibowitz, contains 666 Negroes of voting age out of an adult male population of 8,801.

It was late in the afternoon just before the court, at 5:30 P. M. Central Time, declared a recess until tomorrow morning at 8:30 that Mr. Leibowitz called the first of some twenty Negro citizens of Jackson County, who, he contends, are qualified in every respect save the color of their skins to serve as triers of the facts in civil and criminal cases.

The witness was John Sanford, a 50-year-old father of a colored family of Scottsboro. He took his place in the witness chair diffidently with downcast eyes and answered questions regarding himself and colored men of his acquaintance in a voice that was barely audible. His cross-examination by Thomas E. Knight Jr., the Attorney General fighting to defend his State's jury system, was deferred until tomorrow after Sanford had testified that he regarded himself and certain others of his race as fitted to act as jurors.

Law on Juror Qualifications.

The text of the Alabama statute describing the qualifications of jurymen is as follows:

"The jury board shall place on the jury roll and in the jury box the names of all male citizens of its county who are generally reputed to be honest and intelligent men and are esteemed in its community for their integrity, good character and sound judgment; but no person must be selected who is under 21 or over 65 years of age or who is an habitual drunkard, or who, being afflicted with a permanent disease or physical weakness, is unfit to discharge the duties of a juror; or cannot read English or who has ever been convicted of any offense involving moral turpitude. If a person cannot read English and has all the other qualifications prescribed herein and is a freeholder or householder, his name may be placed on the jury roll and in the jury box."

The proceedings were late in getting under way. Court convened at 9 A. M. and adjourned after an hour's session that was as silent as a Quaker meeting when it was discovered that the defendants were not present and had not even left the jail in Birmingham, where they were being held for safekeeping.

Thirty National Guardsmen patrolled the lawns around the court house and its rickety adjoining jail which has been condemned as unfit for white prisoners. A fair crowd of about 500 lined the sidewalk near the jail, sprawled on the green lawns under budding trees. The crowd consisted of about an equal number of blacks and white, and the blue denim overalls and cowhide boots of the countrymen was the most common costume. The younger men amused themselves by doing gymnastic stunts in a cow-pasture across from the court house.

Nothing Threatening Develops.

There was nothing threatening in the demeanor of the crowd and when it was learned that the prisoners would not arrive until about 2 o'clock it dispersed to gather again in somewhat greater force after lunch. When the nine prisoners arrived just in time for the opening of the afternoon session there was not a sign of a hostile demonstration. The patrol wagon in which they were transported from Birmingham to Decatur was followed and preceded by two carloads of deputy sheriffs armed with automatic shotguns.

The crowd which filled the 325 seats in the second-floor courtroom was silent as the nine Negroes, handcuffed together, were marched into the courtroom to be unshackled and seated behind the table at which sat Mr. Leibowitz, G. W. Chamlee, Chattanooga attorney, associated with their defense, and Joseph Brodsky, chief counsel to the International Labor defense, a Communist adjunct which led the fight resulting in the reversal by the United States Supreme Court of their original sentences of death.

All but one wore the blue denim overalls and jumpers which are the prison uniforms of Negro convicts. Roy Wright, the 15-year-old prisoner, who alone of the nine was not found guilty at the first trial in Scottsboro, wore civilian clothes.

Negroes Joke Among Selves.

The Negroes were chatting and joking among themselves as Judge Horton called the court to order. One section of seats was reserved for Negroes and every seat was taken. The white spectators in the other three sections slaked their thirst with soda water and most of the minority wearing coats shed them as the proceedings opened.

Judge Horton, a Lincolnesque figure, settled back in his chair behind his high bench as Mr. Leibowitz delivered a diplomatic little speech thanking the officials of the State for their "unfailing courtesy" and expressing faith in the fairness of the "God-fearing people of Decatur and Morgan County."

Hands were cupped behind weather-beaten ears as Mr. Leibowitz opened his fight to quash the indictment against the accused Negroes by citing nineteen allegations of discrimination on racial lines. Asking the court to permit him to produce proof of his statements, the New York criminal lawyer said:

"For twenty-five years past the officials of Jackson County have systematically refused and neglected to place the names of Negroes on the jury rolls although some 600 of them residing in that county are qualified to serve and are barred solely because they are members of the African race."

He annexed the affidavits of F. A. Mathews, the Rev. W. C. Crutcher and Robert James, all alleging systematic exclusion and listing qualified Negro citizens to his motion to quash.

Attorney General Denies Charges.

Attorney General Knight answered with a denial that the Alabama statute prescribing the qualifications of jurors made any specific discrimination against Negroes as such and declared he would defend its administration. As he finished his brief denial Mr. Leibowitz was on his feet. In a hushed courtroom he said:

"The State can't hide behind that law because it is not honestly administered. These Negroes as well as 40,000,000 others in the United States can only look to your Honor to uphold the Constitution of the United States and give it force, even as that great President of ours, Franklin D. Roosevelt, has sworn to do."

Mr. Knight continued:

"The statutes do not work an effective discrimination against Negroes and the courts have so held.

"The State will show further that there has been no such administration of the law as would justify the conclusion that Negroes are systematically excluded from jury service because of color."

Mr. Leibowitz asked whether Mr. Knight denied that no Negroes had served as jurors in Jackson County in more than two decades.

"Prove it," challenged the Attorney General.

This Mr. Leibowitz sought to do. The rotund sheriff, Bud Davis, called off the names of about thirty witnesses who had been subpoenaed by the opposing lawyers.

Mr. Benson was the first witness called by the defense. As editor of The Progressive Age, Mr. Benson said he had been in almost daily attendance at the court in Scottsboro during the greater part of the thirty years he has lived there. His examination began in this fashion:

"Have you ever known the name of a Negro to be placed upon the jury roll of Jackson County or have you ever heard of one being called upon to serve as a juror?" asked Mr. Leibowitz.

"Never heard of one—never noticed one," replied Mr. Benson, smiling apologetically toward the table at which sat Mr. Knight, his chief assistant, Thomas E. Lawson, and the solicitors respectively of Jackson and Morgan Counties, J. G. Bailey and Wade Wright.

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He could not recall whether the list contained the names of any Negroes, he said, but he confessed that he never had seen a Negro in the jury box at Scottsboro at any time.

"Did you exclude any Negro because of his color?" demanded Mr. Knight in cross-examination.

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"It was a matter of selection rather than exclusion?" suggested the Attorney General.

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NEW YORK CITY TIMES
MARCH 28, 1933

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Lynchings-1933
&
Legal Punishment for Rape

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4353

What Is the Socialist Party Doing to Aid the Nine Scottsboro Boys?

Daily Worker

4-3-33

Don't You Think That Now Is the Time for All Real Friends of the Boys to Come to Their Aid? Loren Miller Asks of Frank Crosswaith

New York

N.Y.

The following letter, discussing the Scottsboro case and other fundamental issues, was sent to Frank Crosswaith, Negro, and a leader of the Socialist Party, by Loren Miller, young Negro journalist of Los Angeles, who was one of the group which went to the Soviet Union to take part in the production of the film, "The Black and the White."

The letter follows in part:

"It was this very Scottsboro case that set me thinking definitely on the role that a revolutionary, socialist party ought to play in this time of crisis. When the case first came to public notice I was reporting for the local newspaper—you remember the Eagle. I was, and am now, writing that same column for which you were once kind enough to write for me.

"I wanted to aid as best as I could in this Scottsboro fight. To begin with, I was with the N.A.A.C.P., at least to the extent of thinking that the organization could best fight this Scottsboro case. Being in the newspaper business, however, I couldn't help but know and appreciate the fact that it was the International Labor Defense that was responsible for the case being brought to public attention in an effective manner. I thought that the two organizations could and would reconcile their first differences and get together in a common defense for the boys. I wasn't very clear then, you see.

Knows Value of Mass Defense

"Naturally, I came into contact both with the local I.L.D. and the national office as the fight for the boys went on. One of the first things that drew me closer to the I.L.D was its campaign for mass pressure. You know, I was once a lawyer and I know that behind the scenes this public opinion exerts the determining role in the law.

"Nor can I see how the case can be disentangled from the socio-economic system that makes it possible. It is plain, as you once pointed out to me, that lynchings exist because of the relation of the Negro as an exploited class to the rich whites of the nation. It seems to me that if you take the case as an isolated piece of "injustice" you are just shutting your eyes to the plain implications of the whole business and are denying what you and I, as Negroes, know to be the plain facts: that the case in its broader aspects has happened a dozen times over to other Negroes.

"Therefore, I have come to understand, Negroes ought to use the case not only to fight the particular issue but to educate those other Negroes who cannot ordinarily see that our ills flow from capitalism. For it seems to me, if Negroes are ever to be educated as to the workings of capitalism with its mock trials, its lynchings, its poverty, its misery, its unemployment, they must be educated with particular instances in which you can show them the inter-relation of the particular "injustice" to the whole social order.

"When the I.L.D. undertook the task of arousing the whole world to this case and at the same time used it as the basis for an educational campaign they enlisted my support. That the campaign has led me on to see even more clearly than I ever saw before the whole rotten social structure and how it works is itself a case in point for the argument that I have just advanced.

Disgusting Tactics

"Now to the particular point. I have read a number of Socialist releases, particularly one by Parker, in which the I.L.D. has been viciously attacked for its part in the case. These releases insist that the Communists are using the boys as stalking horses and have no interest in saving them. Such tactics, frankly, disgust me. The whole purport of them seems to me to offer aid and comfort to our common enemy: the ruling class of the South. Let me ask you specifically some questions:

"What is the Socialist Party doing to aid the boys?

"Don't you agree with me that the only way to help the boys now is to join in on their side and that the only way to join them is to aid the I.L.D., their representative?

"Don't you think that those who still shout that the I.L.D. is trying to hang the boys are themselves aiding the bosses who will be quick to seize on this induced-feeling-of-futility (fanned to flame by supposed friends) and thus burn the boys while they smirk that that is what the Communists wanted?

"Don't you think that this is the time for all real friends of the boys to come to their aid?

The Real Test

"Why doesn't the Socialist Party do something beside stand aside with its holier than thou attitude and its gesture of support to the N.A.A.C.P., an organization long since out of the case?

"Finally, don't you think that the real test of a party for Negroes is its willingness and ability to fight for their common every day demands?

"There are a few other questions. One of them concerns Heywood Broun, one of my youthful enthusiasms. Nobody seems to deny that he once wrote that if he were a candidate for office he would not sanction any efforts to enforce the 14th and 15th amendments to the constitution. Yet he continues to regard himself and to be regarded as a leading Socialist. Is this the attitude of the party? If not, why doesn't the party take some action against this sort of thing?

"Then there are those repeated utterances from Southern Socialists who must be taken to voice the opinion of the party, to the effect that the Southern party must be some shade of lily white—what else do you and the other leaders make of the statement of the Texas lieutenant governor candidate who said that the South wouldn't tolerate voting for a Negro for 50 years. Or those other statements made in the New Leader as late as 1931 that the Southern movement must be conducted "Southern style", meaning that Negroes must be discriminated against, if the movement is to thrive.

Jim Crowism of Norman Thomas

"Norman Thomas spoke in a jim crow hall in Virginia. That much is admitted. I know or have heard that he attacked jim crow when he spoke there, but left-handed attacks while bowing to the institution attacked in words means nothing.

"Then again, when Oklahoma barred the party from its ballot, I read Thomas' appeal to the governor asking if he knew that a great portion of the state's voters were to be disfranchised. Didn't Norman Thomas know, or did he ignore, the fact that the state of Oklahoma disfranchises thousands of Negro citizens every year? Why doesn't the party fight this disfranchisement on a straight out basis rather than by such silly appeals to a state executive, Gov. Murray, whom it knows or ought to know is one of the most vicious enemies the Negro had.

"In closing let me say that these questions are not mine alone, they occur and recur whenever the younger Negro intellectuals, now shifting to the left almost en masse, talk about the Communists and the Socialists. I think that we are entitled to an answer. I am not asking you these things as a Communist Party member because I am not a member of the party. I am asking as one class conscious Negro to another. I hope that you will find time to answer me as frankly as I have queried you."

Sincerely yours,

—LOREN MILLER

NEW YORK
NEWS

MAR 29 1933

Color Ban Plea Fails to Halt Trial Of 'Scottsboro' 7

By TOM CASSIDY.

Staff Correspondent of THE NEWS

Decatur, Ala., March 28.—An attempt by a Northern attorney in the Scottsboro assault case to enforce the Fourteenth Amendment—entitling colored people to representation on juries, among other things—was defeated today in this ancient citadel of the traditions of the old South.

Ignoring the impassioned pleas of Samuel S. Leibowitz, noted New York criminal lawyer, Circuit Judge James E. Horton late this afternoon refused to quash the indictments against the seven colored youths accused of attacking two white girl hoboes.

Leibowitz, chief of defense counsel, had attempted to have the indictments set aside on the ground that colored persons were excluded from the Grand Jury which found the true bills.

Trial Starts Thursday.

The trial of the septet, whose death sentences were set aside by the United States Supreme Court, will start Thursday morning.

Leibowitz looked on from a counsel table in the vermillion-colored brick courthouse this afternoon as Judge Horton drew the names of hundreds of veniremen to try the case the second time.

"On Thursday morning," the New Yorker announced undaunted, "I will make a motion to quash the new jury venire because colored persons are excluded simply by reason of the pigmentation of their skins.

"The jurors almost undoubtedly will be one hundred per cent. white, and by reason of that fact, I will probably, in case of a conviction, be given an opportunity to take this case to the United States Supreme Court for the second time.

"We have got the Eighteenth Amendment pretty well taken care of now, and I'm out to see that the Fourteenth is either observed or taken from the statute books."

Seven Tell of Ban.

Seven more colored witnesses all citizens of Jackson County where the original trial was held testified today that they had been denied a place on the jury rolls although they had every legal qualification. Similar testimony had been given yesterday.

Earlier in the day Leibowitz had requested—and obtained—the citation of three local boys for contempt of court for selling pamphlets about the case. The booklets contained vitriolic propaganda against the colored race.

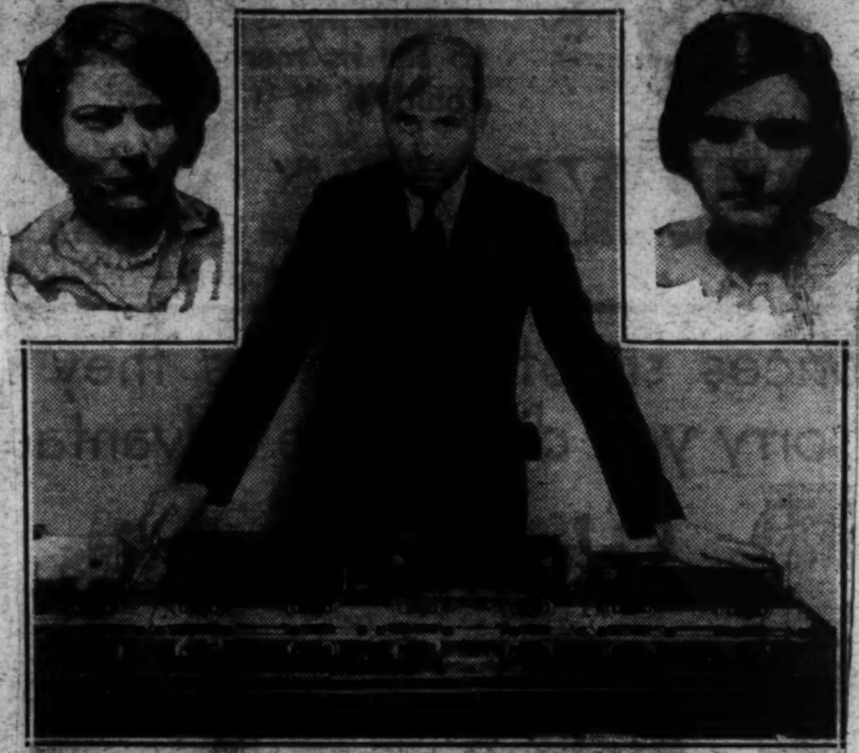
While the hearings droned on in the drowsy courthouse with its Southern jurisprudence and Jim Crow rules, members of the Alabama National Guard chatted and joked on the lawn outside. They will remain on guard until the case is disposed of.

Brand Girl's Stories False.

When the trial starts Thursday, special medical witnesses will deny as impossible the stories of Ruby Bates and Victoria Price, the hoboettes who claim they were attacked in a railroad gondola car on the evening of March 25, 1931.

First to face the court will be Haywood Patterson, 19-year-old Chattanoogan, and then Attorney General Knight plans to call the other six defendants for a single trial. Leibowitz, however, indicated he may seek severances which would call for seven separate trials.

Accusers and Defender



Samuel S. Leibowitz defense attorney in the Scottsboro case, with model freight train which the defense will use at the trial. Victoria Price (upper left) and Ruby Bates (upper right) charge they boarded freight train by tank car on left, then moved up to open gondola car on right where they were attacked by twelve colored men March 25, 1931. The defense will allege it would have been impossible for the defendants to have been in car as charged.

NEW YORK CITY NEWS
APRIL 11, 1933

THE SCOTTSBORO VERDICT

The second conviction of Haywood Patterson, one of the seven defendants in the Scottsboro, Ala., rape case, surprises many people. Death is not the penalty for rape in this part of the country. Where there is a reasonable doubt of the defendant's guilt in any criminal case, the law all over the country is that he is to be discharged.

Samuel S. Leibowitz

There was a reasonable doubt in this case. One of the two white women supposed to have been attacked in that railroad gondola by the seven colored men swore at the second trial that she had perjured herself at the first, because of intimidation, and that neither she nor the white woman with her had been attacked. A white man who was with the women backed up this testimony. There was a further reasonable doubt from the start, since these women were known not to have been of previously chaste character, and a woman who rides the freights with hoboes risks the charge of being something of a hobo herself.

For all that, and in spite of the eminent fairness of the presiding judge, the jury convicted the first of these defendants, and he faces the electric chair. How explain it?

We're afraid the trouble lies chiefly in the tactics used by the defense. Mr. Samuel Leibowitz has been most successful in criminal defenses in his home territory, New York. But when he went South to try this case, he began to inflame the anti-black and anti-North prejudices of the Southerners. He did this by impeaching their jury system and scolding them for their prejudices.

One result was the prosecuting attorney's remark about "showing them that Alabama justice cannot be bought with Jew money from New York." Another result was that the jury forgot about the alleged rapists being on trial and concluded that Alabama's courts and sectional feelings and local customs were on trial, with New York as the complaining witness. That should explain why the jury brought in a verdict in Alabama's favor, and incidentally against the real defendant in the case.

* * *

Various radicals early interested themselves in this case, and have been making martyr medicine out of it.

Radicalism is well known to make many Southerners see red. If the radicals are chiefly interested in making more martyr medicine out of this case, the thing for them to do is to go on using the same tactics in the rest of the trials. But if they sincerely want to see six apparently innocent men acquitted, their sensible course by all odds would seem to be to soft-pedal the radical and racial comments and retain some Alabama lawyer to conduct the defense. A local man could talk to the Alabama jurors as one of the home folks, not as a New Yorker come to tell them how to treat the colored people. And if the other six defendants could be acquitted, the Governor of Alabama would presumably commute or pardon Haywood Patterson.

We think, too, that the proposed march to Washington by New York colored people would be ill-advised. It might give the marchers satisfaction, but, like the radical martyr medicine, it would be hard on the defendants in the case.

NEW YORK CITY WORLD-TEL
APRIL 10, 1933

THE SCOTTSBORO VERDICT.

THE conviction of Haywood Patterson, first of the Negro defendants in the second trials of the Scottsboro cases, will be appealed from. ~~It shou~~

Among other things prejudicial to a fair trial, the defense attorney was able to show that the jury law apparently was administered to exclude Negroes from the panel for this case. On more than one occasion during the trial the State attorneys conducted themselves in such a way as to prevent orderly and judicious consideration of evidence by the jury.

In repudiating her testimony at the earlier trial Ruby Bates last Thursday swore that the other girl in the case, Victoria Price, had framed the Negro youths. Lester Carter, a white friend of the two girls, confirmed the testimony of Ruby Bates.

To execute boys on the discredited evidence of a woman of Victoria Price's character, and following a trial in which racial discrimination seemed to operate in the jury panel, would be unthinkable.

Just as the Chief Justice of Alabama dissented from the Scottsboro conviction, and just as the United States Supreme Court threw out that conviction as a violation of the Fourteenth Amendment of the Constitution preventing States from depriving "any person of life, liberty or property without due process of law," so the Decatur verdict yesterday appears certain to be set aside by a higher court.

Lynchings 1933
&
Legal Punishment for Rape

Alabama. (Haywood Patterson.)

4354

PROSECUTION "RESTS" IN FRAME-UP OF FIRST OF SCOTTSBORO BOYS

4-10-33.

Feeble, Contradictory "Evidence" Compels Prosecution to Conclude Suddenly

Daily Worker

Leibowitz Threatened in Court; Calls for a Mistrial as Knight Applauds Witness

New York, N.Y.

(By Special Correspondent.)

DECATUR, Ala., April 4.—With surprising suddenness the prosecution rested its case today in the trial of Haywoo Patterson, one of the nine Scotsboro boys.

Patterson, one of the nine Scottsboro boys.

his "evidence," opinion among newspapermen was genera that he had made out an exceedingly feeble case against the 19-year-old Negro boy charged by thrice-married Victoria Price that he had attacked her on a freight train between Stevenson and Paint Rock.

Samuel S. Leibowitz, International Labor Defense attorney, at once moved for the dismissal of the indictment against Pattrson on the ground that the state had failed to make a prima facie case against the Negro boy. The motion was, of course, at once denied by Judge Horton.

Prosecutor Applauds In Court

A short time before the prosecution rested its case, Leibowitz rose to demand that Judge Horton declare a mistrial. The attorney's demand was based on the action of Knight in jumping up and clapping his hands with evident delight after a state witness replied to a question put to him by Leibowitz.

Arthur Woodall of Stevenson, Ala. merchant and deputy sheriff, had replied to a question concerning the removal of the Scottsboro boys from the train on which the alleged attack took place. Knight clapped his hands as Woodall stepped from the witness stand.

Leibowitz angrily asked for the mistrial declaration, but Knight apologized to the court and asked the jury to "disregard" his actions.

Woodall, incidentally, had admitted that all he found upon searching the boys at the time of their arrest was two knives and fifty cents, thus contradicting Victoria Price's story yesterday, of "many knives and guns."

In demanding a mistrial, the defense attorney said that such action is "unprecedented in a courtroom, especially by the chief prosecutor of the State." Continuing, Leibowitz said sarcastically: "Knight told me he is interestd in getting a 'fair trial' for the boys, but his action doesn't show it!"

A tense scene took place in the courtroom yesterday at the height of the cross-examination of Virginia Price by the defense lawyer, when a man arose, and muttered: "LET'S GET LEIBOWITZ."

He was searched for arms and escorted outside by several national guardsmen before the incident was generally noticed. Today a fight between two spectators over the issues of the case brought more guards in the courtroom.

Mrs. Patterson In Court

When the morning session opened, Mrs. Claude Patterson, mother of the Negro boy on trial, was seated beside her son near the defense table. The crowd began to gather around the courthouse as early as six o'clock in the morning, and the courtroom was jammed throughout the day. Negroes from Decatur and the vicinity continued to come to the court in large numbers.

W. H. Hill, depot agent of Paint Rock, was the first state witness today. He claimed that he saw the Negro boys and the white girls coming off the same car, and declared that he heard the girls complain they were raped.

Under cross-examination by Leibowitz it was brought out that Hill never before testified in previous trials, indicating clearly that he was carefully coached by the prosecution. Moreover, Hill's testimony exposed sharp contradictions with the testimony yesterday by Victoria Price and the other witnesses of the previous trials at Scottsboro. Recalled to the stand later, Hill said in answer to questioning by the defense, that "two boys came off the train at Paint Rock."

Liars Contradict Each Other

Rom Rousseu, the second witness called today by the state, declared that he saw the Negro boys running along the top of freight cars at Paint Rock and getting off at different cars, thus flatly contradicting Hill's testimony and supporting the defense claim that the boys were on different cars and did not know what was happening. Significant also is the fact that Rousseau described the girls as wearing coats, while Hill declared they wore only overalls.

Despite Victoria Price's testimony that she fell off the freight car at Paint Rock, becoming unconscious, Hill said on the witness stand that he saw her standing by the cars.

Lee Adams, a farmer of Stevenson, Ala., followed Rousseau on the stand. He confined himself to stating that he saw the Negro boys and two white boys thrown off the freight cars near Stevenson. As testimony of the state witness proceeded it became evident that the prosecution was busying itself entirely with refurbishing the already discredited testimony of Victoria Price.

Still Another Version

The next prosecution witness, Dobbins, of Stevenson also, testified that he saw one of the Negro boys "keep a girl from jumping off a moving train, a short distance the other side of Stevenson."

Using Dobbins' testimony at the previous frame-up trial, defense attorney Leibowitz showed glaring contradictions with his present story.

At the previous trial, the attorney showed, Dobbins said he saw two girls—now one. At that time he testified that he was standing about 100 yards from the railroad track upon which the freight train was passing—this time it was 30 yards. At the previous trial, too, he saw a white boy on the train—now he saw none. Moreover, photos presented by the defense show that it is impossible to see what Dobbins claims to have seen from the place where he stood.

1. Immediate, unconditional release of these nine innocent Negro boys.
2. Disbanding of boss lynch gangs around Decatur.
3. Protection of Scottsboro boys tion of defense corps of white and Negro workers against boss lynch terror. and defense witnesses—for forma-
4. For Negroes on the jury—for white workers on the jury.
5. No reliance on lynch courts—for mass action!
6. A united struggle of white and Negro workers against capitalist-landlord terror and starvation.
7. Mass meetings and street demonstrations—Protest of Governor of Alabama.

Arrested For Collecting Defense Funds

Immediately following the morning adjournment William A. Christal, a Negro worker, authorized to collect funds for the Scottsboro defense by the Birmingham (Ala.) I.L.D., who was arrested Saturday night by Decatur police, was called before Judge Horton. Yielding the opportunity of making a sanctimonious speech reprimanding Christal, the judge ordered that the papers taken from him at the time of his arrest be returned to him.

Just before court adjourned yesterday, Dr. R. R. Bridges, a prosecution witness admitted without hesitation under cross-examination, that all he could say from the examination of Victoria Price and Ruby Bates an hour or so after they were taken off the train was that they "had intercourse sometime during the last two or three days—with how many I cannot tell."

Dr. Bridges, who was the last witness for the day, testified further that he found no lacerations—only a few bruises and scratches which might have been a few days old and which might have been gotten by bumps from climbing box cars, etc. A detailed medical discussion carried on between Bridges and Leibowitz showed that the doctor's testimony could easily bear out the defense contention that the two girls had previous relations with white men just before the arrest of the Scottsboro boys.

NEW YORK TIMES

MAR 29 1933

REFUSES TO QUASH SCOTTSBORO CASE

Court Rejects Defense Motion, Based on Exclusion of Negroes From Juries.

JURY RECORDS BROUGHT IN

After Issuing Subpoena, Judge Rules Without Admitting Them as Evidence.

PAMPHLET SALE STOPPED

Complaint of Negroes' Counsel Brings Warning From Judge to Three Boys and Employer.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 28.—Circuit Judge James E. Horton denied a motion today to quash the indictments against nine Negroes, accused of attacking two white girls nears Scottsboro two years ago, and immediately the defense turned its guns upon the administration of the jury law in this county where the defendants are to be tried.

Samuel S. Leibowitz, chief counsel for the defendants, whose sentences of death were set aside by the United States Supreme Court, announced after the court's ruling that he would continue his fight against the alleged "systematic exclusion" of Negroes from Alabama juries.

The motion to quash the indictments was based on the contention that Negroes were excluded from the grand jury which returned the twenty true bills against the defendants. Mr. Leibowitz called thirteen witnesses, nine of them Negroes, in support of his assertion of systematic exclusion.

The defense contends that the Alabama statute setting forth the qualifications of jurors is dishonestly administered to exclude Negroes from service on juries.

Potential Negro Jurors Testify.

Mr. Leibowitz called his witnesses to prove from the mouths of excluded potential jurors that they were qualified in every respect save color to serve on juries and that they never had been called upon in their county.

Thus far his evidence has been confined to Jackson County, where the indictments against the Negroes were returned. His next move, he stated, will be to show that Negroes are also excluded from the jury rolls of Morgan County. It is from the latter that the venire from which a jury will be chosen to decide the guilt or innocence of the defendants must be chosen.

The ruling of the court on the motion to quash the indictments came at the opening of the afternoon session as Attorney General Knight was about to call the State's first witness to refute the charges of racial exclusion by the defense.

In the morning Mr. Leibowitz had requested the court to issue subpoenaes duces tecum for the jury rolls and jury boxes of Jackson County at the time when the Negroes were indicted on charges made by Ruby Bates and Victoria Price, the two white girls' who charged they were attacked by the Negroes on a freight train coming from Chattanooga.

Orders Jury Records Produced.

After a prolonged argument in which Mr. Knight declared that the defense was "aiming around Robin Hood's barn," Judge Horton granted the request for the issuance of the subpoenas but reserved decision on the admissibility of the evidence contained in the jury roll.

Mr. Liebowitz had threatened to call every person whose name appeared on the jury roll of Jackson County, "even if it breaks the State," before Judge Horton granted the request to issue the subpoenas.

Before that Mr. Liebowitz said he would withdraw his motion if Attorney General Knight would concede that only the names of white men were included on the roll.

Mr. Knight replied:

"The State will concede nothing, prove your case."

Mr. Leibowitz reserved the right to present further evidence that only white men were acceptable as jurors in Jackson County after the production of the jury roll.

A recess for luncheon was taken, and it was expected that the afternoon session would be marked by an attempt on the part of the State to support the contention that the color line plays no part in the selection of jury men.

But at the opening of the afternoon session Judge Horton brought the little trial of Alabama's jury system to a close without having heard the witnesses called by the State. The decision seemed to surprise both State and defense counsel.

"Mr. Attorney General," Judge Horton said, "the court has decided not to hear further testimony on this question. The motion is overruled."

Mr. Leibowitz, who is counting upon the question of exclusion of Negroes from jury duty as a loophole for an appeal if the Negroes are convicted a second time, smiled pleasantly and offered no argument against the exclusion of further testimony on an issue which, until then, had been one of fact with no problem of law involved.

Announces Separate Trials.

As soon as the motion to quash the indictments was out of the way, Judge Horton indicated his readiness to proceed with the trial.

Attorney General Knight, whose father, a justice of the Supreme Court of Alabama, wrote the opinion upholding the original conviction which was reversed by the United States Supreme Court, declared his intention of trying "each defendant as he was tried before." This amounted to a request for a severance of the indictments, and it was not opposed by Mr. Leibowitz at the time.

The Attorney General, however, requested that the court take proof of the ages of Roy Wright and Eugene Williams to determine whether they should be tried as juveniles or adults subject to the penalty of the law.

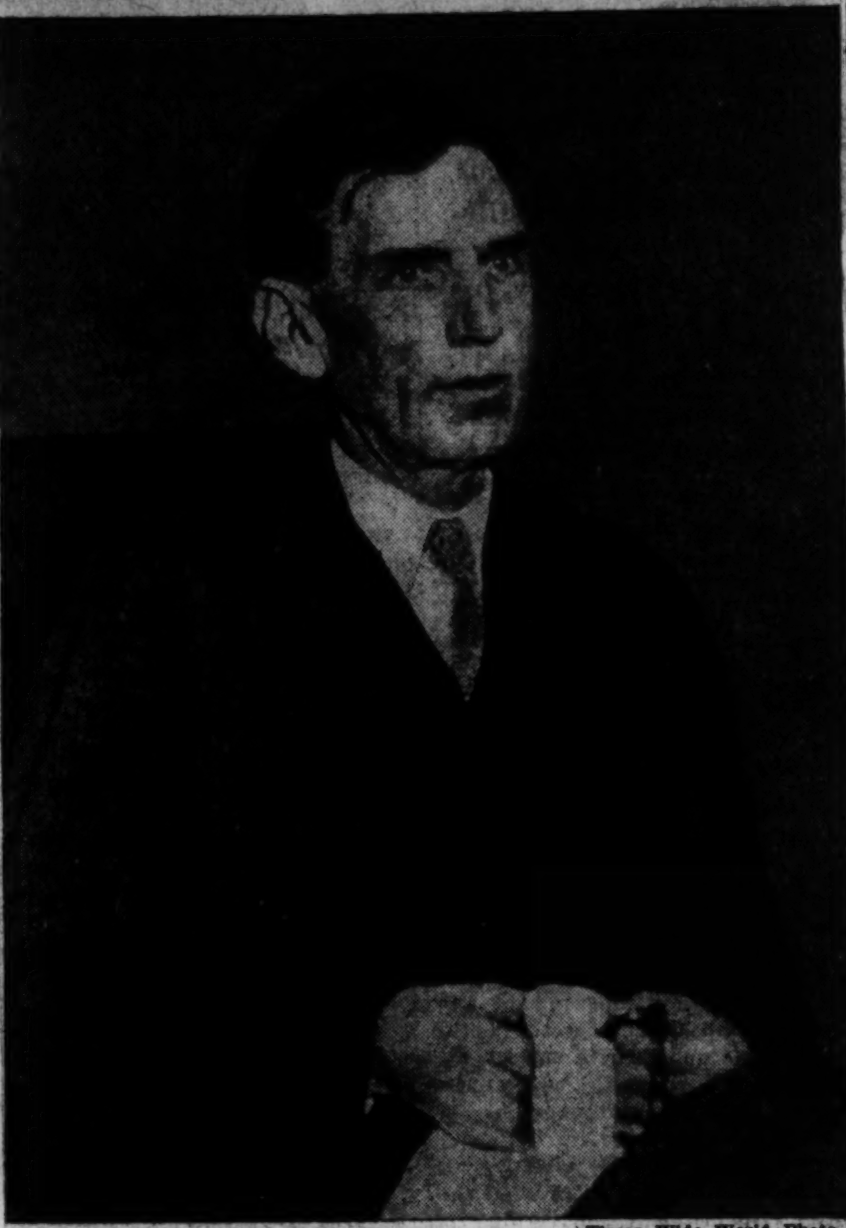
Then the case of Heywood Patterson was called.

The big Negro, dressed in his blue denim prison uniform, arose from the row of seats in which he and his fellow-defendants had been sprawling all day. He stood looking blankly, first at the lawyers and then at the judge. He said nothing, but his eyes rolled back and forth. The eight other defendants, lolling in their chairs, showed their first interest in the proceedings.

Plea Entered With Proviso.

Mr. Leibowitz informed the court that he refused to enter a plea lest he prejudice a contemplated motion to quash the venire which Sheriff Bud Davis and the judge were drawing from names placed in a black tin box vigorously shaken before the court room crowd and the defendants. It was his intention, Mr. Leibowitz said, to file a motion to quash the venire on the same ground on which he had moved to quash the indictments.

PRESIDING OVER TRIAL OF ALABAMA NEGROES.



Times Wide World Photo.

Judge James E. Horton.

Informed by the court and Attorney General Knight that no technical objection would be raised to a motion to quash the venire if his client entered a plea at that time, Mr. Leibowitz said:

"Then we plead not guilty to the charge."

No defendant other than Patterson was arraigned under agreement by counsel for both sides after he had entered his plea through his attorney.

The court declared a recess until 8:30 A. M. Thursday, when the introduction of the State's evidence will begin.

The one-day holiday was declared to permit the defense to gather evidence and obtain affidavits in support of the contention of Mr. Leibowitz that "the rolls from which the jury box was filled, unjustifiably and in violation of the Fourteenth Amendment excluded Negroes solely because of their race."

Law Phrases Fluster Negroes.

All the witnesses called by Mr. Leibowitz were Negroes. They were John Sanford, C. S. Finley, Mark Taylor, Trap Mosely, Louie Cole, Ples Larkin, John Stapler, Wil. Watkins and L. C. Stapler. All declared they were qualified to serve as jurors.

Mr. Knight, in cross-examination, flustered them by asking their definitions of "moral turpitude" and "esteemed in the community in which they live," phrases from the jury law.

"I don't understand that kind of talking," said Watkins when Mr. Knight asked him what he understood by the word "esteemed."

In addressing his questions to the Negroes Attorney General Knight called them by their Christian names. Once Mr. Leibowitz interrupted and said:

"Call him Mr. Sanford, please."

"I'm not accustomed to that," retorted Mr. Knight.

Generally, Mr. Knight's attitude to the witnesses was friendly, as, for example, in the following colloquy with Stapler:

"How are you getting on?"

"All right, sir."

"Nobody imposes on you?"

"No, sir."

"Have you been mistreated in Jackson County?"

"No, sir."

.Leibowitz Objects to Booklet.

The morning session was enlivened by a renewal of the threat of the defense to seek a second change of venue on the ground of prejudice. Mr. Leibowitz came into court at the opening of the session and said:

"I want to call your honor's attention, if I may, to the sale at the door of this court house of certain booklets entitled "The Inside, Unpublished Story of the Infamous Scottsboro Trial."

Mr. Leibowitz then described to the court the contents of the booklet which set forth a version of the evidence in the case and read the last two sentences denouncing the Communist party and stating that when the booklet was read the defendants will all be dead.

Declaring that if it were not for the International Labor Defense "these nine boys would now be dead," Mr. Leibowitz said that unless such propagandizing stopped he would be forced to ask for a change of venue.

The defense attorney offered a copy of the booklet in evidence and Attorney General Knight arose, holding a sheaf of handbills circulated by Communist sympathizers, and said that in his opinion the use of propoganda was evenly divided.

Judge Horton accepted the pamphlet offered by Mr. Leibowitz, but rejected the handbills which Mr. Knight proffered.

Judge Stops Sale of Pamphlets.

Judge Horton ordered deputy sheriffs to bring in all the salesmen of the pamphlets that they could round up. Within five minutes the deputies were back with three very frightened young men, who stood quaking before the bench as the judge warned them to cease selling the pamphlets. Finally they were allowed to go, after Mr. Leibowitz said he did not wish to punish any one "trying to earn a dollar in these times."

The three youths brought into court described themselves as Leon Smith, 15; Allstone Hargrove, 14, and Sam White, 19. They said they had been employed by Kyle Frazier.

Judge Horton issued a bench warrant for Frazier for contempt of court, but when Frazier appeared and apologized, saying he had no intention of disseminating propaganda prejudicial to the defendants, the court dismissed him with a warning.

Lynchings-1933

Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4355

Times 4-9-33

Judge Warns Scottsboro Jury of Bigotry; Verdict Awaited as Counsel Report Threat

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., April 8.—Warned by Judge James E. Horton to banish bigotry and prejudice from their minds, the members of a Morgan County jury tonight held in their hands the power of life and death over Haywood Patterson, a Negro accused of a crime which has stirred fires long throught dead.

New York

As the jury began its deliberations on the State's charge against Patterson, retried [illegible] nine Negroes who were alleged to have attacked Victoria Price and Ruby Bates on a freight train near Scottsboro two years ago, preparations were being made in the court room for the next of the new trials ordered by the United States Supreme Court.

Samuel S. Leibowitz, New York lawyer who is chief of counsel; G. W. Chamlee, his associate from Chattanooga, and Joseph Brodsky, and attorney for the International Labor Defense, joined in asking Judge Horton to postpone the next trial until a week from Monday in order that they may prepare a motion fo ra change of venue to Birmingham.

The fiery appeal to sectionalism and race hatred made by Circuit Solicitor Wade Wright in his summation yesterday, Mr. Brodsky and Mr. Leibowitz asserted, had incited the mob spirit so greatly that their lives would be endangered if they were forced to conduct the cases here further.

"Since that speech was made in this court room attacking me, my race and the city from which I come," said Mr. Brodsky, addressing Judge Horton in open court, "three men have threatened my life."

Mr. Leibowitz sought to delay the next trial until the regular June term to "allow public feeling aroused by the learned solicitor to cool off."

He said he had been informed "by a source I cannot doubt," that fiery crosses were burned in Scottsboro and Huntsville last night, and that "only the presence of the militia stopped a lynching mobe of 200 persons from invading Decatur last night."

Times

Mr. Wright arose and in a voice considerably subdued informed the court that he had meant no harm and that he was only delivering his customary closing argument to a jury. He could not believe he had done any harm, he said, "because I've been prosecuting cases here a long time and the people hereabouts know how I speak."

4-9-33

Judge Horton set April 17 for the opening of the trial of Charles Weems, who will be the next Negro tried. After Weems, a tall shuffling man, [illegible]ned and pleaded not guilty.

New York

Venire Chosen for Weems Trial.

A venire of 100 names was chosen from the same jury roll which the defense attacked unsuccessfully before Patterson's trial.

The court ruled that the decision denying a motion to quash the indictments on the ground that Negroes were excluded unfairly would stand, but the defense probably will be allowed to move to quash the venire and submit proof of systematic exclusion.

Separate trials for each of the six other defendants besides Patterson and Weems, including one juvenile, were demanded by the defense and were granted by Judge Horton. Attorney General Thomas E. Knight Jr., who refused a suggestion that all be tried together, sought to pair Weems and Clarence Norris by demanding a severance for both.

"The enormous expense of separate trials for each of these defendants," said Mr. Brodsky, "is being imposed upon the people of Morgan County upon the responsibility of the Attorney General of this State. It is not our doing. We offered to save time and money by trying all these defendants at once."

In arguing for a postponement of the next trial, Mr. Brodsky said that the defense was faced with much difficulty to continue right away, explaining that it would take some time to prepare the case and adding:

"Yes, and it takes time to collect the funds with which to wage this fight."

Jury Gets Case at 12:45 P. M.

Although the case went to the jurors at 12:45 P. M., it was 1:20 before they had finished lunch and begun their deliberations in the little antechamber which has been used during the trial as the defense witness room.

As they undertook the weighty task, the courtroom, crowded with eager spectators at each session of the trial, was empty, except for lawyers and newspaper men. Outside on the tree-shaded lawns a few Negroes and white men sprawled in the sun.

The only attempt at exerting outside pressure as the trial drew to a close was by Communist organizations and sympathizers, who deluged Judge Horton with telegrams and letters, demanding the acquittal of the Negroes and charging that they were "framed."

All through the morning, as Mr. Leibowitz and Attorney General Knight concluded their long arguments, messenger boys hustled in and out of the courtroom bearing telegrams for the judge and the Attorney General, many of them inspired by publication of Circuit Solicitor Wright's exhortation to the jurors to show that "Jew money from New York can't buy and sell justice in Alabama."

Judge Horton made reference to the telegrams in his charge to the jury, when he urged the twelve citizens of Morgan County to cast from their minds all prejudice, local pride and public opinion and decline the question of whether the man on trial for his life attacked Victoria Price.

Prosecutor Urges "Merits of Case."

In summing up the State's case, Attorney General Knight disclaimed sympathy with Mr. Wright's open appeal to racial prejudice and asked for a verdict of guilty with a death sentence on the evidence that has been laid before the jury in the six days since the trial opened.

"I do not want a verdict based on racial prejudice or a religious creed," he shouted. "I want a verdict on the merits of this case. On that evidence, gentlemen, there can be but one verdict and that verdict is death—death in the electric chair for raping Victoria Price."

At another point in his argument Mr. Knight referred to the almost forgotten Patterson as "that thing," told the jury:

"If you acquit this Negro, put a garland of roses around his neck, give him a supper and send him to New York City. There let Dr. Harry Fosdick dress him up in a high hat and morning coat, gray striped trousers and spats."

Ruby Bates testified, when she made an unexpected visit to the courtroom as a witness for the defense, that he new Spring hat and coat had been purchased for her by Dr. Fosdick, before whom Mr. Leibowitz declared she had "knelt down and confessed" that the whole case in which she figured two years ago as a complaining witness was "framed" by Victoria Price.

"She sold out for a gray coat and a gray hat," Mr. Knight declared of Ruby Bates, asserting that he did not believe the New York clergyman paid for the clothes the girl was wearing when she appeared in court after a mysterious absence of a month from her home in Huntsville.

Judge Comments on the Women.

In giving the case to the jury, Judge Horton told the twelve men not to be swayed by the natural sympathy for a woman who alleged she has been attacked and advised them that they might take into consideration the fact that both the Bates girl and the Price woman were "women of easy virtue," in considering their credibility.

Commenting first on Ruby Bates, who two years ago at Scottsboro swore that she had been attacked, but who testified in this trial that the whole story was a lie, Judge Horton said:

"She admitted on the witness stand in this trial that she had perjured herself in the other case. In considering the evidence, you may consider not only her lack of virtue as admitted by her here, but also that she contradicted her previous testimony as perjured.

"Regarding Victoria Price, there has been evidence here that she also was a woman of easy virtue. There has been evidence tending to show that she gave false testimony here about her movements and activities in Chattanooga. That evidence has not, except by her, been denied.

"If in your minds the conviction of this defendant depends on the testimony of Victoria Price and you are convinced she has not sworn truly about any material point, you could not convict this defendant."

As Judge Horton delivered his charge in a quiet, solemn voice, his face was grave and tired-looking. His task of presiding over the trial and the preceding week-long legal battle against the jury system of Alabama, has not been an easy one. Some of his rulings have not been popular with the home folk.

The change of venue from Scottsboro in Jackson County to this Northern Alabama city, he said, was not at his request nor the wish of Decatur. An unpleasant duty, he said, had been thrust upon the community and he urged the jurors to "face it like men."

"Take the evidence," he said, "sift it out and find the truths and untruths and render your verdict. It will not be easy to keep your minds solely on the evidence. Much prejudice has crept into it. It has come not only from far away, but from here at home as well.

"I have done what I thought to be right as the judge of this court, no matter what the personal cost to me might be."

Judge Horton's Charge to Jury.

In charging the jury Judge Horton said in part:

"There have been some statements in regard to whether or not this is any race matter or whether or not some other person thinks this way or that, or whether or not public opinion is one way or the other.

"Gentlemen, that hasn't anything to do with it—what outside opinion or public opinion is, or whether or not the ideas of somebody else may be one way or the other. No, gentlemen, we are not to consider that at any time.

"I know the juries of this county. I have been with them—have been before them. They are sensible, reasonable, intelligent men. They do not go off on side issues, nor do they let petty prejudices enter into the trial of the case.

"You are not trying whether or not the defendant is white or black—you are not trying that question; you are trying whether or not this defendant forcibly ravished a woman.

"You are not trying lawyers, you are not trying State lines; but you are here at home as jurors, a jury of your citizens under oath sitting in the jury box taking the evidence and considering it, leaving out any outside influences.

"Things may vex you. I might say that the court may have been vexed about a great many things. It may have been evident to you that a great many telegrams came in here to me since I have been here. But, gentlemen, they do not affect me whatever or the great principle which the court desires to see done, and the great thing the jury desires to see done, and that is to see justice done in this case.

Appeals to Best in South.

"Of course, gentlemen, we all love our land; that is a natural sentiment of all people. Not that we are narrow in it. Why, the man who lives in the mountains of Switzerland or on the coast of the Adriatic loves his land—the savage loves his land. It is a natural feeling and it is a fine thing for a man to do love his native country."

"I might say that a great many of us, and I together with you, a great many of our forebears came here with the earliest settlers, and I happen to be descended from one who was the first that came down to this country. On both sides as far back as I know, my people have always been a Southern people, and I have no desire to live anywhere else. I am getting old, and it is my home, my native land, and I want to see righteousness done and justice done, and we are going to uphold that name.

"A great many of our parents no doubt were in the War between the States, that is the name that has been given to that war now. My father and my 61-year-old grandfather, every relative over fifteen, were in the Southern Army. I am not saying that to be boasting or anything that way, but to show that I as well as you have no desire in any way to do anything that would not reflect credit on the South, and whatever I say, and whatever I do, remember, it is for justice and right and that they may prevail.

"We are a white race and a Negro

race here together—we are here to live together—our interests are together. The world at this time and in many lands is showing intolerance and showing hate. It seems sometimes that love has almost deserted the human bosom. It seems that hate has taken its place. It is only for a time, gentlemen, because the great things in life, no matter what they are, it is the God's great principles, matters of eternal right, that alone live. Wrong dies and truth forever lasts, and we should have faith in that."

Leibowitz's Summation Completed.

The court session opened a little after 8:30 A. M., with Mr. Leibowitz continuing in a husky voice the long summation he began yesterday afternoon.

Several times as he pointed to what he said were discrepancies in the State's case he stopped for a drink of water and at times he seemed to be near exhaustion. But he kept on until mid-morning, despite frequent attempts of the court to speed him up.

The first trials at Scottsboro, he said, were "judicial lynchings, an insult to God Himself and a mockery of justice."

He denied that he or G. W. Chamlee, the Chattanooga lawyer associated with him in the case, were Communists or sympathizers of the International Labor Defense, a Communist affiliate, which appealed the first conviction.

He asked the jurors if they could reconcile the detention or Orville Gilley, one of the several white hoboes with whom the Negroes had a fight aboard the freight train, to witness the alleged crime with common sense; he demanded to know why Gilley was not called as a witness at Scottsboro. If Ruby Bates had been subjected to the sort of treatment described by the State, he said, she "would be here howling for this Negro's blood, not pleading for his skn."

The New York lawyer closed his argument by reciting the Lord's prayer and a plea to the jurors to acquit or condemn his client to death, saying he wanted no compromise verdict.

Knight Has Rebuttal.

Mr. Knight went over the evidence, trying to mend the holes in the State's case which Mr. Leibowitz had sought to emphasize. Mr. Leibowitz had criticized him, he said, for not bringing a Negro into court to corroborate a white man whose testimony had been shaken in cross-examination.

"It was not necessary, to my way of thinking," said Mr. Knight, whose father wrote the prevailing opinion of the majority of the Alabama Supreme Court upholding the original convictions. A reference to his father in Mr. Knight's summation caused Mr. Leibowitz to ask the court to note upon the record that "the Attorney General now is criticizing the United States Supreme Court and by inference the Chief Justice of this State, who disagreed with the majority."

Resuming his address, Mr. Knight, after denying any critical intent, declared:

"I'm no murderer. I don't have to have people come down here and tell me the right thing to do. I'd nolle prosse the indictments if I thought these Negroes were innocent. This is no framed prosecution. It is a framed defense."

The courtroom crowd began to thin out after the lawyers had finished. Nearly every one left after

NEW YORK

NEW YORK CITY TIMES
APRIL 10. 1933

RACES

At Decatur

All persons born or naturalized in the United States . . . are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . . nor deny to any person within its jurisdiction the equal protection of the laws.—Article XIV, U. S. Constitution.

Two years and two weeks ago two white girls, one Ruby Bates and a Mrs. Victoria Price, accused nine young Negroes of raping them as they hoboed ~~their~~ way in a freight gondola through Jackson County, Ala. Eight of the Negroes were condemned to death at Scottsboro, county seat, ten days later. The ninth, aged 13, was turned over to a juvenile court, as was subsequently one of the condemned, aged 14. Last November the U. S. Supreme Court overruled (7–to–2) the Alabama Supreme Court which had denied the defendants' plea for retrial. A new trial, with venue changed not to urban Birmingham as the defense requested, but "for reasons of economy" to Decatur in neighboring, rural Morgan County, began last week.

First defendant called was Haywood Patterson. Black, bewildered, a horseshoe in his pocket, he sprawled torpidly on a bench behind his counsel. But he was not tried. On trial were the 14th Amendment to the Constitution and Alabama's "selective jury system."

Counsel. Leader of the defense counsel at the Decatur trial is shrewd, bald-browed Samuel S. Leibowitz of Manhattan. His fee is being paid by the International Labor Defense, Communist organization; but no Red is Counsel Leibowitz. One of his chief concerns last week was to forestall any provocative demonstration by his employers, who filtered into town in increasing numbers.

Accused. It was Lawyer Chamlee who supplied Defendant Patterson with the horseshoe, at his request. The othe defendants—Clarence Norris, Charli Weems, Olin Montgomery, And Wright, Willie Robertson, Ozie Powell—thought rabbits' feet would "make thei sleep easier." The two minors, R Wright (Andy's brother) and Eugene Wi liams, held in prison for two years as material witnesses, got rabbits' feet, too.

Last week two cars full of deputies with shotguns escorted the prisoners to Decatur. Sheriff Bud Davis locked them up in a rickety jail which had been condemned for white prisoners two years ago. Thirty young militiamen mounted guard.

Witnesses. When the trial began, Witness Ruby Bates had been missing for three weeks. It was reported that she had sent the police a letter retracting her previous accusation. Next report was that she had sent the police another letter saying she was drunk when she wrote the first. Each side suspected the other of kidnapping Witness Bates.

Very much in evidence was her companion, twice-married Mrs. Victoria Price, with whom (and seven white boys) she bummed her way to Chattanooga and back. Mrs. Price says she supports herself & mother on the $13 a month she makes at a Huntsville cotton mill. In court she appeared the last word in cracker *chic*. She still sticks to her story that the Negroes threw six of her seven white male companions off the train, stripped her, raped her at knife's point.

Lily White Justice. Counsel Leibowitz first moved that the indictments against his clients be quashed on the grounds that, by banning Negroes fron the Jackson County jury roll, the State o Alabama had denied the defendants their constitutional rights at the original trial. Attorney General Thomas E. Knight, whose father wrote the Alabama Supreme Court decision sustaining the prior verdict, put the burden of proof on the defense. What Counsel Leibowitz had to prove, every Southerner knows to be true: Negroes simply are not allowed on juries in Alabama. After two days of bickering, Judge James E. Horton, a Lincolnesque figure in the Circuit Court for 25 years, suddenly ruled: "The Court has decided not to hear further testimony on this question." Attorney Knight looked surprised. Counsel Leibowitz, believing himself armed with cause for another plea to the Supreme Court, looked pleased.

The defense next moved that the present indictment be quashed because of similar "systematic exclusion" of Negroes from the Morgan County venire. When jury board commissioners failed to say whether or not their jury rolls contained Negro names, Counsel Leibowitz threatened to have all 2,000 talesmen subpoenaed "if it takes till doomsday," to see what color they were.

The State claimed that if there were was because none had sufficient edu "i grity, good character and sound m " to qualify. Thereupon, Cou Leibowitz began bringing in dozens o reputable Negroes who were not on the roll. One was a doctor from the University of Illinois, another a graduate of Phillips Exeter Academy and Howard University.

Next day the defense won and lost a point. Judge Horton ruled that prima facie evidence had been established that the Morgan County jury roll was all-white. Counsel Leibowitz then moved that Negro talesmen be considered for the present jury, a proposal which brought to horrified Southerners visions of carpetbagging days. The courtroom was tense when Judge Horton softly said: "Motion denied."

International

RUBY BATES & VICTORIA PRICE (1931)

Raped in a gondola?

With his mind's eye again on the Supreme Court, defense counsel replied: "I take exception."

Jurors were then picked, sworn in. The prosecution concentrated on rural talesmen. The defense wanted young white-collar men who might have come in contact with urban liberalism. Attorney Knight got three farmers; others chosen were a draftsman, a mill worker, two bookkeepers, a merchant, a barber, a bank cashier, a motor salesman. One man was unemployed. It appeared that the defense, with two challenges to the State's one, had gotten a shade the better of the selection.

Lynchings-1933
Legal Punishment for Rape

Alabama (Haywood Patterson)

4356

PATTERSON MUST NOT DIE!

ROOF
IMMEDIATE UNCONDITIONAL RELEASE SCOTTSBORO BOYS BARNETT BRANCH
DOWN WITH FASCIST TERROR STOP THE
SO. ILLINOIS
FREE Scottsboro boys
INTERNATIONAL LABOR DEFENSE

Defender 4-22-33

With banners and flags held high, 20,000 men, women and children of all races marched through the streets of the South side Saturday loudly protesting against the notorious Scottsboro verdict, decreeing that Heywood Patterson must die. The parade traveled from 33d and State Sts. to 43d St., then went west to Dearborn St., south on Dearborn St. the marchers continued and shouted until they reached 49th St. They turned east and went to Wabash Ave., where they staged a demonstration in front of the framework of the structure that was intended to become the new Wendell Phillips high school.

—Chicago Defender Photo.

Around these Negro witnesses, as around the Scottsboro boys, we must place an iron ring of defense! . . .

Defend the Heroic Negro Scottsboro Witnesses

Daily Worker
4-22-33
New York, N.Y.

News comes from the South that lynch gangs are terrorizing the Negro witnesses who testified at the Decatur trial of the Scottsboro boys. The house of Lewis, one of the Negro witnesses whose testimony exposed too clearly the perjury of Victoria Price, was completely burned down by Ku Kluxers. Two other Negro witnesses have been forced under threats of brutal punishment, to sign repudiations of their testimony at the trial. Other Negro witnesses have received veiled threats and warnings against testifying at the coming trials of the other boys.

The appearance of the Negro witnesses at the lynch court of Decatur, Alabama, was an act of heroic defiance, challenging the centuries-old system of jim-crowism and national oppression. The testimony of the Negro witnesses brought before the eyes of the whole world the cynical violation of every democratic right which is supposed to be the great privilege of American democracy. These elementary democratic rights are guaranteed supposedly by the 13th, 14th and 15th amendments. The appearance of the Negro witnesses in an Alabama lynch court exemplified the determination of the Negro people to destroy the hideous jim-crow system.

That is why the Southern lynchers are letting loose their terrorism against these Negro heroes. The southern ruling class is fully aware of what issues are at stake in the Scottsboro trials. They realise what the challenge of the Negro witnesses means to their slave-driving domination.

And the Southern ruling class is using its traditional weapon against the Negro people—lynch terror.

But the heroism of the Negro witnesses at the Decatur court is part of the heroism of the Negro masses, who are rising in resolute struggle against the national oppression of the centuries.

Send telegrams to Governor Miller of Alabama demanding that the state protect these witnesses. The working class must take these Negro witnesses under their protection!

Trial At Decatur Is Postponed By Presiding Judge

Advertiser
4-18-33

'Baneful Influence' Would Not Permit Fair Verdict, Horton Tells Attorneys

Montgomery, Ala.

Negro Sentenced

Leibowitz Speech Blamed For Unexpected Action; Knight, Brodsky Clash

By T. M. DAVENPORT

DECATUR, ALA., April 17.—(AP)—The Scottsboro cases were postponed indefinitely today because the court held a purported criticism of Alabama juries by Samuel Leibowitz of defense counsel had prejudiced the cases against his own clients.

Judge James E. Horton directed postponement of the remaining cases against six negroes charged with assaulting two white girl hoboes and rebuked Leibowitz.

A statement that appeared in The New York Herald Tribune and credited to the New York attorney, who volunteered to defend the negroes and lost his first case down here, was responsible for the unexpected action.

Concerning the jury that convicted Haywood Patterson—first of the negroes to face retrial here—the New York paper quoted Leibowitz like this:

Leibowitz Quoted

"If you ever saw those creatures, those bigots whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice, bewhiskered and filthy, you would not ask how they could do it."

Judge Horton, who was praised for his conduct of the Patterson trial, said he did not know "whether the leading counsel for the defense made the statement imputed to him. It could make little difference whether he actually said it or not. The effect would be the same. The published statement was uncalled for."

The judge who had charged the jury in the Patterson case to forget color and creed and state lines said today that the accused negro must be a victim of this statement."

"His leading attorney (Leibowitz) would be a millstone about his neck," said Judge Horton.

The court then ordered a continuance of the case against Charlie Weems—second of the Scottsboro boys to face a retrial—"until such time when in its judgment a fair and impartial trial may be had."

Atty. Gen. Knight, who defeated Leibowitz in the Patterson trial jumped to his feet after the Judge read the statement and shouted:

Knight Defends Jurors

"I cannot stand by and hear that jury maligned. No, we aren't bigots in the South. We tried these cases fair . . ."

The Judge nodded and said:

"We understand that."

The dramatic climax to the long-drawn-out Scottsboro cases came after Judge Horton had sentenced Patterson to die in the electric chair June 16 for criminal assault on Mrs. Victoria Price, a Huntsville cotton mill worker and a hobo.

The case of Charlie Weems was to have been called today, but the Judge read Leibowitz's purported statement and then an answer that Knight gave several days ago in an interview.

"It (Leibowitz's statement) can only be taken as a wail of a loser," said Knight in his published retort to the New Yorker, "particularly in view of the fact that in his address to the jury, he lauded the people of Morgan County and the members of the jury to the skies."

Leibowitz was not present when the decision was made. He had not returned here from New York.

"Fair Verdict Impossible"

The statements attributed to Leibowitz "must make impossible any just and impartial verdict," the Judge said today after reading both attorneys' published statements.

The Judge held that the "defendants chief counsel was at fault" in the newspaper battle between him and Knight on the merits or demerits of Alabama juries.

"It is the duty of this court to see that the defendant has a [illegible]," said Judge Horton.

Advertiser
4-18-33

Joseph [illegible] Brodsky, another defense attorney and also a New Yorker, agreed with the court's action but said he did not believe "Leibowitz made that statement."

Montgomery, Ala.

"Leibowitz's view is that in Decatur and the South the white workers are imbued with the idea of white supremacy and that only in union of the white and negro workers warring against the ruling class can they gain their ends."

Judge Horton's decision left the Scottsboro case up in the air. All except Patterson, who was sentenced to death today must have a new trial.

Knight Answers Brodsky

Brodsky's explanation of Leibowitz's view on the South's workers and "ruling class" brought a sharp retort from Knight.

He pounded a table with his fist and entered an objection to "such orations in a courtroom in Alabama."

The Judge, visibly aroused, halted Brodsky's speech.

Knight, after the courtroom had been cleared, said "of course if the Court thinks the defendant cannot have a fair trial, I must bow to his wishes. Leibowitz created this situation by the slurs attributed to him. When slurs are cast upon the people of this State, so long as I have a voice I shall resent the same officially and unofficially.

"Social equality cannot be advocated in my presence."

Weems, with Patterson, will be returned to Birmingham under guard pending date of the new trials. Under Alabama law no further change of venue is in order since the statute provides only one change to be made.

Judge Horton said an act of the Legislature would be necessary to transfer the cases from Morgan County and left uncertain the date of the new trial. The next criminal court term is in July.

S. Leibowitz Again Brands Alabama Citizens 'Bigots'

NEW YORK, April 17.—(AP)—While Judge James E. Horton in Decatur, Ala., today deplored a criticism of the jurymen in the Heywood Patterson trial attributed to Samuel E. Leibowitz, the defense attorney issued a statement here branding as "bigots" the "baying pack ....who raised the Hitler cry of 'Jew money from New York.'"

"Their very faces do betoken it," he said of his bigotry charge. The statement follows in full:

"The millstone around the neck of the Scottsboro boys is that Alabama attitude which made the 12 Decatur jurors guffaw as they pushed Heywood Patterson toward the electric chair last Palm Sunday morn. It is a piece with the action of the prosecutor, Knight, in gleefully clapping his hands during the trial and in calling a defendant, made in the image and likeness of God, 'that thing.'

"Impaling me on a cross of fancied insults to the citizens of Alabama will avail the partisans of weird Morgan County justice nothing. Nor will it divert me or my associates for one moment from the issue which the sovereign State of Alabama must face in this case—equal justice for the colored race.

"I respect Judge Horton and the fair-minded people of the State who are willing to extend to their colored fellow citizens the protection of the law which we take as a thing for granted in New York. As for the rest, the baying pack the wolves of bigotry who raised the Hitler cry of 'Jew money from New York' because we dared demand a square deal for a poor unfortunate whose skin was black, I stand pat.

"They are bigots. Their very faces do betoken it. We have fought the good fight. We have kept the faith and nothing can stop us from carrying on. The nine innocent Scottsboro boys will not die so long as decent men and women survive and their exists in Washington the Supreme Court of our land."

SCOTTSBORO MARCHERS TO TAKE TO WASHINGTON BILL TO SECURE NEGRO RIGHTS

Daily Worker
4-27-33
New York, N.Y.

Provides Heavy Penalties for Jim Crowing Discrimination, Peonage, and Lynching

Final Plans for March to National Capital to Be Made at Emergency Conference Sunday

NEW YORK.—Putting teeth into the enforcement of the 13th, 14th and 15th Ammendments to the United States Constitution, supposed to guarantee democratic rights to the Negro people, is the purpose of a "Bill of Civil Rights," which will be presented to Congress by a delegation from the Free the Scottsboro Boys March to Washington called by the National Scottsboro Action Committee.

Final plans for mobilization for the march will be laid out at the second Scottsboro Emergency Conference, to which between four and five hundred representatives of organizations are expected, at Imperial Lodge Hall, 160 West 129th St., New York, Sunday afternoon at 2 o'clock.

Drafting of the bill was hailed by William L. Patterson, national secretary of the International Labor Defense, working class organization in the forefront of the struggle to save the lives of the Scottsboro boys, and for the democratic rights of Negroes, as the first concrete move to enact legislation to free the Negro people from economic enslavement since the passage of the 14th Amendment.

White Workers Also

"The tremendous mass movement developed around the struggle for the freedom of the Scottsboro boys has spurred the fight for the democratic rights of Negroes, an issue brought sharply forward in this fight," Patterson said. "The movement back of this bill is one of the most important struggles ever developed, not only for the Negro people, but also for the white workers, who are kept in bondage by the 'divide and rule' policy of the white ruling class."

First Federal Law

Heavy penalties are provided for violation of the provisions of the law which includes prohibition of Jim-Crowing, all discrimination, peonage and lynching. There are now no federal laws covering any of these rights and the existing state laws are full of holes, where they are not actually part of the lynch and Jim-Crow apparatus.

One of the prohibitive clauses forbids the exclusion of Negroes from Grand and petit juries, no matter who is being tried, whether white or black, because of their color.

Franchise and Jim Crow

The first clause forbids every means, direct or indirect, for depriving Negroes of the franchise. At present, it was pointed out, ten million Negroes are deprived of the right to vote, by law and by terroristic methods, in the United States.

Jim Crow schools are forbidden and all Jim-Crowing in restaurants, hotels transportation vehicles, theatres, and every other public place.

Residential Restrictions

The question of discrimination in housing and residential restrictions for Negroes are dealt with in a separate clause, in employment by private firms, corporations, or political subdivisions, and in wages and working conditions.

Professions, the civil service, labor unions, hospitals and the army and the navy are also taken care of in clauses which prohibit every form of Jim-Crow and discrimination.

Peonage and Right to Bear Arms

An anti-peonage clause is made to apply to both Negro and white workers, abolishing forced labor, which is imposed upon Negroes more extensively than upon any other group.

A special clause states: "No person shall be deprived of the right to bear arms in self defense or to keep such arms in his home because of race or color."

The use of every agency of government for the enforcement of the bill is provided for, and imprisonment and heavy fines for any official who violates any provision of the bill or fails to act against a violator.

Suit for damage by any person injured in any way by violation of the bill is also called for.

(Space does not permit publication of the full text of the bill in today's "Daily." Watch for it Monday. See more.)

Alabama (Haywood Patterson)

Lynchings - 1933

Legal Punishment for Rape.

4357

NEW YORK
NEWS
APR 7 1933

Attack Story a Lie, Scottsboro 'Victim Testifies at Trial

By TOM CASSIDY.

(Staff Correspondent of The News)

Decatur, Ala., April 6.—The defense sprang a surpris here today when Ruby Bates, missing Scottsboro case witness, walked into court and swore she told a false, framed-up story at the first trial of the seven colored youths once sentenced to the electric chair for attacks on her and Victoria Price.

Officials threatened her with a long jail term if she told the truth at the first trial, Ruby related.

Vows None Attacked Her.

She added she had not been attacked by Heywood Patterson, now on trial, or any of the others. And to the best of her knowledge Victoria Price had not been attacked, either, Ruby declared.

After the girl testified the defense rested it case.

Samuel Leibowitz, chief of defense counsel, electrified the courtroom by his dramatic announcement:

"I call Ruby Bates!"

Everybody gasped when the girl, missing since Feb. 27, walked nervously into the old Morgan County courtroom.

Clad in a new, tight-fitting gray cloth coat and hat to match, the slender girl took the stand and produced sensation after sensation in the crowded room.

She revealed that she recently visited New York. The Rev. Harry Emerson Fosdick, distinguished pastor of the fashionable Riverside Church, gave her the money to buy a new hat, she said.

Judge Draws Closer.

Judge James E. Horton left the bench so that he could hear the girl's answers when Leibowitz began questioning her.

Questions by Leibowitz and her answers follow:

Q. Do you know Victoria Price, the girl who was on the so-called Scottsboro train on the night of March 25, 1931, and who has testified in this trial that she and you were assaulted by these colored boys? A. Yes.

At this point the Price girl, her eyes blazing, was brought in for identification.

"Keep your temper, you hear?" Attorney General Thomas E. Knight Jr. cautioned her in a whisper.

Both girls glared and the witness said:

"That's the Victoria Price I mean."

Q.—Were you a good girl before you met her? A.—Yes.

Doesn't Know Defendant.

Leibowitz then asked Ruby if she had not had a love affair with a Lester Carter, a witness who testified to his friendship with the girl while they were living in a swamp colony near Chattanoog with Victoria Price. Ruby admitted she had. She added tha Victoria Price's boy friend in th swamp colony was a Jack Tille

"It was the day before w hopped the train which the posse met later," Ruby related.

The witness then went on in a attempt to refute most of the Price woman's testimony about events leading up to the supposed attack.

Q. Do you know this defendant, Haywood Patterson? A. I don't know whether he was on the train or not, there were so many of them. I don't remember him.

Q. Did Patterson or any of these other defendants attack you? A. No, sir.

Q. Did they attack Victoria Price? A. Not that I know of.

Q. Why did you testify that they did at their trial in Scottsboro? A. Because they took us to the jail and Victoria told me I better tell the story she was telling or we might get long sentences in jail.

Under cross-examination by Attorney General Knight, Ruby, much softer voiced and feminine than her friend, testified that she came here today from New York.

She denied she had ever seen Joseph Brodsky, International Labor Defense counsel in the case, before this morning, and attempts by the prosecution to ask her questions regarding Communists were ruled out on the heated objections of Leibowitz. She went to New York at the suggestion of a girl friend, she said.

Lynch Threats Renewed.

Ruby's sensational story once more caused threats of lynching to be heard here. Capt. Joe Burleson, in command of the National Guardsmen on duty at the trial, asserted he still had no fears on this score.

"It would take hundreds of men to storm the jail with success against our men with their equipment," he asserted. "I don't look for any trouble, but we are on the alert."

A mass meeting here last night of 200 young men agitated for a demonstration against Leibowitz. Tonight a mob of 150 left Huntsville, home town of Ruby Bates, thirty miles away, to march on Leibowitz' hotel. Members of the mob, which left at 9 P. M. shouted: "We'll lynch him and them Northern reporters unless they clear out."

Mrs. Belle Leibowitz returned to New York yesterday after having attended the opening of the Scottsboro trial, and expressed amazement at the queries of reporters who informed her her husband, Samuel S. Leibowitz, chief defense counsel, had been threatened.

She denied vehemently the rumor she had been sent back from Decatur, Ala., the scene of the present trial, to insure her safety in the event of a racial outbreak.

Mrs. Belle Leibowitz, wife of the defense attorney in the Scottsboro trial, on her return to New York yesterday.

egroes in Riotous March on Broadway

4-11-33

Welcome Defender in the Scottsboro Case

A peaceful meeting of Negroes at Union Square yesterday, called to protest the verdict in the Scottsboro case, developed into a running fight along Broadway [illegible] with policemen thrown to the ground and trampled and Negroes becoming acquainted with scores of nightsticks before it was over.

There was one arrest. George Northcroft, a Negro house painter, was arrested at Forty-sixth Street and Broadway, where the brawl reached its zenith, by Patrolman William Griffin of the West Forty-seventh Street station. According to Griffin, Northcroft kicked him in the mouth.

At Union Square shortly after noon the meeting started with perhaps a thousand Negroes in attendance to listen to speakers protesting against the verdict in the trial at Decatur, Ala. When it was over many journeyed to the Pennsylvania Station to meet the 4:23 train from the South bearing Samuel S. Leibowitz, who defended Haywood Patterson, the first of the Negroes to be tried at Decatur.

There they were joined by others, until when the train pulled in there were close to 3,000 milling about the concourse.

When Mr. Leibowitz came up the stairs there was a rush and enthusiastic cheering. A team of four husky Negroes picked up the attorney and carried him on their shoulders through the cheering throng to his taxicab in the south drive.

Extra police called for the occasion persuaded the crowd to break up and leave the station, warning them not to parade without permission. Five hundred did not heed the warning and formed outside the station. They marched, singing and cheering, to Broadway and then turned north.

Traffic policemen along the route attempted to break up the procession, but they were either pushed or tossed aside. The West Forty-seventh Street station sent out a squad to reinforce the traffic men. They made contact with the marchers, who had set Harlem as their objective, at Forty-sixth Street, and there a battle royal started. Griffin said later than when he ordered the parade stopped he was shoved aside and knocked down.

Other policemen joined but the Negroes would not give in and proceeded north with [illegible] joining as fast as they could. A hurry call for more police brought radio cars, an emergency truck squad and the reserves that [illegible] in the West Forty-seventh Street station. [illegible] police joined battle again with the Negroes between Fifty-second and Fifty-third Street on Broadway. After several minutes of [illegible] the parade split up and the marchers slipped away on side streets not before, however, they pulled a mounted policeman from his horse.

As the police drew breath they were informed that they were needed at Columbus Circle for a fresh demonstration. There they found close to 1,000 Negroes, including some of the paraders. There was another mêlee. The Negroes apparently had learned a new strategy and after breaking up quickly as possible reformed furthed uptown.

After a short fight at Sixty-eighth Street and Broadway, the final meeting took place at Eighty-sixth and Broadway.

Arraigned in Night Court, Northcroft pleaded not guilty to a charge of third-degree assault. Magistrate Leonard A. McGee adjourned the case until this morning in West Side Court to enable both Northcroft and the police to present witnesses.

MERIDEN, CONN.
RECORD
MAR 30 1933

The Scottsboro Case

Two years ago nine ~~negroes~~ in a little Tennessee town were condemned to death for an attack on two white girls on a freight train passing through Jackson Co., Alabama.

The so-called Scottsboro case became famous or infamous according to the point of view. There was sharp cleavage in opinions among southerners and northerners alike. Unbiased critics found much in the evidence to show reasonable doubt of the allegations made concerning the crime which Southerners consider greater than murder.

Many contended the case was railroaded through and in the North, at least, the opinion was general that conduct of the case was in no way comparable with the methods employed in this part of the country.

The apparent injustice led to the injection of many outside agencies into the case, chief of which was the International Labor Defense, an adjunct of the Communist party.

The original verdict of guilty was upheld by the Supreme Court of Alabama. This decision was overruled by the United States Supreme Court, which, reversing the original verdict, set aside the death sentences and ordered new trials.

That trial is now in progress in Decatur, Tenn.

To many of the leading citizens of the state the Supreme Court decision was accepted as a rebuff to Alabama's highest court. To them the only satisfactory outcome of a new trial would be a second conviction and new sentences of death.

Also interwoven with the case is the South's traditional attitude toward the Negro—an attitude of benevolent paternalism which refuses, however, to recognize the equal rights guaranteed by the Fourteenth Amendment and invoked by the defense in its motion to quash the indictments on the ground that Negroes were excluded from the grand jury.

Most important of all is the implicit challenge to the State's jury system contained in the defense motion. It is that which brought attorney general into a case which otherwise would have been prosecuted by the regular circuit solicitor and it is that which the people of Decatur really are agitated about to a much greater extent than the fate of the Negroes.

Alabama is devoted to states rights and is resentful of outsider interference in the administration of its laws. Its officials, from Governor Miller down, regard as "outside interference" the deluge of telegrams sent to them by Communist sympathizers and which threaten their lives if the accused Negroes are not acquitted.

These threatening telegrams and letters have been almost as important a factor in crystallizing sentiment against the Negroes as has been the nature of the crime charged against them.

All the families of the accused negroes have become ardent advocates of Communism since the International Labor Defense came to their rescue and are helping to organize their neighbors in support of the cause.

Representing the Negroes is Samuel S. Leibowitz of New York who has a record of winning eighty-four out of eighty-five capital cases in which he has represented defendants.

He discounts any Communistic connections and made public letters which passed between him and the Negro secretary of the International Defense League before he accepted the case. The League thoughtfully impressed upon the lawyer the fact that they would not ask as a condition of his acceptance of the case that he should "give up any of your social, economic or political views."

As if mindful of this kindly consideration to permit him to retain his own ideas, Mr. Leibowitz gallantly returned the compliment by assuring them he would not accept any filthy lucre for his services.

> "North and south, east and west, we Americans have a common tradition of justice. And if it is justice that these black men be adjudged innocent—if it is justice, I repeat—I cannot believe that the people of Alabama will be false to their great heritage of honor and to those brave and chivalrous generations of the past in whose blood the history of their State is written."

It is interesting to note that although negroes never serve on juries in the South, it is the contention of the defense that the law intends they should.

Mr. Leibowitz has already had spirited set-tos with the judge and the district attorney on this question and there has been much hedging and squirming to make the facts tally with the section of the Alabama code defining the qualifications of jurors, in the course of which no mention is made of the color of a juror's skin.

It is obvious the Communists are making the most of the untoward situation which has placed the South at such a great disadvantage. The resentment over outside interference and the grim possibilities which might follow the success of the interlopers is enough to arouse much concern.

If the disagreeable experience is the means of causing some drastic and much needed changes in the conduct of criminal trials in some parts of the South, it may be worth all it costs.

Lynchings-1933

Legal Punishment for Rape.

Alabama (Haywood Patterson)

4358

NEW YORK CITY TIMES
MARCH 29, 1933

REFUSES TO QUASH SCOTTSBORO CASE

Court Rejects Defense Motion Based on Exclusion of Negroes From Juries.

JURY RECORDS BROUGHT IN

After Issuing Subpoena, Judge Rules Without Admitting Them as Evidence.

PAMPHLET SALE STOPPED

Complaint of Negroes' Counsel Brings Warning From Judge to Three Boys and Employer.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., March 28.—Circuit Judge James E. Horton denied a motion today to quash the indictments against nine Negroes, accused of attacking two while girls nears Scottsboro two years ago, and immediately the defense turned its guns upon the administration of the jury law in this county where the defendants are to be tried.

Samuel S. Leibowitz, chief counsel for the defendants, whose sentences of death were set aside by the United States Supreme Court, announced after the court's ruling that he would continue his fight against the alleged "systematic exclusion" of Negroes from Alabama juries.

The motion to quash the indictments was based on the contention that Negroes were excluded from the grand jury which returned the twenty true bills against the defendants. Mr. Leibowitz called thirteen witnesses, nine of them Negroes, in support of his assertion of systematic exclusion.

The defense contends that the Alabama statute setting forth the qualifications of jurors is dishonestly administered to exclude Negroes from service on juries.

Potential Negro Jurors Testify.

Mr. Leibowitz called his witnesses to prove from the mouths of excluded potential jurors that they were qualified in every respect save color to serve on juries and that they never had been called upon in their county.

Thus far his evidence has been confined to Jackson County, where the indictments against the Negroes were returned. His next move, he stated, will be to show that Negroes are also excluded from the jury rolls of Morgan County. It is from the latter that the venire from which a jury will be chosen to decide the guilt or innocence of the defendants must be chosen.

The ruling of the court on the motion to quash the indictments came at the opening of the afternoon session as Attorney General Knight was about to call the State's first witness to refute the charges of racial exclusion by the defense.

In the morning Mr. Leibowitz had requested the court to issue subpoenaes duces tecum for the jury rolls and jury boxes of Jackson County at the time when the Negroes were indicted on charges made by Ruby Bates and Victoria Price, the two white girls who charged they were attacked by the Negroes on a freight train coming from Chattanooga.

Orders Jury Records Produced.

After a prolonged argument in which Mr. Knight declared that the defense was "aiming around Robin Hood's barn," Judge Horton granted the request for the issuance of the subpoenas but reserved decision on the admissibility of the evidence contained in the jury roll.

Mr. Liebowitz had threatened to call every person whose name appeared on the jury roll of Jackson County, "even if it breaks the State," before Judge Horton granted the request to issue the subpoenas.

Before that Mr. Liebowitz said he would withdraw his motion if Attorney General Knight would concede that only the names of white men were included on the roll.

Mr. Knight replied:

"The State will concede nothing, prove your case."

Mr. Leibowitz reserved the right to present further evidence that only white men were acceptable as jurors in Jackson County after the production of the jury roll.

A recess for luncheon was taken, and it was expected that the afternoon session would be marked by an attempt on the part of the State to support the contention that the color line plays no part in the selection of jury men.

But at the opening of the afternoon session Judge Horton brought the little trial of Alabama's jury system to a close without having heard the witnesses called by the State. The decision seemed to surprise both State and defense counsel.

"Mr. Attorney General," Judge Horton said, "the court has decided not to hear further testimony on this question. The motion is overruled."

Mr. Leibowitz, who is counting upon the question of exclusion of Negroes from jury duty as a loophole for an appeal if the Negroes are convicted a second time, smiled pleasantly and offered no argument against the exclusion of further testimony on an issue which, until then, had been one of fact with no problem of law involved.

Announces Separate Trials.

As soon as the motion to quash the indictments was out of the way, Judge Horton indicated his readiness to proceed with the trial.

Attorney General Knight, whose father, a justice of the Supreme Court of Alabama, wrote the opinion upholding the original conviction which was reversed by the United States Supreme Court, declared his intention of trying "each defendant as he was tried before." This amounted to a request for a severance of the indictments, and it was not opposed by Mr. Leibowitz at the time.

The Attorney General, however, requested that the court take proof of the ages of Roy Wright and Eugene Williams to determine whether they should be tried as juveniles or adults subject to the penalty of the law.

Then the case of Heywood Patterson was called.

The big Negro, dressed in his blue denim prison uniform, arose from the row of seats in which he and his fellow-defendants had been sprawling all day. He stood looking blankly, first at the lawyers and then at the judge. He said nothing but his eyes rolled back and forth. The eight other defendants, lolling in their chairs, showed their first interest in the proceedings.

Plea Entered With Proviso.

Mr. Leibowitz informed the court that he refused to enter a plea lest he prejudice a contemplated motion to quash the venire which Sheriff Bud Davis and the judge were drawing from names placed in a black tin box vigorously shaken before the court room crowd and the defendants. It was his intention, Mr. Leibowitz said, to file a motion to quash the venire on the same ground on which he had moved to quash the indictments.

Informed by the court and Attorney General Knight that no technical objection would be raised to a motion to quash the venire if his client entered a plea at that time, Mr. Leibowitz said:

"Then we plead not guilty to the charge."

No defendant other than Patterson was arraigned under agreement by counsel for both sides after he had entered his plea through his attorney.

The court declared a recess until 8:30 A. M. Thursday, when the introduction of the State's evidence will begin.

The one-day holiday was declared to permit the defense to gather evidence and obtain affidavits in support of the contention of Mr. Leibowitz that "the rolls from which the jury box was filled, unjustifiably and in violation of the Fourteenth Amendment excluded Negroes solely because of their race."

Law Phrases Fluster Negroes.

All the witnesses called by Mr. Leibowitz were Negroes. They were John Sanford, C. S. Finley, Mark Taylor, Trap Mosely, Louis Cole, Ples Larkin, John Stapler, Will Watkins and L. C. Stapler. All declared they were qualified to serve as jurors.

Mr. Knight, in cross-examination, flustered them by asking their definitions of "moral turpitude" and "esteemed in the community in which they live," phrases from the jury law.

"I don't understand that kind of talking," said Watkins when Mr. Knight asked him what he understood by the word "esteemed."

In addressing his questions to the Negroes Attorney General Knight called them by their Christian names. Once Mr. Leibowitz interrupted and said:

"Call him Mr. Sanford, please."

"I'm not accustomed to that," retorted Mr. Knight.

Generally, Mr. Knight's attitude to the witnesses was friendly, as for example, in the following colloquy with Stapler:

"How are you getting on?"

"All right, sir."

"Nobody imposes on you?"

"No, sir."

"Have you been mistreated in Jackson County?"

"No, sir."

Leibowitz Objects to Booklet.

The morning session was enlivened by a renewal of the threat of the defense to seek a second change of venue on the ground of prejudice. Mr. Leibowitz came into court at the opening of the session and said:

"I want to call your honor's attention, if I may, to the sale at the door of this court house of certain booklets entitled "The Inside, Unpublished Story of the Infamous Scottsboro Trial."

Mr. Leibowitz then described to the court the contents of the booklet which set forth a version of the evidence in the case and read the last two sentences denouncing the Communist party and stating that when the booklet was read the defendants will all be dead.

Declaring that if it were not for the International Labor Defense "these nine boys would now be dead," Mr. Leibowitz said that unless such propagandizing stopped he would be forced to ask for a change of venue.

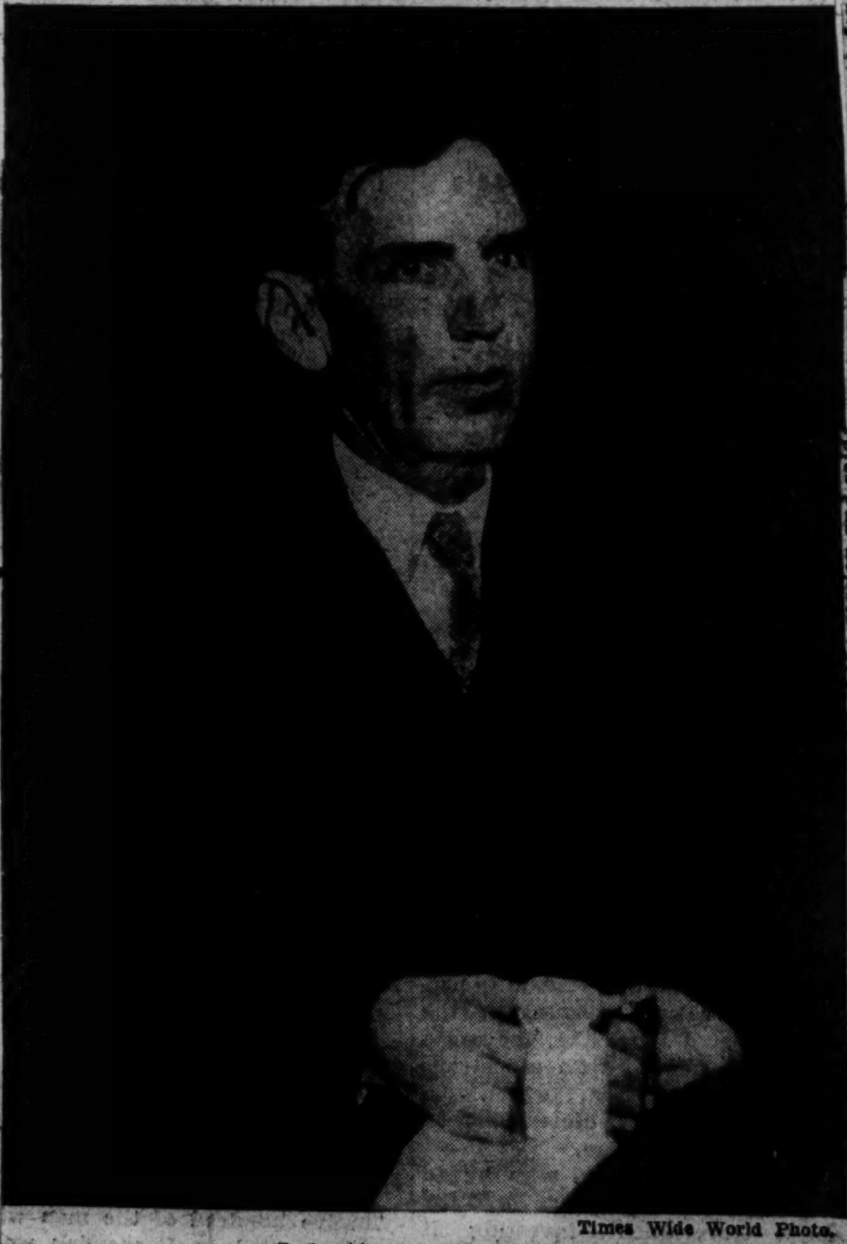
The defense attorney offered a copy of the booklet in evidence and Attorney General Knight arose holding a sheaf of handbills circulated by Communist sympathizers, and said that in his opinion the use of propoganda was evenly divided.

Judge Horton accepted the pamphlet offered by Mr. Leibowitz, but rejected the handbills which Mr. Knight proffered.

Judge Stops Sale of Pamphlets.

Judge Horton ordered deputy sheriffs to bring in all the salesmen of the pamphlets that they could round up. Within five minutes the deputies were back with three very frightened young men, who stood quaking before the bench as the judge warned them to cease

PRESIDING OVER TRIAL OF ALABAMA NEGROES



Times Wide World Photo.

Judge James E. Horton.

selling the pamphlets. Finally they were allowed to go, after Mr. Leibowitz said he did not wish to punish any one "trying to earn a dollar in these times."

The three youths brought into court described themselves as Leon Smith, 15; Allstone Hargrove, 14, and Sam White, 19. They said they had been employed by Kyle Frazier.

Judge Horton issued a bench warrant for Frazier for contempt of court, but when Frazier appeared and apologized, saying he had no intention of disseminating propaganda prejudicial to the defendants, the court dismissed him with a warning.

NEW YORK

NEW YORK CITY NEWS
APRIL 9, 1933

Crosses Blazing As Jurors Weigh Scottsboro Case

By TOM CASSIDY.
(Staff Correspondent of The News)

DECATUR, ALA., April 8.—Fiery crosses are being burned on adjacent Alabama hills in token of the vigilance of the mob, Samuel S. Leibowitz charged in open court tonight.

In an adjoining room, twelve white jurors had debated the fate of Haywood Patterson, first of the seven colored Scottsboro youths to be retried for their lives on charges of having attacked two white girls.

Samuel Leibowitz

While national guardsmen patrolled the courthouse grounds, the jurors, who received the case at 1:55 P. M., were locked up for the night at 12:45 A. M. (New York time). They will reconvene Sunday morning.

Meanwhile, Leibowitz, chief counsel for Patterson, had appeared before Judge James E. Horton, the Lincolnesque magistrate who presided during the colored lad's trial, to argue for a change of venue in behalf of Charley Weems, the next of the Scottsboro septet to be brought to bar.

Brodsky Accompanies Leibowitz.

Leibowitz was accompanied by Joseph Brodsky, attorney for the International Labor Defense Council, which has espoused the seven's cause.

"We submit," Leibowitz said, "that Decatur is no place to try the defendant, Weems. Both Mr. Brodsky's life and my own have been threatened, and even now fiery crosses are burning on the surrounding hills. We have not brought these facts to the attention of the Court heretofore—and asked a change of venue—because of the hazard that the jury might be prejudiced. The guardsmen, as you know, were not brought here at our solicitation.

"But now that the case is in the jury's hands, it is proper to express the opinion that justice will be better served by granting the next defendant a hearing elsewhere."

Motion Denied by Court.

Judge Horton denied the motion and ordered the trial of Weems to begin a week from Monday.

The fate of Patterson was given into the jury's hands at 1:55 o'clock this afternoon, after the Judge had charged the jurors not to be swayed by racial or political prejudice, and had feelingly declared:

"I have acted in this trial as I believed to be right—no matter what the personal cost might be!"

Leibowitz had just concluded his four-hour summation.

"It has been stated by some that this is a race matter," the lean, Spartan jurist declared. "There is talk of whether public opinion here or there feels this or that way on this case. That is no concern of ours.

Court Often Vexed.

"The Court has been vexed a great many ways, by the receipt of a great many telegrams and so forth, but this Court desires only to see justice done in this case. We all love our land.

"I love the Southland. I want to see her good name upheld, and we're going to see righteousness and justice done in this case. Do nothing to reflect on her fair name. It seems sometimes that love which should adorn the human bosom has left it, and that hate has taken its place.

"The State must first prove beyond a reasonable doubt that this defendant is guilty. Remember whatever you do, that no outside matter is any concern of ours."

Victoria Price
State's star witness.

Both the Judge and Attorney General Thomas E. Knight Jr. were deluged during the session with telegrams from radicals throughout the country demanding that they safeguard the prisoners from lynching in the event of an acquittal.

Denies Red Touch.

Leibowitz, hoarse from his oratorical labors of yesterday, apologized to the jury for his physical condition and told them that he talked on because he was fighting a "damnable frame-up by a prostitute." He called the Scottsboro trial of the youths which has been reversed by the U. S. Supreme Court a "judicial lynching."

Referring to the prosecution charge of "sinister influences in New York," he said: "Gentlemen, I've given you the evidence the best I know how. The boy is innocent. I think I've proved that. I'm not an I. L. D. I'm not a Communist. I don't belong to that tribe at all.

"I ask you to let it be spread abroad that Alabama is fair."

Attorney General Knight denounced the defendant, and called him "this thing" in his closing.

He asked that the verdict be not based on "racial prejudice or religious creed," a slap at his prosecution aid, Wade Wright, a member of the All Day Singers sect, who yesterday referred to "New York Jew money."

Knight defended his star witness, Victoria Price, and denounced Ruby Bates, the other of the two who accused the defendants at the first trial. He ridiculed the story of Miss Bates for the defense that the new clothes she wore in court yesterday were purchased for her by the Rev. Harry Emerson Fosdick of New York, to whom she had said she wanted to recant her story of the attack.

After declaring the case to consist of "a framed defense, rather than a framed prosecution," Knight said: "I ask you to put this man in the electric chair for the attack on Victoria Price.

Defense Witness

(NEWS photo
Ruby Bates, in her "New York Clothes," testifies at Decatur, Ala., trial of Haywood Patterson, one of seven colored youths, charged with attacking her.

Lynchings - 1933

Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4359

NEW YORK WORLD - Telegram

APR 15 1933

Scottsboro Judge Is a Cautious Man.

JUDGE JAMES E. HORTON, of the Morgan Circuit Court in Alabama, who presided over the trial of Heywood Patterson, first of the "Scottsboro boys" to face a jury on the second hearing of the famous case, was praised particularly this week for his exquisite courtesy.

Lawyers and other supporters of the accused in afterthought back in New York somewhat modified their praise of the judge's impartiality. They counted up numerous rulings in which he had violated their idea of the defendant's rights. But they credited the Judge with an irresistible courtesy and with a sincere wish to prevent physical violence to defendants and their attorneys.

Judge Horton denied the defense motion to quash the indictment because there was no Negro on the grand jury panel, and ~~again because~~ there was no Negro on the petit jury panel. He overruled defense objections to a physician's violating professional confidences on the stand. He denied motions to declare the case a mistrial because of prosecution references to "Jew money" and "Carterinsky." He ruled against the defense on other points time after time.

But in contrast to him, the jury and townspeople were not just mentally unfavorable; they were violently hostile. He sat upon his bench the nearest to a friend the defense had in Morgan County, a tall Abraham Lincoln figure, unswervingly courteous, and he delivered with grave sincerity his final plea for the jury to bring in a fair verdict.

Thus the world learned of him from Samuel S. Leibowitz, brilliant defense counsel, as "one of the finest jurists I have ever met."

Attorney Leibowitz Writes Judge Horton On Scottsboro Case

Age

New York

Attorney Samuel S. Leibowitz, chief trial attorney for the International Labor Defense in the Scottsboro Cases, has mad public a letter he has sent to Judge James E, Horton of Decatur, Ala., taking exiception to his attempt to place responsibility for the prejudice in the trials upon the defense counsel in the case.

In his letter, dated April 18th, Mr. Leibowitz stated that he is delighted with the postponement of the case because "it may give us the oportunity to obtain a ruling fro mthe highest court in our land upon this major issue which means to much to millions of Americans."

The letter follows:

MR. LEIBOWITZ'S LETTER

"My dear Judge Horton:

"I read with interest the account of the proceedings before you in the Decatur courtroom yesterday morning. You are quoted in one of the leading Metropolitan newspapers as follows:

> "The statement itself (referring to remarks attributed to me concerning the jury that convicted Patterson) must of necessity make impossible any just and impartial verdict to be arrived at at this time."

Your comments from the bench were undoubtedly intended for public consumption and this is my reply.

1. The prejudice you refer to was there long before the trials were transferred to Decatur. This prejudice was born of the hatred for the Negro and was first manifested when these poor unfortunates were hurried through the machinery of justice at Scottsboro to the tune of "There'll be a hot time in the old town tonight." You will recall that these defendants were represented by a local Scottsboro lawyer.

2. The prejudice you speak of was intensified by the reversal of the convictions at the hands of the Justices of the United States Supreme Court.

3. The prejudice was intensified by the motion made to quash the indictment and the venire because of the systematic exclusion of qualified Negroes from service upon juries, solely because of their color. For the first time actual proof of such exclusion was offered. Your statement that the defense "had made out a prima facie case" will go down in history as a momentous declaration. Of course, one must realize that we were touching the people of your State on a very sore, tender spot. But it must be admitted that this was the only real life-line remaining for these defendants in the event of conviction and that without raising this question in the manner that we did, entrance to the United States Supreme Court might have been barred.

4. This prejudice was intensified when young men stood at the entrance of the Decatur courtroom and hawked pamphlets ending in a ringing plea

> "that Alabama and the world will finally see justice claim its own and will see the Negroes receive their just deserts—death in the electric chair."

You confiscated these pamphlets. But the chief prosecutor made no attempt to punish the perpetrators of this outrageous act. Perhaps he deems such conduct as of no significance in the State of Alabama.

5. The prejudice you speak of was intensified by the Attorney General when he applauded vociferously with his hands, leaped in the air like a frenzied rooter at a football game, and shouted with glee at a point which he thought a witness had made that was favorable to the prosecution. During the entire trial, as you well know, your attention was called to his smirking and sneering behavior, to his bullyragging of witnesses, and to a general deportment which prejudiced the unfortunate defendant before the Bar. You can vouch for the fact that this case was tried by counsel for the defense in a manner befitting the dignity of our profession, and at no time were you called upon to censure us for any act on our part.

6. The prejudice, already existing, was highly intensified when the Solicitor for Morgan County, Wade Wright, referred to "Jew money from New York," to Lester Carter as "Cartorinsky," and to Mr. Brodsky of defense counsel as the "creature with the long nose and pack on his back." Still, no apology was forthcoming, no retraction was made either by him or his learned superior. Certainly, sir, counsel for the defendant was not responsible for such a disgusting spectacle.

7. Prejudice was highly intensified when the Attorney General, pointing at the defendant during his argument to the jury, referred to his as "that thing."

8. Again evidence of bigotry and hatred toward the Negro and anyone who attempts to get a measure of justice for him, was most graphically demonstrated by Attorney General, when in his address to the jury, he offered as a reason for not calling important Negro witnesses, the fact that

> "We in the South do not call a 'nigger' to corroborate a white witness no matter who the white witness may be."

No verdict of any jury, has receivd more universal condemnation at the hands of the enlightened press of the world than the verdict of this jury. Anything said by me by way of criticism of the verdict did not create one-thousandth of the prejudice against this Negro that already existed at the beginning of the trial and that was intensified immeasureably by the conduct of the prosecution and others during the trial

The postponement of these cases is undoubtedly a blessing to both sides.

The prosecution must now realize that we mean business; that we will not pussyfoot on the Constitutional question and that we will fight honorably and diligently for the freedom of nine innocent men. Perhaps with the spotlight of public opinion now focused upon the Scottsboro case they now see that the world will not tolerate the execution of these defendants upon the flimsy evidence of a harlot.

The sentiment expressed by many of the unthinking in your State that a Negro is a chattel and that he can be referred to as "my nigger" just as the master refers to "my dog" is symbolical of that attitude which excludes worthy citizens from service upon juries solely because their skins are black.

As for the defense, we are delighted with the postponement because it may give us the opportunity to obtain a ruling from the highest court in our land upon this major issue which means so much to millions of Americans.

I have had the good fortune to visit you and your gracious and charming lady at your home in Athens. I have found you to be a man of honor, courtesy and kindliness. Believing that you are sincerely desirous of according these defendants a fair chance for their lives, may I enlist your aid in transferring these cases to Mobile? There the Ku Klux Klan is practically extinct. There it will not be necessary for militiamen to protect the entrance to the town with machine guns against invasion by a band of hooded bigots bent upon murdering the defendants and their counsel.

I assure you, sir, that everything I have said here is with the utmost sincerity and respect and were I present in the Decatur courtroom when you made your pronouncement, I would have stood up on my feet and called these matters to your attention in no uncertain terms."

LEIBOWITZ HAS CLOSE CALL FROM ALA. BOMB

Baltimore

Infernal Machine from Dixie Sent Scottsboro Defense Lawyer.

SAYS HE WILL NOT BE INTIMIDATED

Will Stay in Fight to the Very Finish.

NEW YORK—Samuel S. Leibowitz, Scottsboro boys' defense counsel, had a narrow escape here Friday when he received through the mails a bomb postmarked from Alabama.

Quick thinking and vigilance on the part of an office assistant prevented what might have been the asssassination of the famous criminal lawyer.

Life in Danger

That Mr. Leibowitz's life is in constant danger as a result of his defense of the Scottsboro boys, has been known for some time. The audience of 1200 people at Holy Trinity Baptist Church, which he told of the bomb, Monday night, gasped at this resort to terror.

According to Mr. Leibowitz, his assistant dashed the package down into a pail of water as soon as he saw the postmark. When it was opened it was found to contain gunpowder and a timing apparatus.

Many Threats

Leibowitz has received many threats through letters, but he told the Holy Trinity audience that he will not in any way be influenced by threats of violence. He will keep on going down there until the case is finished, he declared.

The Rev. Thomas S. Harten, pastor of the church, declared that the Afro Protective League will assist in the fight to carry on the defense.

"This is a case of the world against Alabama or any other state that tries to trample in the dust human rights and human justice," said Leibowitz. "Despite the verdict at Decatur, the ice has been broken and deep inroads have been made against unfair treatment of the Negro in the South." He called attention to the action taken in Boston in the Crawford case.

He predicted that the eight Scottsboro boys would never be tried because the case of Haywood Patterson would be reversed.

Referring to Judge Horton's statement that the cases had to be postponed indefinitely because of his criticism of the jury, he stated that "Judge Horton had to find some way out to postpone the case because of the growing resentment outside of Alabama."

Other speakers at the meeting included Justice Jacob Strahl of the municipal court, and James Ford, former candidate for vice-president on the Communist ticket.

"The Scottsboro Boys Shall Not Die" Rings Thru Harlem Streets From Thousands in Protest March

Daily Worker 4-24-33

By ROBERT CHASE

NEW YORK.—The streets of Harlem rang out for block with cries of "The Scottsboro boys shall not die," "On to Washington," and "Black and White, Unite and Fight," coming from the throats of 1,500 Negro and white workers in line and thousands following on the pavement, as the mass Scottsboro protest parade made its way through the heart of Harlem Saturday.

New York

Soaring overhead was the plane of Colonel Julian, Negro aviator. On his plane, in huge letters, was "Free the Scottsboro Boys," and "On to Washington."

The parade was thick with placards and banners as it started from 134th Street and Lenox Avenue, going north to 140th Street and then on its route through Harlem. "Mass protest will free the Scottsboro boys," "Demand Negro and White Jury," "Fight Against Scottsboro Conditions in Harlem" were some of the slogans carried. Especially prominent were the banners carrying the spirit of Harlem today, "On to Washington"!

Heading the parade were two Negro youths bearing a huge banner, "The Scottsboro Boys Are Innocent! Stop Further Trials! Demand Their Freedom!"

Directly behind them, and perhaps the most stirring sight of the day, were three Negro couples, each pushing a baby carriage. Their cries for the nine innocent victims of the white ruling class took on a symbolic meaning as they wheeled their infants.

Further back in the parade was a group of 300 Negro children, adding their youthful voices to the chorus. They are the Scottsboro cases of Harlem. Their clothes are ragged and they are thin.

A great cheer went up at 114th Street and Lenox Avenue as a large group of Spanish workers fell in line. Three cheers for the Harlem Liberator were sent up when a group of 500 organized by the Liberator joined the march when it passed their offices at 2749 Seventh Avenue.

Your reporter has been to many demonstrations in Harlem, but none were like this. There was a new element today.

In other parades most of those on the sidewalk were spectators, still doubtful; but today there was no doubt. Today, as one Negro said, "We are all on the march." Today there is a bond between those on the sidewalk and those on the street. Today they are not mere spectators, are participants, forming an iron ring of solidarity behind the policy of the International Labor Defense and the Communist Party. This parade is made out of Harlem and is part of Harlem. Eighty per cent of those in line are Negro residents of Harlem.

Buy Daily Worker

Never before was so much revolutionary literature sold on the streets of Harlem. The Daily Worker, the Harlem Liberator, numerous pamphlets, were bought avidly, like in a hunger. Many gave nickels for a new penny pamphlet on the Scottsboro case. "Keep the change for the boys," they said.

Three Negro women came out of a store as the parade passed. They watched, excited, moved. One said, "I'm going home and leave my bundles and join in."

"I am, too," another joined in. "Let's hurry; I want to march for our boys, too."

Mingling with the chant of the marchers as they passed was a great hum, like a giant wheel in motion. The streets were alive with motion and comment.

"That's good, that's good," a Negro said, feelingly, to another. "It makes me feel big, something in here," he said, putting his hand to his chest; "feels like a new thing has been born."

"Yes, brother, a new thing is born. It's a new people, and we're a-marching for our rights."

"It will put the fear of God in the hearts of those white lynchers," ran the comment of many.

Two Negroes were talking. One held the idea that the Negro people should fight alone, and the white workers fight their own battle.

The other looked at the white and Negro workers passing, and answered, slowly, solemnly, as if after great study, "No brother, we can't go alone. We must go together with our white brother. We must fight together; that is our salvation and their salvation."

At another point your reporter overhead this conversation:

A Negro still under the influence of the slander spread by the leaders of the N. A. A. C. P. and others of their stripe, said "We should go to Washington alone and keep out the reds; they are only doing this for propaganda."

The other answered sharply, "If it wasn't for the Reds and the International Labor Defense, the boys would be dead now. The N. A. A. C. P. hired a Ku Klux to defend the boys. The Communists got the whole world to fight for the boys," and then he repeated a lesson which has been driven home to the Negro masses these last few weeks. "It was mass pressure and militant fighting that stopped the lynchers, and will set the boys free now."

Speaks for Communist Party

Today, as in St. Luke's Hall Thursday night, the Negro people once more demonstrated their understanding of the role of the Communist Party in the struggle for the liberation of the Negro masses when they gave a great ovation to the representative of the Communist Party, a Negro worker, Charles Alexander, who was one of the speakers when the parade ended in an outdoor demonstration at 135th Street and Fifth Avenue.

Garvey Movement Speaker.

William Fitzgerald, Section organizer of the Harlem International Labor Defense, spoke. Another speaker was Mrs. Williams, a direct representative of the Universal Negro Improvement Association (Garvey movement) from Jamaica.

Although she said her organization was solidly in the fight for the Scottsboro boys, she still carried the narrow policy of the Garvey movement, and said that "The Negroes must fight their battle alone against a white world."

The response of over a thousand Negro workers who listen to a correction of Mrs. William's statement by Charles Alexander showed that the Negro people have their eyes wide open and know just what part of the "white world" they must fight.

Alexander said, "The white workers are our allies; our fight is against the white parasites, the white ruling class and against all oppressors of the Negro and white people." The reply to this was a great cheer.

NEW YORK CITY TIMES
APRIL 19, 1933

THE DECATUR TRIAL.

Supreme Court Rulings in Similar Cases Are Cited.

To the Editor of The New York Times:

Your editorial on "The Decatur Verdict" discussed very fairly the various aspects of the trial. However, it contained the following sentence: "But the final verdict was 'guilty,' and it is now difficult to see how an appeal could lie to the Supreme Court again, or to any higher power except the Governor."

The Supreme Court of the United States has held in several cases that the systematic exclusion of Negroes from jury duty deprives a Negro tried, convicted and sentenced to death by such jury of his life without due process of law. This right was first enunciated by the Supreme Court in ex parte Virginia, 100 U. S. 339, a case in which a Virginia judge was convicted of violating a Federal statute which provided that "no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified from service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude." This statute is still in force and is now Section 44 of Title 8 of the U. S. Code Annotated.

In Strauder v. West Virginia, 100 U. S. 303, one Strauder, a Negro, was convicted of murder in West Virginia and duly sentenced to death. He appealed to the Supreme Court of the United States on the ground that by the laws of West Virginia no Negroes were eligible for jury service. The Supreme Court of the United States reversed Strauder's conviction and declared that the Fourteenth Amendment to the Constitution of the United States prohibited racial discrimination in the selection of jurors.

This case was followed by Carter v. Texas, 177 U. S. 442, where the defendant Negro, sentenced to death for murder, alleged that all Negroes were systematically excluded from the grand juries of Texas. Here again the Supreme Court of the United States unanimously reversed his conviction and held that if the defendant Negro showed proof of such systematic exclusion no conviction against him could be had by such unfairly constituted jury. The Supreme Court said (at p. 447): "Whenever by any action of a State, whether through its Legislature, through its courts, or through its executive or administrative officers, all persons of the African race are excluded, solely because of their race or color, from serving as grand jurors in the criminal prosecution of a person of the African race, the equal protection of the laws is denied to him, contrary to the Fourteenth Amendment of the Constitution of the United States."

No squarer holdings or clearer precedents could be desired to show that grounds for reversal by the appellate courts exist in "the second Scottsboro case." Counsel for the defense clearly proved, from the reports issued in THE NEW YORK TIMES, that Negroes were systematically excluded from jury duty in Alabama, and this evidence will be before the Supreme Court of the United States on appeal. In fact, it is difficult to see how that court can avoid reversing the Alabama courts in this case.

WILBER STAMMLER.

New York, April 13, 1933.

TWO SOUTHERN (white) EDITORIALS ON SCOTTSBORO

(From the Sylacaugua, Ala., News, April 7)

One possessed of that old Southern chivalry cannot read the trial now in progress in Decatur of the Negroes charged with assaulting two white women near Scottsboro and publish an opinion and keep within the law. The brutal manner in which the attorney employed by the International Labor Defense cross questions the witnesses makes one feel like reaching for his gun while his blood boils to the nth degree.

4-28-33

(From the Raleigh, N.C., Times, April 7)

On Thursday, the prosecution of the group of Negroes indicted for criminally assaulting two white women who were riding side-door Pullmans practically blew up with the admission of one Ruby Bates that her previous testimony was a "hoax." The other woman in the case had testified in this trial as she did in the first one, in a narrative in all points to convince a jury as well as inflame public opinion.

No comment is necessary as to the character of Miss Ruby and her companion, both of whom had been shown to be just as moral as Mehitabel, the Alley Cat. But their character aside the story they told pictured an atrocity which in the South is visited with death, even though the victim be a prostitute....

It is difficult to understand how two women—even such as Ruby Bates and Mrs. Price—could have gone the length of attempting to perjure away the lives of a number of innocent men. But the phenomenon is a common experience in the pathology of women—sometimes good as well as bad.

Ruby was snatched away to New York by a social worker, "got religion," and confessed to the ever dramatic Rev. Raymond Fosdick, D.D. Lacking the agitation about the case, including Communist outcry, the Negroes would have been killed by Alabama for nothing worse than a free-for-all fight with white men not so far removed from their own social status.

The sorry business illustrates the fundamental power of the Supreme Court to do justice, if only litigants have the counsel and the means to catch its ear.

It also serves to give a solemn warning to the South, all too apt to execute judicially, as well as by lynch law, when some psychopathic woman has a day dream and sticks to it on the witness stand.

Lynchings- 1933
Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4360

GIRL RECANTS STORY OF NEGROES' ATTACK

Times

Ruby Bates Makes Dramatic Reappearance at Alabama Trial to Deny Assult.

4-7-33

SENT BACK BY FOSDICK

New York N.Y.

Girl Came to New York for Work and He Advised Her to 'Tell the Truth.'

SHE ACCUSES MRS. PRICE

Declares the Latter Concocted Her Testimony to Avoid Arrest on a Moral Charge.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., April 6.—Making a dramatic reappearance in the Scottsboro case today, Ruby Bates, previously missing State's witness, repudiated all her testimony given at the first trial two years ago and swore that Victoria Price had "framed" the Negro youths condemned to die at that trial for an alleged criminal attack on the two women while they were "hoboing" on a freight train.

Just before her entrance, Lester Carter, her former friend, produced by the defense as the first surprise witness, had given evidence before Judge James E. Horton and the jury trying Haywood Patterson, one of the Negrdes, which was borne out by the story of Ruby Bates on the stand. Greed for witness fees was one of the motives attribute dto Mrs. Price by Carter.

The Bates girl had been missing from her Huntsville home since Feb. 28. She declared she had come back to Alabama on the advice of Dr. Harry Emerson Fosdick, pastor of the Riverside Church of New York City.

On his advice she said she had traveled from New York to Birmingham by motor bus "all by myself," and reported to Dr. Charles Clingman, rector of the Episcopal Church of the Advent, at 6:30 this morning. There she was met by Joseph Brodsky, counsel for the International Labor Defense, whom Dr. Clingman notified of her arrival.

When Samuel S. Leibowitz, chief counsel for the accused Negroes, called her name in the crowded court room, the consternation of the lawyers for the State, seated with Attorney General Thomas E. Knight, was apparent.

Judge Horton left the bench and stood in the railed enclosure as every one turned and looked at the single entrance to the courtroom.

Through that door, guarded by militiamen with business-like bayonets, Ruby Bates walked slowly, a trim, girlish figure with dark complexion and downcast eyes. She was clad in a modish cloak of grayish blue over a dark blue chiffon dress. A straw hat to match the cloak was tilted smartly on one side of her head, showing her black bobbed hair.

Behind her, in some confusion at the attention she was attracting, there walked a stout, middle-aged bespectacled woman, who obviously had the missing witness under her matronly wing.

The whole scene was all that a motion picture director could have wanted. At that moment, Patterson, the lone defendant, could have jumped out a window and nobody would have missed him.

Identifying herself as Miss May Jones, the elderly woman testified that she had been called upon by the Rev. Dr. Clingman to deliver the missing witness at the courthouse "because he could not come himself."

Attorney General Knight asked for a subpoena for Dr. Clingman, who is expected to be present today when the State will seek more light on the reappearance of the Bates girl.

Miss Jones made her retreat from the tense courtroom and Ruby Bates took the witness stand to declare that her former friend and fellow-accuser of the Negroes had concocted the whole story of the attack.

The Price woman was brought into court from an ante-room to be identified, and for several minutes the two women, one in stylish clothes and the other in a calico skirt and black woolen sweater, glared at each other.

Mrs. Price was panting with anger and excitement. Attorney General Knight edged his way in between the two women and cautioned the State's main witness to "keep your temper." The Price woman was hurried out of court and the Bates girl continued her sensational evidence.

From the testimony of the girl and her friend, Carter, the defense spread upon the record an entirely new version of what happened on and just before March 25, 1931, when the Negroes were taken from a freight train by an armed posse after a fight with seven white hoboes.

They had met, Carter and the Bates girl testified, some time before the alleged attack when Victoria Price took the Bates girl to visit the former's friend, Jack Tiller, working with Carter in a chain gang on a road near Huntsville. It was decided that all four would go hoboing together when Tiller and Carter were released from the chain gang.

Says Mrs. Price Inspired Tale.

When the men regained their freedom, all four spent the night of March 23, 1931, at Huntsville, both the girl and Carter testified. They decided to go to Chattanooga in the morning.

Both testified that Victoria Price's statement that she and Miss Bates spent the night of March 24 at the home of "Callie Brochie" in Chattanooga was false. They declared they slept instead in the hobo jungle near the railroad yard described by previous witnesses.

There they met Orville Gilley, a young hobo known as "Carolina Slim," who accompanied Carter and the two women on their journey to Huntsville which ended in the arrests at Point Rock, Ala.

Ruby Bates discribed the tussle between the Negro and white hoboes in the next car of the freight train to the one on which they were riding and then, in answers to Mr. Leibowitz, denied that any of the Negroes had attacked them.

When Attorney General Knight confronted the Bates girl with the testimony she had given at the first trial, she answered:

"I told it just like Victoria did because she said we might have to stay in jail if we did not frame up a story after crossing a State line with men."

When the witness had described going to New York, finding work here, visiting Dr. Fosdick because "she had seen his name in a paper" and her return to Alabama, under Mr. Knight's questions, the court stenographer protested that he could not take another word and court adjourned.

Dr. Fosdick Urged Girl to Appear

The Rev. Dr. Harry Emerson Fosdick, pastor of the Riverside Church, confirmed reports from Decatur, Ala., yesterday that Ruby Bates had called upon him here, but regarded her admissions as confidential.

"I can make no statement further than to confirm the fact that Ruby Bates came to me for a private, confessional conference concerning her testimony at the trial," said Dr. Fosdick.

"That was on Friday, March 24. To the best of my knowledge and belief, she came alone and of her own free will."

Dr. Fosdick said that she came to his home, not to the Riverside Church.

"She was disturbed in her conscience about her testimony in the previous trial," Dr. Fosdick explained in answer to another question as to her motive in seeking him. "Of course, when she came and told me her state of mind about her previous testimony, I, as a clergyman, advised her to tell the truth. She promised me that she would go back to the second trial and do so."

Dr. Fosdick knew nothing of her stay in New York beyond the one visit which she made to him.

NEW YORK CITY TIMES
APRIL 10, 1933

NEGRO FOUND GUILTY IN SCOTTSBORO CASE; JURY OUT 22 HOURS

Verdict Carries Sentence of Death After One Juror Had Held Out for Life Term.

DEFENSE SCORES FINDING

Leibowitz Terms It a Mockery of Justice While Lauding Fairness of Judge.

PROMPT APPEAL PLANNED

Prisoners Are Moved to Birmingham as Their Counsel Seek Postponement of Other Trials.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., April 9.—Haywood Patterson, the 19-year-old Negro whose conviction at Scottsboro two years ago for an attack on two white girl hoboes was set aside by the United States Supreme Court, was convicted again today by a Morgan County jury which condemned him to death.

Eight other Negroes, two of them juveniles, are awaiting retrials, the first of which is scheduled to open before Judge James E. Horton here a week from tomorrow.

Samuel S. Leibowitz, chief of defense counsel, said today that he would seek a postponement of the other trials pending the outcome of a second appeal in Patterson's case.

The jury, chosen from a venire composed of white men after the defense lost its motion to quash it on the ground that Negroes were arbitrarily excluded from jury service, took only three ballots in the twenty-two hours it was out after receiving the case at 12:45 P. M. yesterday.

On the first ballot, taken a few minutes after the jury retired to balance the evidence of Victoria Price against Ruby Bates, who had repudiated her former testimony, the jurors voted unanimously for a verdict of guilty. The second ballot was on the question of punishment, which was left to the discretion of the jury under the laws of Alabama. Eleven jurors voted to send Patterson to the electric chair, with one member holding out for life imprisonment. When the third ballot was taken the jurors voted unanimously for the death penalty.

Court Only Half Filled.

The verdict was returned at 10:58 this morning, when most of the churches of Decatur were holding services in observance of Palm Sunday. Less than half the seats in the court room where the defense had been battling for a week to save the Negro's life were taken when the jury reported. The only Negro present was the janitor of the court house, who stood silently turning his cap around in his hands as he waited.

At 10 o'clock word was sent from the jury room to Judge Horton in Athens, fifteen miles away, that the "twelve good men and true," who were sent to bed in disagreement at 11:35 last night, had reconciled their differences. A little later Patterson was marched into court from the jail under a heavy guard.

Captain Joseph Burleson, commanding a detail of thirty members of the National Guard assigned here for the trial, led the procession into the court room. Two militiamen followed with rifles ready. The guns of the two guards behind the Negro dug into his back

The militiamen sat down on either side of him behind the defense counsel table.

Wait Forty Minutes for Judge.

Three guardsmen took up posts outside the railed enclosure and three more were stationed at the one door leading from the court room. Downstairs other guardsmen cleared the corridors and lawns of loiterers, both white and black.

Patterson lolled in a chair, puffing a cigarette. His expressionless face was immobile in the forty minutes while he awaited Judge Horton's arrival, but sounds of laughter coming from the jury room seemed encouraging to the Negro.

G. W. Chamlee of Chattanooga, the only Southerner aligned with counsel for the defense, whispered a word of cheer to him. Mr. Leibowitz paced up and down the court room nervously. He was hollow-eyed for want of sleep.

Thomas E. Knight Jr., Attorney General of Alabama, called into the prosecution when the State's jury system was challenged by the defense, sat at his table, the muscles of his face twitching nervously.

When Judge Horton arrived and took his place on the bench, Sheriff Bud Davis and J. H. Green, the clerk of the Circuit Court, occupied the seats on either side of him. The tired-faced young stenographer, John Holland, opened his note-book at a fresh page to take down the last words in a trial that has become a cause célèbre.

Tense Scene in Court Room.

"Let the jury come in," said Judge Horton.

The tension in the court room tautened. The door to the jury room was thrown open by a bailiff. Through it there filed the twelve men for whose decision America was waiting. They were a tired-looking group, but the faces of only a few bore the imprint of the momentous decision they had made. Some were smiling.

The jurors gathered before the bench, just as they had when they raised their hands as veniremen and swore that they would "a true verdict render" if they were chosen for the momentous task before them some ten days ago. Mr. Leibowitz peered into their eyes one by one as though seeking to read their minds while they stood there silent and still in the hushed court room.

Patterson continued sitting down. Nobody told him to stand up. Hardly a soul looked at him. All eyes were focused upon Eugene D. Bailey Jr., the draftsman who was elected foreman of the jury. In his hand was a slip of paper. He folded and unfolded it nervously. The man beside him nudged him when Judge Norton asked:

"Have you agreed upon a verdict?"

Foreman Appeared Dazed.

Apparently startled by the court's question, Bailey replied:

"We have, your Honor."

"Well, let me have it then," said Judge Horton.

Bailey took two steps forward and handed the paper to the judge who, in charging the jury yesterday, urged them to banish bigotry and prejudice from their minds that they might render a verdict based solely on the evidence before them. Judge Horton took the paper and read the fateful words written upon it in large letters in pencil:

"We find the defendant guilty as charged and fix the punishment at death in the electric chair."

Towering above the jurors, the six-foot jurist stood on the raised dais behind the bench and thanked the jurors for their "patience," and told tnem he believed they had rendered a verdict which they thought just and fair.

Patterson's face did not so much as twitch as he heard the words that spelled his doom unless the higher courts intervene in his behalf again. From the court room crowd there was not a murmur. There were not many among them who were surprised, despite the elaborate, painstaking defense prepared by the International Labor Defense and presented by Mr. Leibowitz, who has defended eighty-five clients in capital cases without losing one to the electric chair.

At first Judge Horton said he would go through the formality of pronouncing sentence tomorrow morning. When Mr. Leibowitz and Mr. Chamlee declared they could not be present to represent their client at that time, Attorney General Knight consented to a week's delay.

Leibowitz Greets Judge.

After the last formal words had been spoken, Mr. Leibowitz walked up to the bench and grasped Judge Horton's hand. The judge shook it warmly. Mr. Leibowitz, who had undertaken the defense of the penniless Negro without a fee, was trembling. He said:

"I am taking back to New York with me a picture of one of the finest jurists I have ever met. But I am sorry I cannot say as much for a jury which has decided this case against the weight of evidence."

"Now you are speaking under the pressure of feeling," said Judge Horton.

"No, I am not, your Honor," said Mr. Leibowitz. "I believe wholeheartedly that if the verdict in this case had been left to your Honor this Negro would have been acquitted."

"That is not my province; I cannot express an opinion on that," replied the judge, relinquishing the New York lawyer's hand.

"I know that, your Honor, but I could not help saying what I did," said Mr. Leibowitz.

Leibowitz Denounces Jury.

Afterward Mr. Leibowitz issued a statement in which he said:

"This is a black page in the history of American civilization. An occasion where once more twelve citizens of Alabama, swayed by bigotry and prejudice and hearkening to the yelps of a bombastic Ku Klux who hurled mud at the Jew and the people of the great State of New York to sympathetic ears in the court room crowded with lantern-jawed morons and lynchers, brought in a verdict that is a mockery of justice.

"The hatred for New York and other metropolitan centres of commerce and modern enlightenment was even more vicious than the hatred manifested by this outrageous verdict against the Negro.

"You must know this God-forsaken place, some of the creatures that live here, the mobs that burn crosses at night, masked like cowards so that decent people cannot see the sordidness and venom in their hideous countenances in order to understand that the verdict here was just a piece of judicial lynching.

Pays Tribute to Judge.

"This does not apply in any respect to the wonderful jurist who presided over this trial, but he was like a straw caught in the whirlpool of bigotry and intolerance that surged through the court room, and his calm and judicious warnings to the twelve in the jury box could not have fallen upon understanding or willing ears.

"As far as the defense is concerned, we shall fight with every drop of blood in our veins all the harder now because we feel that this outrageous challenge to humanity itself must be met in no uncertain terms if civilization and the humanity that the immortal Lincoln lived and died for is not to degenerate into Hitlerism on the one hand, and anarchy on the other.

"Will we appeal this case? Most assuredly; up to the highest court of our land that once before hurled this mess back into the laps of the bigots, and we'll continue to fight until hell freezes over, not only to save nine innocent men, but to uphold the good name of our country to the rest of the world on the plane where every decent citizen feels it rightfully belongs."

After the verdict was returned, Mr. Knight and his assistant, Thomas F. Lawson, left by motor for the State capital at Montgomery. Mr. Leibowitz caught the 2:30 train for New York and Mr. Chamlee drove to his home in Chattanooga. Joseph Brodsky, the International Labor Defense lawyer, left last night while the jury was out, to prepare for the trial of Charlie Weems, scheduled to open a week from tomorrow.

Patterson was removed to the Jefferson County jail in Birmingham, where the other eight defendants were taken last night.

Case Started Two Years Ago.

The case, which has stirred up feeling not only in the South but in other parts of this country and in Europe as well/originated two years ago on a freight train running between Chattanooga and Memphis, Tenn. On that train were the two women, Victoria Price and Ruby Bates; a dozen Negroes and seven white hoboes. Between Chattanooga and Stevenson, Ala., the white men and Negroes became involved in a fight, which ended when the whites were forced off the train about two and a half miles past Stevenson.

The white hoboes flashed word of their battle with the Negroes to Paint Rock, where an armed posse of between sixty and seventy-five countrymen stopped the train, arrested nine of the Negroes and took the two women into custody as material witnesses. At Paint Rock the girls charged that they had been criminally assaulted by the Negroes.

Judge A. E. Hawkins, at Scottsboro, convened a special session of the grand jury, and while the town seethed with excitement and open threats of lynching, the Negroes were indicted jointly and severally. Within two weeks they were tried and all but one, Roy Wright, then 13 years old, were convicted. The jury which sat in judgment on the juvenile Wright disagreed. The trials of the Negroes consumed three days, less than was taken for Patterson's trial here.

Labor Defense Enters Case.

The International Labor Defense, a Communist adjunct, interested itself in the case and prepared an appeal against the conviction of death sentences of the Negroes, although, as far as has been ascertained, none of the prisoners had any connection at that time with the Communist party, or any other radical organization.

The Supreme Court of Alabama affirmed the original verdicts and upheld the sentences recommended by Jackson County juries with one exception. Eugene Williams, one of the Negroes sentenced to death was held to be a juvenile and a new trial was ordered for him. Attorney General Knight's father wrote the prevailing opinion.

The cases of the other seven Negroes were appealed to the United States Supreme Court, which on Nov. 7. reversed the criminal verdicts, set aside the death sentences imposed at Scottsboro and ordered new trials on the ground that the first were unfair, because the accused Negroes were not adequately represented by counsel.

The cases were set for trial at Scottsboro on March 6, but Judge Hawkins granted a defense motion for a change of venue on the ground that an impartial consideration of the evidence was impossible at Scottsboro. The defense wanted to try the case in Birmingham, but it bowed to the will of the court.

Will Ask for Trial in Birmingham.

Now it is planned to file a new motion for a change of venue before the next trial opens, because of the speech of Wade Wright, County Solicitor, who in arguing the State's case to the jury, urged them to demonstrate that "Jew money from New York can't buy and sell Alabama justice."

Patterson was the first of the nine defendants to be tried a second time for his life. Before his trial actually opened, the defense attorneys waged two unsuccessful battles against the State's selective jury system.

Witnesses were called to prove the contention that qualified Negroes were barred from jury service in violation of the Fourteenth Amendment to the Federal Constitution, through maladministration of a statute the constitutionality of which has been upheld by the United States Supreme Court.

These onslaughts, unsuccessful though they were, helped to crystallize sentiment against the defense, already handicapped by the fact that its clients were Negroes accused of a heinous crime against white women. It was known that the Communists were organizing Negroes and using the Scottsboro case for that purpose.

The word went abroad that the case was being used as a wedge toward effecting social equality for the Negro in the South, and no amount of argument from Mr. Leibowitz, who disclaimed the rôle of reformer and crusader, could counteract that belief.

Girl Repudiated First Testimony.

At the trial, Ruby Bates, who two years ago testified that she had been attacked on the freight train as well as Victoria Price, repudiated her former testimony and charged the Price woman with "framing" the Negroes.

Lester Carter, one of the white hoboes thrown off the train, rounded up by deputy sheriffs and held in the Scottsboro jail until the first trials of the Negroes were concluded, corroborated her.

The white hoboes never were called to testify by the State.

The jury, however, chose to believe the Price woman, who stuck to the main part of her story, although uncontradicted evidence was presented to show that she did not tell the truth about her activities in Chattanooga.

Members of the jury admitted that they did not consider the testimony of the Bates girl, who was produced by the defense dramatically after a month's absence from her home in Huntsville. They refused to discuss that phase of the case.

Much was made by the State of the fact that Carter and the Bates girl appeared in court in comparatively stylish raiment purchased in New York City.

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4361

SCOTTSBORO CASE OFF INDEFINITELY

4-18-33.

Judge Says Leibowitz Criticism of Jury Makes Fair Trial Now Impossible.

New York, N.Y.

SENTENCES NEGRO TO DIE

Erroneous Idea Exists About Southern Justice, Asserts Jurist, Recalling Cases.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., April 17.—Judge James E. Horton sentenced one of the nine Scottsboro Negroes to death today in accordance with the finding of a jury which found him guilty of attacking a white girl two years ago and postponed the trial of his eight co-defendants indefinitely.

In doing so Judge Horton declared that statements issued by opposing counsel since Palm Sunday, when the jury which heard the evidence against Haywood Patterson, the first of the Negroes to be retried in accordance with a United States Supreme Court order, convicted him a second time, made an impartial trial impossible in Morgan County now.

Some time between now and July [illegible], when the next regular term of court opens, defense counsel, who already have obtained a change of venue from Jackson County where the alleged crime was committed, will move once more for a transfer of the case to Mobile or Birmingham, two urban communities where they say that they believe a trial free from extraneous issues of religion and race may be had.

Since a week ago last Sunday, when the jury considering Patterson's case reported, driblets of information regarding the activities of Samuel S. Leibowitz, chief of defense counsel, have been trickling into Decatur. Persons here have read that he has addressed meetings of Negroes in Harlem churches and that colored women have embraced him in New York.

This has prejudiced the populace against him and this morning when Joseph Brodsky, International Labor Defense lawyer, declared that Mr. Leibowitz believed in social and economic equality between black and white there was a tense situation in the courtroom, relieved only by Judge Horton's hasty adjournment of the proceedings.

Death Sentence Mandatory.

The session opened with Judge Horton on the bench ready to pronounce sentence upon Patterson, who was found guilty a second time and condemned to death by the jury after the United States Supreme Court held that his first trial was unfair. The verdict of the jury left Judge Horton no choice since under the Alabama law the jury has the power to fix punishment as well as decide the guilt or innocence of the accused.

Patterson, escorted into the courtroom by National Guardsmen leaned upon the bench, his eyes focussed upon a corner of the courtroom remote from Judge Horton. When the court asked him if he had anything to say before sentence was pronounced, he said:

"I ain't had a fair trial. Ain't seen no girls on that train. I ain't had a fair trial."

Judge Horton, unperturbed by the Negro's statement, outwardly at least informed him that the jury which convicted him had decided otherwise and said that it was the judgment of the court that he should die in the electric chair at Kilby Prison, on June 16.

Mr. Brodsky then filed notice of appeal and offered a "skeleton motion" for a new trial. Judge Horton said that he would not hear motions, "piecemeal" and called the trial of Charlie Weems, for which 100 venire had been summoned. Before anything could happen, however, Judge Horton read a statement from the bench.

Judge Horton's Statement.

"Gentlemen, there has been set for trial this morning the case of the State vs. Charlie Weems," Judge Horton said. "This is the second of what are known as the 'Scottsboro' cases. Something over a week ago the case of the State vs. Haywood Patterson was tried by a jury of this county. The nature of these cases, being a case where a Negro is accused of the rape of a whit woman, is such as would naturally excite resentment, and it is always difficult, even under the most favorable circumstances, to obtain a fair and impartial verdict.

"The law has always recognized in cases of rape, whether committed by one on a person of their own race or by an attack on another race, that the accusation itself is apt to excite an undue sympathy for the accuser, and it enjoins upon the court to see to it that this undue influence is removed so far as the court may be able to do.

"There is a great deal of misinformation in the minds of the public generally in regard to rape cases in the South. I have been on the bench for over twelve years; more than ten of these years, among my duties has been the trial of criminal cases. The district which I now serve is composed of four counties lying on both sides of the Tennessee River, and the counties contain a mixed population. Formerly Madison County was also in this district, and it is one of the larger and more populous counties of the State, and it also contained a great number of Negroes.

Recalls Previous Cases.

"During this period I have had only three cases where a Negro was accused of an attack upon a white woman. Two of the indictments were for rape, and one was for an assault with intent to rape. This assault with intent to rape occurred within Limestone County, the county of my residence. This was a case where a young northern girl unsophisticated; and who was making a long trip for the first time went aboard an N. and N. train at Cincinnati to come south. There was a Negro porter on that train. As the train entered Limestone County the porter followed her into the dressing room, and tried to take liberties with her. Her screams caused him to desist and brought help. He was tried and convicted.

The other cases were tried in this the County of Morgan. In one of these cases a woman accused a negro of committing rape upon her and the trial was had before a jury. During the taking of the evidence upon the guilt of the accused were introduced and after the case went to the jury, a former solicitor, Daven Almon, a man with a big heart, who now sleeps in your city cemetery, came to me and told me that some things he had heard convinced him of the innocence of the accused, and he was much disturbed lest the jury convict. The jury stood eight for acquittal and four for conviction. Afterward upon the motion of the same solicitor, the case was dismissed.

Holds Ideas of South Erroneous.

"There was another case in this court. I will not go into details, but the evidence was of such a nature that the innocence of the accused appeared certain and the unwholesome case was thrown out of court. I live in the county of Limestone, across the river from this city, and that county has between 30,000 and 35,000 population, about one-third of whom are Negroes. That county has contained a mixed population 115 years.

"During that entire period, except for the one instance I have cited to you that occurred on the L. & N. train, the parties to which were residents of far distant States, there has not been a single instance, so far as my information goes, and so far as I have been able to find out from diligent inquiry, of either a rape or an attempted rape by a Negro upon a white woman.

"I think this simple recitation of the facts are sufficient to disprove the egregiously erroneous ideas which exist in regard to the relations of the races in the South, and that conviction follows accusation.

"On account of certain influences, many of which to this court appear sinister, and are actuated by a desire to stir up and foment strife between the races in the South it has been difficult to try what are known as the Scottsboro cases upon the real facts. I am not now passing judgment upon the verdict in the case already tried. I know the court had great difficulty in preventing extraneous influences having some effect on the jury. With these influences still existing, with the public mind still disturbed, with thousands of true and deeply patriotic citizens desiring that justice be done and that the South appear in its true light, there has come to my attention a statement published, which to my mind makes it impossible at the present time to fulfill the high purpose of a court of justice.

Defense Counsel's Statement Cited.

"I do not know whether the leading counsel for the defendant made the statement imputed to him. I am not stating that he did, but so far as it might influence this trial it could make little difference whether he actually made it or not. The effect will be the same. The published statement was uncalled for. It was addressed to a panel of highly intelligent jurors, and men who wished to do what was right in the case.

"But the statement itself must of necessity make impossible any just and impartial verdict to be arrived at this time. The accused Negro must be the victim of this statement. His leading attorney would be a millstone about his neck.

"It therefore becomes the unquestioned duty of this court at the present time to enter of its own motion a continuance of this case until such a time when in its judgment a fair and impartial trial may be had. Therefore the case of the State of Alabama vs Charlie Weems is continued, and the court so orders."

Knight Protests "Slur."

As soon as Judge Horton had finished Attorney General Knight was on his feet. He said that he could not sit idly by and hear an Alabama jury maligned.

"No," said he, "the people of Jackson and Morgan Counties of Alabama are not bigots. Jackson County and the people of Morgan County—of the South have been and will be fair. I have no apologies to make for any statement I have made."

The statement to which Judge Horton referred and over which all Morgan County is steaming is the one Mr. Leibowitz made immediately after the verdict of guilty was returned. He said nothing else could be expected of twelve men swayed by considerations of race prejudice after Wade Wright, Circuit Solicitor, had pleaded to them to show that "Jew money from New York cannot buy justice in Alabama."

After Mr. Leibowitz's statement was published in newspapers of Alabama, Attorney General Knight said:

"A statement in The New York Herald Tribune quoting Samuel Leibowitz as reflecting upon the people of Morgan County and members of the Heywood Paterson jury has been called to my attention.

"Leibowitz is quoted as stating, when asked how the jury could find the verdict it did, that 'If you ever say those creatures, those bigots, whose mouths are slits in their faces, whose eyes pop out at you like frogs, whose chins drip tobacco juice bewhiskered and filthy, you would not ask how they could do it.'

"If this statement was made by Leibowitz it can be taken only as a wail of a contemptible loser. Particularly in view of the fact that in his address to the jury he lauded the people of Morgan County and the members of the jury to the skies.

"I was very glad, indeed, that Leibowit's insincere flattery of the court, myself and the jury could not swerve the jury from a just verdict in this case when they believed, as I do, that Heywood Patterson was guilty beyond a reasonable doubt."

Reporting Story of Scottsboro Case Had Many Thrills, Jones Tells Afro Club

Afro American

Walked Into Ku Klux Group. Lookouts Kept Tal
in Huntsville and Scottsboro. Decatur People Have
Scare. Ruby Bates's Appearance Like Movie. See
No Hope for Fair Trial in Alabama.

Reporting the trial of the Scotts-
oro boys was like a high-powered
ovie thriller, William N. Jones,
anaging editor of the AFRO, told
he AFRO Saturday Club which
wel[illegible] back at its regular
eek[illegible]

Mr. [illegible] P. Bernard Young,
anaging edi[illegible] Norfolk
ournal and Guide, who covered the
rial for the Co-Operative Publish-
s, which included the Guide, the
ew York Amsterdam News, the
hiladelphia Tribune, the Kansas
ity Call and the AFRO-AMERI-
N, were the only colored report-
rs at the press tables. On the
two days a representative of
Florida paper attended.

Had Many Thrills

"We had our first thrill," Jones said, "when Bristol authorities took the Chevrolet coupe in which we were driving, to the police station. We had parked it in front of the hotel in which we were stopping. It cost $2.50 to get it back.

"We worked out a traveling schedule which would put us in Decatur just after dark, but not too late after dusk, Sunday. We knew that we were breaking a precedent in Alabama by attempting to report the trial where a white woman was to testify in a rape case. We also knew that in Decatur, just fifty miles from Scottsboro and Huntsville, there would be much feeling.

"The Associated Negro Press sent a white reporter to cover the assignment because it did not feel certain that a colored man could enter the court-house in a trial like this down in Alabama.

"We Get a Break"

"In addition to a letter from Judge James E. Horton, we got another break when early Monday morning before seven o'clock we went to the court-house and found there former mayor and now Probate Judge Malone. He came from South Carolina and one of us being from that state, we started a con-

[illegible] which added in considerable help for the Co-Op correspondents.

"We found a stopping place in the home of an old Decatur family, in which, to our surprise, proved to be in a white neighborhood just a few doors from where Victoria Price was living.

"By 9 o'clock Monday morning the court-house area was crowded. Tobacco-spitting farmers from Huntsville, most of them wearing overalls, were there in large numbers. Colored farmers also clad in overalls were there. About the lawn there were women sitting at vantage points expecting to get a glimpse of the Scottsboro boys when they came in from Birmingham.

Get First Scare

"Co-Op correspondents got their first scare when, while looking for the janitor, they found that they had inadvertently wandered into the white ladies' comfort room in the basement. When P. Bernard Young looked up and saw the sign reading 'White Women,' he made one jump which took him out of the basement. After he thus hurpreceded him by the fractional part of a second. It was bad enough to be in Decatur, but to be two reporters wandering about in the white ladies' comfort room was the limit of daring.

"When we arrived at the office of the sheriff to check up our credentials, a woman, who afterwards proved to be Victoria Price, was sitting there. Mr. Young went up to her to ask where he could find the sheriff. Well, the look she popped out to him was sufficient answer to his question. After that he picked men for all questions of information.

More Humorous Stuff

"Another somewhat humorous incident, and not quite so humorous either, was an incident which happened on the very first night we were there. After we had written and mailed out first releases around eleven-thirty, we decided to take a walk down Vine Street, the colored 'white way' of Decatur. A dance was in progress and we sauntered in. Being strangers we stood up looking on until the promoter came over and introduced us to some people, among them a group of young ladies.

"That our every movement was being watched was demonstrated by the fact that on the following evening, the **Birmingham News** carried a story in which it said 'Two colored reporters from the North attended a dance in the colored section Monay night and high-hatted the local blacks.'

"That our presence had also been noted by some of the revelers interested in the ladies to whom we were introduced, came to our knowledge the following day, when someone told us as we left a restaurant that they hoped none of the white people would harm us. A voice coming from one of the men present [illegible] out 'It's not going to be the [illegible] going to [illegible] going to do it.' That remark cut short any other social ambitions the Co-Op reporters might have had for the rest of the time they were in Decatur.

Boys Sifted Through

"Speaking seriously, however, this trial was the most momentous thing that has happened since the Civil War. Alabama has received the shock of its existence. Those whites sitting there at this trial bore the expression of wonder—they could not understand how such a thing could happen down there where the word of a white woman was being challenged in a rape case; where colored reporters were sitting and listening. They looked on with suppressed passion.

"There were times when you felt that you could just reach out in the air and feel the hatred. They listened with open mouths when Judge Horton told them earnestly that the militia would shoot this time to kill if a lynching was attempted. It all seemed so strange to them down there in Alabama. How could it happen?

In Ku Klux Nest

"Although none of the daily papers published the stories of what actually took place in reference to mob action, there were three times when Co-Op reporters knew definitely that mobs formed.

"Lookouts in Huntsville and Scottsboro, disguised, reported mobs forming for assaults on both the defense attorneys and the Scottsboro boys.

"One night, while keeping an appointment with a white reporter with whom we were co-operating we went to the Cornelian Apartments, a white place where reporters were living. He was to meet us out in front of the place and when we got there he motioned to a group in front of the door and told us to walk around the block until they left.

"When we returned the crowd was still there and we decided to walk a longer distance down one of the streets. Suddenly we found ourselves in the midst of groups of cars filled with white men and standing in the dark. We got out as quickly as possible.

"A half hour later the reporter called to tell us that it had been planned for that group to attack the apartment while 200 men at that very moment in another building nearby were to take the boys from the jail when the militia left to quiet the disturbance at the aparment.

"It was following this that Judge Horton made his grim speech warning the mob that the militia had been ordered to kill those making a mob attempt.

Grim Decision

"It was not love for either the Scottsboro boys nor the defense attorneys that Alabama authorities desired to quell mob action. They had a taste of the U.S. Supreme Court, and they wanted to make [illegible] that the guilty verdict would [illegible]

Ruby Bates Appears

"While the appearance of Ruby Bates provided the dramatic moment of thrill, it was the testimony of Lester Carter which has given the Alabama people the most concern. Carter testified that he was with Ruby Bates and Victoria Price on that ride, that he was arrested with them in Paint Rock, taken with them to Scottsboro and kept in jail with them.

"He made the damaging statement that they would not let him testify at Scottsboro, and that if he had testified, he would have told the story he was telling now. This story was that Victoria Price had framed the Scottsboro boys and coerced Ruby Bates to state with her that these boys raped them. Her reason was, as she told him, to keep her and Ruby from having to serve a term in jail for hoboing and possibly on a Mann Act charge.

"We had been told of the possible appearance of Ruby Bates, and a few minutes before she came into the court room, a white man passed our table and whispered that the stage was about to be set.

"We knew that a big moment was imminent. There was an uncanny silence in the court-room. One of the doors opened and Samuel Leibowitz, followed by a chicly clad young woman, entered.

"In a dramatic voice Mr. Leibowitz said, 'Your Honor, the defense offers Ruby Bates.'

"Over at the table of the prosecution there was a commotion. Out in the audience of whites, including women, there was an intensification of the stares of amazement. It was the first time that a white girl had ever come into court to retract a rape story.

"Why did that 19-year-old white girl come? Why did she come there and bare a life of shame, face an angry white mob and defy a white attorney-general?

"The prosecution taunted her mercilessly on the stand, declaring she had been bought with 'Jew money from New York.' Repeatedly they hurled at her the question, 'where did you get that dress—that hat—those hose—those shoes?

"The defense answered this question by making Ruby tell of a worried conscience, a repentance and a determination to make things right by telling the truth.

"But to the Alabamians, it all seemed so unnatural. There was a pretty white girl defending a colored boy whom the prosecution claimed raped her.

Jury Fight

"The jury fight was the big struggle in the trial, both from the standpoint of the prosecution and the defense. Alabama would not give an inch in this matter which might change the status of racial relations.

"A white Alabamian declared that already the colored people are learning to talk back in that state. Witnesses came on the stand and boldly testified for the defense. They would rather have the Supreme Court send the trial back a dozen times than to have the privilege of [illegible] colored people under their [illegible] heels, disturbed.

"That is why it will probably never be possible for these boys to get a fair trial in that state."

Miss McDowell Here

Miss Mary McDowell, white, of the Students' Settlement House in Chicago, Illinois, was one of the visitors at the meeting.

"I am glad to have been here, especially this morning, to hear word right from Scottsboro," Miss McDowell said.

"I have written letters on the subject, and have done as many things as I could do. It takes patience and you all have that patience. You show it all the time. I think those who agree with you have to have patience, too, but we find it hard to have it."

Performers

George Casmay of Pittsburgh Pa., formerly of the "Africana" company, played and sang several original compositions. He was accompanied by E. White of this city.

Two small boys, Thomas Rideout and Carl Davis, proteges of Isaac Thompson, manager of the Harlem Theatre, were enthusiastically received in two song numbers which the former sang and the latter played.

Other visitors at the meeting were Mrs. Vivian Alleyne, Mrs. Estelle Dye, Mrs. Annie Hitchens, Mrs. Minnie Gaines, Mrs. H. E. Walden, Mrs. Vashti Murphy, Miss Letitia Brown, Miss Jean Murrell, of Cleveland, Ohio; David Beasley and Dewey Trigg, also of Cleveland.

Will We Fight?

. . . Or . . .

Will We Talk Ourselves To Death?

Courier

DON'T MARCH TO WASHINGTON,—SEND INTELLIGENT LAWYERS!

[illegible]

Pittsburgh
Pa.

The Scottsboro Case is not finished—it has just started. The Supreme Court will have to pass on all Nine Cases. That is just as certain as night follows day. The first case has been lost in Alabama. It will be won in Washington before the Supreme Court, where it was taken in the first instance.

What is needed? Certainly, not talk. Certainly, not a Grand March to Washington. The thing needed is MONEY to send first class lawyers to the Courts of Alabama and then to Washington. Everything is set for a long, drawn-out legal battle. Stop talking. Get some money together.

The Pittsburgh Courier is not going to try the cases. The Courts try cases — not newspapers. The Courier will receive and account for every dollar any of its readers may send for the Scottsboro case. Stop talking about it, and send money. Make Money Orders to The N. A. A. C. P. and send them to The Courier. Or, make Money Orders to The I. L. D. Scottsboro Defense, and send them to The Courier. Or, if you prefer, make the Money Orders to The Courier Defense Fund, and send them to The Courier. In each and every case, no matter how your Money Order is made, if the money is sent to The Courier, we will see that every dollar gets to the right place, with full credit given the sender.

We are facing the test of our racial freedom. Are we free? Will we fight, or will we talk ourselves to death? Money talks louder than orators.

The Pittsburgh Courier.

The following contributions have already been received:

The Frogs, Pittsburgh, Pa...	$25.00
Thomas Warren, Cossett, Ark.	1.00
The Pittsburgh Courier Staff	16.50
Total to date................	$42.50

Lynchings-1933
&
Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4362

The Daily Worker and the Scottsboro Case

Daily Worker

The attempt of the Southern ruling class to lynch the nine innocent Scottsboro boys on the crudest frame-up brings into bold relief how vital is the Daily Worker for the toiling masses and oppressed people of this country. For it is safe to say that if the Daily Worker had not been in existence on that April day two years ago when the Scottsboro boys were taken off a freight car in Alabama, the legal lynching of these boys would have gone ahead as scheduled. Two or three weeks after their arrest, the boys would have been placed one after another into the electric chair at Kilby Prison where their lives would have been burnt out.

New York

It was the Daily Worker alone which immediately threw the hot spotlight of exposure upon this legal lynching. It was the Daily Worker which immediately raised the cry, "The Scottsboro Boys are innocent! We must wrest them from the hands of the ruling class lynchers! The Scottsboro boys must go free!"

The capitalist press of the country, where it was not altogether silent about this "trivial incident," gave the case two or three lines on some back page, merely mentioning the co[illegible] execution of the "Negro rapists."

The Daily Worker alone hammered home the International Labor Defense policy of legal defense backed by mass protest, which stands between the boys and execution.

The Daily worker is the only daily newspaper in the English language in the U. S. which defends the interests of the toiling masses.

It must grow into a mighty voice!

By WALLING KEITH

Associate Editor The Advertiser

"Ruby, tell me the truth about this case. If either of you girls has not told the whole truth about this Scottsboro case tell me now. I promise that no harm will come to either of you."

Thomas Knight, Jr., the youthful Attorney General of Alabama, faced two cotton mill girls as they sat in a room of a Birmingham hotel.

Advertiser

The man's dark eyes searched the faces of Victoria Price and Ruby Bates, as he added: "I don't want to send those Negroes to the chair on perjured testimony . . . I don't want to have those seven Negroes flying over my bed at night when I go to sleep!"

Montgomery

And Ruby Bates and Victoria Price reiterated their stories of how they had been attacked by seven Negro hoboes on a freight car near Stevenson, Ala., more than two years ago.

Ala.

* * *

The above conversation took place two months before the trial of one Heywood Patterson, who this week was convicted and sentenced to death in the electric chair, the extreme penalty for rape in Alabama.

When Atty.-Gen. Knight told the two North Alabama mill girls: "I don't want those seven Negroes flying over my bed at night," he meant just that, and he might have spoken for every white and black citizen of this State.

The white people of Alabama know that in many respects their black neighbors are underprivileged. And no honest white man will deny it.

And because white men in Alabama recognize this as do the black men, they feel the weight of responsibility bearing down more heavily on their consciences when they seek to deal justly with the dark-skinned people who live and work and play here.

The God-fearing people of this State do not want "those seven Negroes flying over their beds at night." And the people of the State of Alabama could not sleep peacefully if they even so much as condoned the taking of the life of the humblest black man unjustly.

Despite all that has been said of racial hatred and prejudice and resentment at outside interference, the law-abiding folks who live in Alabama have been concerned only with one thing in these infamous rape trials. They have wanted—and still want—the "Scottsboro" Negroes punished if they are guilty and turned scot-free if they are innocent. And justice is being done in Alabama as the world looks on.

* * * *

Now to disregard the guilt or innocense of the men, which is for a jury of 12 men to decide, let us turn to the world outside of Alabama.

Unhappily most people outside of Alabama believe the Negroes are innocent, and that Alabama has not and is not giving them a fair trial.

The press of the nation has passed judgment on the courts and people of this State.

Oddly enough, the great New York Times, whose staff correspondent, Raymond Daniell, has shown bias in some of his reports, is the most generous of the Eastern newspapers toward the good name of the State.

Though Mr. Daniell has waxed a bit editorial in his news stories, prompted by a "New York viewpoint" not in sympathy with the attitude of natives here, his newspaper in an editorial page article sees no reason why the case of Heywood Patterson should be taken to a higher court. The Times, however, does think that some prejudice entered the trial—basing its conclusions no doubt on the unfortunate utterance of Solicitor Wade about "Jew money from New York," which was promptly striken from the record by Judge Horton.

The Times thinks that the next step toward freeing the Negro—"if any"—should lie with the Governor.

The New York World-Telegram is not so generous with Alabama justice. Says the great liberal journal:

"The conviction of Haywood Patterson, first of the Negro defendants in the second trials of the Scottsboro cases, will be appealed from. It should be.

"Among other things prejudicial to a fair trial, the defense attorney was able to show that the jury law apparently was administered to exclude Negroes from the panel for this case. On more than one occasion during the trial the State attorneys conducted themselves in such a way as to prevent orderly and judicious consideration of evidence by the jury.

"In repudiating her testimony at the earlier trial Ruby Bates last Thursday swore that the other girl in the case, Victoria Price, had framed the Negro youths. Lester Carter, a white friend of the two girls, confirmed the testimony of Ruby Bates."

The New York Herald-Tribune has show sympathy for the Negroes from the beginnin of the case, and has doubted all along tha Alabamians would weigh the testimony without racial prejudice.

Heywood Broun, the liberal thinker of The New York World-Telegram, who expresses his own opinion and not the opinions of his paper, indicts the South in general by declaring that "the South imposes rather more lynchings, legal and otherwise" to which he adds "Chicago and New York take it out in tuberculosis."

Mr. Broun, however, thinks the Negro is mistreated in the whole of the 48 United States, and sees no reason why the East should charge Alabama with bigotry. "That would merely be a matter of the moat calling the beam black," he says.

Nevertheless, Mr. Broun in his own Yearn-For-Human-Rights manner thinks that the trial was unjust and it is to be pitied. True, Mr. Broun has an idea that all humble beings are always right while the "ruling classes" are forever wrong, but he is an honest, courageous commentator, and his writings carry weight in the East.

Mr. Broun, as most other writers who frown at the Decatur decision, bases quite a bit of his argument on the use of the phrase "New York Jew money" by Solicitor Wade, which was based on the fact that Ruby Bates said the woman who gave her money to return to Alabama from New York with her turn-coat story, was Jewish.

* * * *

Turning back South, we find that The Baltimore Evening Sun, one of the most admired journals on either side of the Potomac, is much distressed over Solicitor Wade's comment.

The Evening Sun uses it as an argument that "simple jurors" can be falsely led by lawyears who make unfounded or prejudicial charges, even though the presiding judge orders the charge striken from the record and from the minds of the jurors.

It might be said here that before the verdict was returned the honey-voiced defense attorney praised the jurors in the trial of Heywood Patterson most highly. He called them "honorable and intelligent men." And from highly reliable sources we learn that the 12 men who sat on the case composed one of the most intelligent juries that ever tried a criminal case in Alabama.

But as we come closer home, we find that the press of the neighboring States is much more frank—and about as doubtful of Alabama justice—as the Eastern journals.

The Charlotte Observer, mistaking a rape law for Southern chivalry to be extended only to the virtuous flowers of ladyhood, jumps at conclusions.

Says the gallant defender of the virtous and the deplorer of "fallen women":

"There is no denying the fact that sectionalism prevailed with the jury in the now odorous Scottsboro case, in which the verdict of guilty was once more rendered against a negro charged with attack on a white woman. In the first trial the public had reason to believe that there had been a case of brutal assault on two white women by a group of negroes hoboing a freight train, but an entirely new situation was developed at the second trial, when one of the alleged victims of the outrage admitted to perjury in her former testimony and denied that she had been attacked. It further developed that the two women defendants were by no means representative of Southern womanhood, the characters which they bore inviting forcible approach by their negro companions on the train. The jury was drawn from a population incensed by first reports of the alleged occurrences, and was influenced by the sentiment still surviving, and demanded the life of the negro in face of the new light that had been thrown on the case. Here we have one case in which the appeal process is eminently justified and the anticipation holds that the decision forthcoming from this appeal will right the situation."

The question of chastity did not enter the case. The Alabama law against rape was drawn to protect any and all women from attack. The Observer may be surprised to learn that less than two years ago a white man was convicted on that charge for an attack on a Negro woman in the "Cradle of the Confederacy."

Now comes The Asheville Citizen, another Carolina newspaper with a more sensible and less bitter condemnation of the conviction of the Negro.

"Ever-mindful that it is hard to judge a case from distance," The Citizen is distressed by the outcome of the trial.

Declares The Citizen:

"That simple justice could be done in an atmosphere such as has prevailed at Decatur is hard to believe. The propaganda which has been waged for the accused negroes has been of a kind calculated to inflame feeling in Alabama against those who have been responsible for it. On the other hand, some of the speeches which were made before the jury by the prosecuting officers were shocking appeals to prejudice. For example, Solicitor Wright's appeal: "Are you going to let Jew money from New York buy justice in Alabama'?"

There again is that unhappy remark of Solicitor Wade, seized to make a plea against the verdict.

* * * *

Coming a bit closer to Alabama, we stop in Charleston, S. C., the home of the sane and independent-minded News and Courier, of Dr. Ball.

This is what The News and Courier has to say:

"Guilt or innocence of the 'Scottsboro boy' is not for The News and Courier to pass upon. It was not on the jury. If there has been no fair trial outside pressure on Alabama is chiefly responsible for it. Good intentions of strangers were a leading factor in the infamous tragedy of Leo Frank's death, in the Sacco and Vanzetti case, in many an American case. Barbarous or not Alabama is a sovereign state. So is Massachusetts. If the United States is to take over the criminal courts in Alabama it would as well send to the state the marines lately recalled from Nicaragua now as later. Interference in Alabama court trials by outside organizations is as dangerous as it would be in those of France or Russia and as excusable. The menace in the agitation is to the masses of innocent Southern negroes. Its principal effect is to encourage and incite ruffianism and defeat the enemies of lynching."

Dr. Ball's paper is decidedly Southern in its attitude toward the so-called "race problems." It has been preaching for quite a while that the South should not attempt to dictate to the North whether it may drink intoxicating beverages if the North so wishes. In turn, The News and Courier has asked that the South be let alone, arguing that each State could handle its own problems in the most fair and efficient manner.

But The News and Courier should not be surprised to learn that the sensible people of Alabama have not allowed the resentment of outside interference to shadow the question of the guilt or innocence of the Negro prisoners.

Returning to North Carolina, we find the conservative Greensboro Daily News, much agitated over the conviction of Heywood Patterson.

The Daily News says:

"With conviction of Heywood Patterson, first of the nine negroes to face retrial in connection with the celebrated "Scottsboro case," only one major question remains unanswered in the public mind.

"The approach to that necessarily lies through a maze of racial and sectional bitterness. Even among sound thinking Alabamians, if expressions of the press are to be accepted as criteria, the idea has been widely prevalent that the State's courts, its system and methods of justice, rather than the actual defendants, were on trial. Against that general background, which is easily understood although in no wise condoned, prosecution counsel utilized every opportunity to play upon the defense of womanhood, to stress differences of race, to emphasize that outside forces, northerners, Jews, radicals, were attempting to discredit and thwart Alabama justice, to erect a wall of feeling and prejudice, to which the court itself was apparently immune but by which the average juror's mind, representative of popular sentiment, was emotionally circumvented. The presence of troops, months after the alleged crime occurred, accentuated the mass feeling and tended to create an atmosphere in which calm and deliberative justice had little chance to function. Even defense counsel added fuel to the fire when it sought, although within its constitutional rights, to secure negro representation on the jury. . .

"Thus one arrives at that question which remains unanswered: What constitutes a reasonable doubt in the eyes of an Alabama jury?"

* * * *

And of the thousands of words of protest over the conviction of the Negro that one question, it seems, is by far the most important.

Just what does constitute a reasonable doubt in the eyes of an Alabama jury?

Those 12 jurors who have decided that Heywood Patterson shall die in the little white-washed room in Kilby Prison represented the highest of intelligence in Morgan County, and in Alabama.

Those jurors like Attorney General Knight and the people of Alabama, do not want the ghosts of seven Negroes flying over their beds at night.

It takes no superstitious men to fear ghastly nightmares of burdened conscience.

Alabama is afraid of ghosts. Its people are afraid of burdened conscience in this God-fearing State.

But in the case of Heywood Patterson, despite the hasty conclusions based on half-facts and sometimes on gross misinformation formed by those outside the State, Alabama has no ghost to fear.

Patterson was tried for the rape of two girls and on that charge alone.

The people of the State will see, too, that the six other Negroes are tried only on the charge of rape, and not because they received aid from persons outside the State, or because their skins are black, or because the State wishes to make the first convictions "stick."

Even editorial defenders of a Commonwealth, God knows, want no ghosts "flying over their beds at night."

And Alabamians can sleep in peace.

New Republic

New York N.Y.

THE outcome of the trial of Heywood Patterson, first of the Scottsboro defendants to be retried, terrible as it is, should have surprised no one who knows the strength of racial prejudice or had followed the previous history of the case. Mrs. Mary Heaton Vorse shows in her article published elsewhere in this issue that justice had nothing to do with the thought processes of the jury. Local sentiment was bent on "getting the nigger," and nothing was allowed to stand in the way of that determination. Some people have sought to argue that if Communists had not aided the defense, and two of the counsel had not been from New York, and had not been members of the Jewish race, the trial might have had a different outcome; but we see no reason to believe that this would have been true. In fact, the savagery of the prosecution's attack upon "Jew money from New York" was probably the best thing that could have happened for the defendants, since it is hard to see how the United States Supreme Court can fail to take cognizance of this gross appeal to bigoted race prejudice. Another important basis for appeal is the proved and admitted fact that Negroes are not permitted to serve on juries in the state of Alabama. The Supreme Court has before interested itself in violations of the Fourteenth Amendment to the Constitution. It is not unlikely that the Court will now rule on the question omitted from its previous Scottsboro case decision—the prejudiced atmosphere in which the trial was conducted. From a legal standpoint, this trial was in several ways even more outrageous than the other one, in spite of the fact that the presiding judge was impartial. To be sure, all that the Supreme Court can do is to order still another trial; but even the state of Alabama, after a double rebuke from Washington, might at last see the desirability of giving the defendants at least the semblance of a fair trial.

4-19-33

NEW YORK
NEWS

APR 11 1933

THE SCOTTSBORO VERDICT

The second conviction of Haywood Patterson, one of the seven defendants in the Scottsboro, Ala., rape case, surprises many people. Death is not the penalty for rape in this part of the country. Where there is a reasonable doubt of the defendant's guilt in any criminal case, the law all over the country is that he is to be discharged.

Samuel S. Leibowitz

There was a reasonable doubt in this case. One of the two white women supposed to have been attacked in that railroad gondola by the seven colored men swore at the second trial that she had perjured herself at the first, because of intimidation, and that neither she nor the white woman with her had been attacked. A white man who was with the women backed up this testimony. There was a further reasonable doubt from the start, since these women were known not to have been of previously chaste character, and a woman who rides the freights with hoboes risks the charge of being something of a hobo herself.

For all that, and in spite of the eminent fairness of the presiding judge, the jury convicted the first of these defendants, and he faces the electric chair. How explain it?

We're afraid the trouble lies chiefly in the tactics used by the defense. Mr. Samuel Leibowitz has been most successful in criminal defenses in his home territory, New York. But when he went South to try this case, he began to inflame the anti-black and anti-North prejudices of the Southerners. He did this by impeaching their jury system and scolding them for their prejudices.

One result was the prosecuting attorney's remark about "showing them that Alabama justice cannot be bought with Jew money from New York." Another result was that the jury forgot about the alleged rapists being on trial and concluded that Alabama's courts and sectional feelings and local customs were on trial, with New York as the complaining witness. That should explain why the jury brought in a verdict in Alabama's favor, and incidentally against the real defendant in the case.

[illegible]rious radicals early interested themselves in this ca[illegible]d have been making martyr medicine out of it.

Radicalism is well known to make many Southerners see red. If the radicals are chiefly interested in making more martyr medicine out of this case, the thing for them to do is to go on using the same tactics in the rest of the trials. But if they sincerely want to see six apparently innocent men acquitted, their sensible course by all odds would seem to be to soft-pedal the radical and racial comments and retain some Alabama lawyer to conduct the defense. A local man could talk to the Alabama jurors as one of the home folks, not as a New Yorker come to tell them how to treat the colored people. And if the other six defendants could be acquitted, the Governor of Alabama would presumably commute or pardon Haywood Patterson.

We think, too, that the proposed march to Washington by New York colored people would be ill-advised. It might give the marchers satisfaction, but, like the radical martyr medicine, it would be hard on the defendants in the case.

Lynchings- 1933

Legal Punishment for Rape.

Alabama. (Haywood Patterson.)

4363

PUSH SCOTTSBORO DEMANDS TODAY

Hearing on Before Judge Hawkins

CHATTANOOGA, March 1[illegible].—The International Labor Defense will press their demands before Judge A. E. Hawkins tomorrow for a new change of venue for the approaching Scottsboro trials from Decatur to Birmingham, Ala.

In a statement two days ago the I. L. D. charged a conspiracy between Judge Hawkins and State Attorney General Knight to fix the new trials in northern Alabama, the better to insure legal or extra-legal lynching for the boys.

The defense attorneys will follow up their action tomorrow with a demand for the right of private audience with the nine innocent Scottsboro boys and an appeal for a writ of habeas corpus on the ground that the eight boys in Kilby prison are incarcerated in the death house.

Samuel S. Leibowitz, famous New York attorney, arrived here yesterday to plead the motions being pressed by the defense. With Leibowitz are associated Gen. Chamlee, of Chattanooga, Joe Brodsky and Irving Schwab of New York City.

NEW YORK TIMES

MAR 7 1933

SCOTTS[illegible]RIALS DELAY[illegible]TION

Defense Asks Quashing on the Ground No Negroes Were on Jury Finding Indictments.

WILL ARGUE ISSUE TODAY

Prosecution Fights It, but Agrees to Venue Change—Girl Witness Missing Three Days.

Special to THE NEW YORK TIMES.

SCOTTSBORO, Ala., March 6.—An unexpected defense motion to quash indictments against the nine Negroes in the "Scottsboro case," accused of attacking two white girls, delayed until tomorrow a decision on a motion for change of venue for seven of the Negroes whose cases were called here today in the Jackson County Circuit Court.

Meantime, one of the girls, Ruby Bates, a principal witness for the State, was reported missing from her home near Huntsville since Friday. Her mother said that she left the house "to go to town" and had not been seen since then.

In making the motion to quash, Irvin Schwab of New York, one of several lawyers employed for the Negroes by the International Labor Defense, argued that the "exclusion of Negroes qualified to serve on the grand jury was unfair to the defendants." He declined to withdraw the motion so that the change of venue might be decided.

Thomas E. Knight Jr., State Attorney General, who is directing the prosecution, stated that he had no objections to a change of venue, and asked for and obtained a recess until tomorow to give him time to prepare arguments against the motion to quash.

Asserting that members of the Jury Commission would be called as defense witnesses tomorrow, Mr. Schwab said that he had affidavits from Negroes to the effect that they were qualfied to serve on grand or petit juries but had never been called for service.

The motion for change of venue was based on allegations that, due to prejudice, the Negroes could not receive fair trial in Jackson County.

Judge A. E. Hawkins, who sentenced eight of the nine Negroes to death upon the verdicts which were set aside by the United States Supreme Court, is presiding. It is within his discretion to designate the trial court if and when a change of venue is granted.

But since the defense has asked that the trials be held in Birmingham, seat of Jefferson County, and the prosecution has announced that it will not oppose such a move, it is believed generally that the trials will be held there before Judge John F. McCoy.

The Negroes were not taken to Scottsboro today, but remained in Kilby prison, where they have been since death sentence was passed on them April 9, 1931, less than three weeks after they were taken from a freight train near Paint Rock, Ala., and charged with assaulting Ruby Bates and Victoria Price of Huntsville.

Nine Negroes were arrested, but two of them, Eugene Williams and Roy Wright, are so young that they must be tried in juvenile court. The others are Olin Montgomery, Ozie Powell, Charlie Weems, Heywood Patterson, Andy Wright, Willie Roberson and Clarence Norris.

A letter, purported to have been written by the Bates girl, which repudiates her court testimony and asserts that the Negroes did not attack her and her companion, is expected to be offered by the defense in the trials.

The letter was taken from a Chattanooga (Tenn.) pugilist by the Huntsville police and the Bates girl has said that if she ever signed such a letter she was "too drunk" to know what she was doing.

NEW YORK TIMES

MAR 10 1933

NEGRO LAD TELLS SCOTTSBORO STORY

Roy Wright, in First Interview Allowed, Protests Innocence and That of 3 With Him.

ONLY SAW GIRLS LATER

Forced by Beatings During Trial to Testify Falsely Against Eight Fellow-Defendants, He Says.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

BIRMINGHAM, Ala., March 9.—Roy Wright, 15-year-old Negro, who with eight others of his race is awaiting trial for his life for an alleged attack on two white girls, denied his guilt today and made grave charges against militiamen and deputy sheriffs in the first interview any of the prisoners has given since their arrest nearly two years ago.

The interview took place in the Bertillon room of Birmingham's $5,000,000 modernistic jail. Only Wright's counsel, Irving Schwab, sent here by the International Labor Defense to try to save the accused Negroes from the electric chair, and a reporter were present with the youth.

Wright's fellow-defendants, three of whom at least he said were as innocent of wrongdoing as himself, are in death cells at Kilby Prison in Montgomery, although the United States Supreme Court on Nov. 7 set aside their conviction and ordered new trials for all. They are not permitted to talk to any one beyond earshot of their guards.

Of the nine accused men, Wright was the only one who was not found guilty of participating in the alleged attack on Ruby Bates and Victoria Price on a freight train bound from Chattanooga to Memphis on the afternoon of March 25, 1931. Because of his apparent youth, he was tried in Juvenile Court, and the jury which heard the evidence against him was unable to agree on a verdict.

Wright Tells His Story.

A slender figure, four inches taller now than he was when he entered jail, the young Negro charged that deputy sheriffs whipped him in the court house at Scottsboro, where the first trials were held, until he agreed to testify falsely for the State against his fellow-defendants.

Upon his right cheek between his ear and his nose, there is a scar like a vaccination mark. It is a reminder, Wright says, of the day when he and his companions were taken from the freight train at Paint Rock by an armed posse and carried to the Jackson County jail, where the militia was called to save them all from lynching.

One of his protectors, Wright said, jabbed a bayonet through his cheek just before he was locked in a cell.

The hours and days that followed between his arrest and the trials, which were held in less than a fortnight, were full of terror and horror to him, according to Wright, whose memory of the events seems somewhat confused.

He knows that he had a trial, he says, because he has been told that the Supreme Court ruled that he must be tried again. He remembers that two lawyers asked him questions, but he is not quite sure which was the State Solicitor and which was Milo Moody, the lawyer assigned by Judge A. E. Hawkins to defend all the prisoners. He remembers that Stephen Roddy, a lawyer who appeared as a friend of the court, urged him to plead guilty "and get a life sentence instead of the chair."

Recalls First Day of Trials.

Most vivid in his mind, however, is the memory of what happened on the first day of the trials, which were all finished in three days, just before he was called to the witness stand in the case of Haywood Patterson, one of his friends from Chattanooga. Not all the Negroes were tried together, but all were brought from the jail to the court house at each session of the court.

This is the way Wright described what happened:

"I was sitting in a chair in front of the judge and one of those girls was testifying. One of the deputy sheriffs leaned over to me and asked me if I was going to turn State's evidence, and I said no, because I didn't know anything about this case.

"Then the trial stopped awhile and the deputy sheriff beckoned to me to come out into another room—the room back of the place where the judge was sitting—and I went. They whipped me and it seemed like they was going to kill me. All the time they kept saying, 'Now will you tell?' and finally it seemed like I couldn't stand no more and I said yes.

"Then I went back into the courtroom and they put me up on the chair in front of the judge and began asking a lot of questions, and I said I had seen Charlie Weems and Clarence Norris in the gondola car with the white girls."

Wright insisted today that this testimony which he gave was entirely false and declared he made the statement only because he knew that if he didn't he would be subjected to another beating.

Account of Ride on Freight.

As he related the events of the day when the attack on the girls is alleged to have taken place he and three other Negro youths from Chattanooga, Tenn., hopped a freight in the yards there, intending to go to Memphis in search of work. The others, who Wright says were with him "on an oil tank car between two box cars," were his brother, Andy Wright, Patterson and Eugene Williams.

"I didn't see no white girls and no white boys either," said the young Negro, hitching up the blue overalls which are the uniform of colored inmates of the prison.

Wright remembered that the freight slowed down almost to a stop at Stevenson, a way station between Chattanooga and Scottsboro, but he declared he neither saw nor heard anything of a fight between Negroes and the seven white hoboes, who were thrown off the train there before the alleged attack took place. It was there, too, that the girls were supposed to have crawled from a box car into a gondola car, in which they testified they were attacked.

"The firstest I knowed anything was wrong, or knowed who else was on that train," said Wright, "was when that crowd of white men stopped the train at Paint Rock and took us off. They took us up the railroad bank to a white rock and stood us against it with their guns aimed at our heads.

"One of the white men said to me, 'Come on now, nigger, tell us who pushed those white boys off the train, 'cause we don't want to punish anybody but the guilty ones. If you tell us which ones did it, we'll let you others go.' And I told them I didn't know anything about it and hadn't seen nothing.

Ordered to "Get Going."

"Then one of them said to me, 'you know, nigger, we don't let no darkies hang around here, and if we catch you anywhere near here after dark we'll shoot you. Now get going.'

"Andy (that's my brother), Haywood, Eugene and me—we started away. Nobody said nothing until we had walked some little way and then they called us back and loaded us on a truck, tied our hands and feet with rope and carried us to the jail in Scottsboro."

According to Wright, he first set eyes on the two white girls when he saw them among the crowd along the railroad tracks. Nothing was said there about the alleged attack, he asserted.

The crowd around the jail at Scottsboro was small when the Negroes arrived there about 2:30

P. M. By 4 o'clock, however, the militia had been called out to keep the mob from rushing the jail.

Twice during the late afternoon and evening, Wright said, the girls were brought into the section of the jail where the Negroes were held. Twice, according to Wright, they said they could not identify any one.

They were brought in a third time, he said, and the Price woman, who has been married three times, said she could identify them all. The Bates girl, who disappeared nine days ago from her home in Huntsville, still refused to identify any one, according to the young prisoner.

The seven white men who were routed from the train after the fight with Negroes, some of whom also are said to have jumped off the train before it got to Paint Rock, were rounded up before the first trial and held in jail until the sentences were imposed. They were never called upon to identify.

Wright, who will be 16 years old next Oct. 27, went to school only "about three or four years," and can "read and write a little bit." His eyes "went bad," he said, and he had to leave school to take a job sweeping out a store. He has a tortoise-shell-rimmed pince nez, which won't stay on his flat nose, but of which he is very proud. It was given him by a fellow-prisoner.

The young Negro, whose mother, Mamie Williams, lives in a two-room shanty in the Negro section of Chattanooga, declared he never had been in trouble with the police except on one occasion, when he spent the night in a cell for "keeping late hours."

He and the three Chattanooga Negroes arrested with him in the present case, he said, had been to a motion-picture show and were returning home, about 11:30 P. M., when a policeman picked them up for disregarding the curfew.

Beaten After Conviction, He Says.

The beatings to which he said he and his companions were subjected after their arrest two years ago continued, he alleged, even after they were convicted. At Gadsden jail, where they were transferred after death sentences had been passed upon them, he said, Patterson seized a gun from a deputy sheriff and warned him not to come one step nearer.

"Havwood," said Wright, "ain't afraid of nothing or anybody. He just took the gun away from that deputy sheriff and said, 'We've been sentenced to death already for nothing and we ain't going to take any more beatings. Go ahead, now, and shoot if you want to, but I'll shoot too.'

"It wouldn't have been no good, though," said Wright, "because the gun Haywood got was only a .32 and they had all those machine guns and things. I don't believe it would have gone off, even."

Young Wright is anxiously awaiting his new trial. He was not especially pleased, however, when he was told it probably would be held at Decatur, in Morgan County.

"I don't like that much better than Scottsboro;" he said. "It's right next to where those girls live."

Preparations for the new trial are proceeding. G. W. Chamlee, the Tennessee lawyer who argued successfully for a change of venue from Scottsboro, was preparing several new motions at his office in Chattanooga.

Thomas Knight Jr., the Attorney General, who will take personal charge of the prosecution, was waiting for his assistant, Thomas Lawson, to finish collating the voluminous record of the case before taking any steps toward bringing the Negroes to trial for the second time.

Urges Negro Press To Aid Scottsboro Boys

Richmond Planet

3-18-33

Richmond Va

New York, Mch. 4.—In an open letter to all Negro editors, calling upon them to help their utmost to obtain freedom for the nine innocent Scottsboro boys, William M. Kelly, editor-in-chief of the Amsterdam News, the leading Negro newspaper in New York, and one of the foremost in the country, stresses the importance of the Negro press getting behind the International Labor Defense, which is leading the militant struggle for their unconditional release.

The full text of which letter Mr. Kelley entitled: "From One Editor To Another," reads as follows:

"Dear Sir:

"The lives of the nine Scottsboro boys are still in jeopardy. The fact that they are alive today is due mainly to the indefatigable efforts of the International Labor Defense, to see that justice is done in their case. But there is a price on justice here in America, and adequate legal defense, no matter how innocent an accused person may be, costs money.

"The New York Amsterdam News has followed the activities of the International Labor Defense, not only in the Scottsboro Case, but in the Orphan Jones Case in Maryland, the Angelo Herndon Case in Georgia and cases involving Alabama sharecroppers and others, and has reached the conclusion the time has come for the Negro Press as a whole to get behind this organization and help it raise funds, which are urgently needed. The Amsterdam News is proud that it has already cooperated with this and other organizations affiliated with the International Labor Defense in their fund raising activities, to free the Scottsboro boys and we intend to continue to do so until they are freed. The Ruby Bates letter removed all doubt as to their innocence, so why shouldn't these nine victims of oppression in the South be freed.

"The International Labor Defense is a non-partisan organization—any one may join it, no matter what his (or her) political affiliation may be—but it is not necessary to be a member to cooperate with it in this important work. What is necessary is a belief in the fundamental rights of the Negro and all other minority groups to life, liberty and the pursuit of happiness. The Scottsboro Case is a symbol of the violation of these rights.

"Therefore I plead with you to take advantage of this opportunity to help in this worthy cause before it is too late."

Negro and white workers; intellectuals and professionals, must heed the call! Raise your voices in protests and send letters and telegrams to Governor B. M. Miller, Montgomery, Alabama, demanding the release and safeguard of the Scottsboro boys! Rush funds to Scottsboro New Trial Emergency Fund, International Labor Defense, 80 E. 11th Street, Room 430, New York City, N. Y.

TRIAL OF NEGRO 9 SET FOR MAR. 27

Daily Worker

Defense Wins a Point: Boys in Other Jail

3-17-33

MONTGOMERY, Ala., March 16.—The new trials of the Scottsboro boys, ordered by the U. S. Supreme Court under pressure of the world wide mass protests against the original lynch verdicts, have been set for March 27. The Alabama ruling class through its State Attorney Thomas E. Knight, Jr., is opposing the motion of the International Labor Defense attorneys for a new change of venue from Decatur to Birmingham.

New York, N.Y.

Defense Wins One Point

The I.L.D. attorneys won one point in the preliminary legal skirmish yesterday by forcing the removal of all of the boys to the Birmingham County Jail, where it is expected they will be able to have private interviews with their attorneys as provided for by Alabama law.

All the reactionary forces of the landlord-capitalist system of Alabama are mobilizing to carry through the lynching of the boys, either by legal or extra-legal means, in frank admission that more than ever the lives of these nine victims of capitalist justice can be saved only in the world-wide fight around the Scottsboro boys.

For Negroes on Jury

Samuel Leibowitz, chief trial attorney for the I.L.D., announced yesterday that he would place the jury system of Alabama on trial by calling witnesses to support a motion now pending to quash the indictments on the ground that Negroes are systematically excluded from jury duty.

SPEAKING OF LYNCHING

Advertiser

3-18-33

Montgomery Ala.

John Temple Graves, II, writes in The Birmingham Age-Herald: "It seems to us that New York newspapers ought to try to be as open-minded about the Scottsboro case now as Alabama newspapers are being. In other words, that their special correspondents should not come down, as some of them are, with their minds made up in advance and fill their lengthy dispatches with every bit of unsubstantiated evidence they can find which will suggest intimidation and injustice in Alabama and innocence in the accused Negroes. Since these correspondents are so ardently and properly opposed to lynching, why should they 'lynch' Alabama?"

Just why an Eastern newspaper should send a prejudiced propagandist down here is beyond us. The only reason why New York papers should send staff correspondents to Alabama, at great expense should be for learning the truth—the real truth from men upon whom they know they can rely for accurate and unbiased reports.

The International Labor Defense League would be glad enough to "lynch" the State by distorting facts for them!

The Nation

3-22-33

New York, N.Y.

THE SCOTTSBORO BOYS have been granted a change of venue for their new trial. But Decatur, Alabama, is from all reports just a larger Scottsboro. It is only fifty miles away and lies in the same belt of race prejudice and provincialism. Within recent weeks the defense has obtained a photostatic copy of a letter presumably written by Ruby Bates, a principal witness for the prosecution, in which she repudiated her trial testimony and denied that she was attacked by any of the boys accused. But Ruby Bates disappeared from her home on February 27 and may not be found in time to tell her story at the second trial. Another attempt is being made to obtain a change of venue to Birmingham, where, the defense feels, a more civilized public opinion would increase the chances of a fair trial. The defense at the same time is trying to have the indictment quashed on the ground that Negroes were systematically excluded from the grand jury. The chance of success in either of these attempts seems slight—and the mere raising of these issues will tend to increase further the racial antagonism in Decatur. The Scottsboro boys are now more than ever in mortal danger. It is likely that only the pressure of public opinion upon the State of Alabama can save their lives. We hope that that pressure will be increasingly applied, by letter, by telegram, and by widespread publicity.

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson.)

4364

NEW YORK TIMES
MAR 17 1933

NEW HITCH DELAYS SCOTTSBORO MOVE

Defense Finds Signatures of Distant Officials Necessary for Prisoners' Transfer.

HEAVY GUARD FOR TRIP

Negroes Will Be Protected on Way to Birmingham but No Great Force Will Be at Trial.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

CHATTANOOGA, Tenn., March 16.—Although Thomas E. Knight Jr., Attorney General of Alabama has consented to the transfer of eight Negroes in the Scottsboro case from the death house of Kilby Prison to the Jefferson County Jail at Birmingham, the actual moving of the prisoners probably will not take place before next week.

Before it can be accomplished, the consent order into which the Attorney General entered with G. W. Chamlee, one of the defense attorneys, must be signed not only by Sheriff McBryde of Jackson County, where the Negroes are said to have attacked two white girls, but also by two Circuit Court judges.

They are Judge A. E. Hawkins, before whom the Negroes were convicted and sentenced to death two years ago, and Judge James A. Horton, who is to preside at the new trial at Decatur, the seat of Morgan County.

Defense lawyers asked the transfer of the prisoners from Kilby Prison to Birmingham so that they can consult privately with their clients without relaxing death-house rules.

In the petition which Sheriff McBryde will be asked to sign it is requested that, if the prisoners must be moved, they be sent to the Birmingham jail "for safekeeping on account of the present insecurity of the jail of Jackson County," where under normal circumstances they would be confined.

Order Speaks of Insecurity.

The order which has been prepared for the signatures of Judges Hawkins and Horton reads as follows:

"To the Sheriff of Jackson County; to the warden of Kilby prison and to the Sheriff of Morgan County, Ala.:

"Application having been made to us by the Sheriff of Jackson County, Ala., for the transfer of the prisoners, Haywood Patterson, Olin Montgomery, Clarence Norrie, Charlie Weems, Andy Wright, Eugene Williams, Willie Robertson and Ozie Powell, to another jail on account of the insecurity of the jail in Jackson County, and proof having been made of such fact to us, we hereby order and direct that you or each of you forthwith transfer said prisoners to the jail of Jefferson County, Ala., and the Sheriff of Jefferson County, Ala., is hereby directed to take said prisoners into his custody and safekeep them until further orders."

The form of the order was prepared jointly by Attorney General Knight and Samuel Leibowitz, chief of defense counsel, and the stipulation was signed by Mr. Knight and G. W. Chamlee, attorney of record for the prisoners.

The text of the agreement between them follows:

"Counsel for the prisoners named in this order and the Attorney General join in the request for the transfer of these prisoners to the Jefferson County jail and agree to this order on the part of the court, it being understood that these prisoners are to remain in the custody of the Sheriff of Jefferson County, Ala., until the cases are called for trial in the Circuit Court of Morgan County."

Officials at Distant Points.

The daley in obtaining the judges' signatures to the order was occasioned by the inability of Mr. Chamlee to ascertain definitely where they were sitting. It will be impossible to obtain the signatures of the Jackson County Sheriff and the two judges before Sunday or Monday because all are at widely separated places.

Mr. Knight's consent to the transfer of the prisoners to Birmingham does not mean of course that they will be tried there, much as the defense wishes they might.

Some time before March 27, when the trial is scheduled to start, they will be moved to the Morgan County jail and kept there until they are acquitted or sent back to Kilby prison.

Preparations for the transfer are being made with great care. Extremely anxious that no mob violence blemish Alabama's reputation for orderly administration of her laws, Mr. Knight and prison officials were planning to make the transfer under the cover of secrecy and a heavy guard if and when the proposed order is signed and served upon them.

No Large Force for Trial.

Although the prisoners probably will be moved in a prison van or motor bus over 100 miles of almost uninhabited territory between Kilby prison at Montgomery and the jail in Birmingham, no untoward incidents are expected. Birmingham is about 150 miles away from Scottsboro and is separated from that community by rough roads and mountains.

Decatur is only about fifty miles from Scottsboro and less than thirty miles from Huntsville, where the Negroes' accusers live, but it is not the present intention of Governor Miller of Alabama nor his Attorney General to mobilize any large body of militiamen for the trial.

Mr. Knight said he thought the situation could be handled by about ten picked men, thus avoiding a military display which, the defense attorneys feel, might be prejudicial to their clients.

NEW YORK TIMES
MAR 18 1933

DECATUR PROMISES NEGROES FAIR PLAY

But Sentiments of Citizens Resemble Those Expressed by Scottsboro Residents.

SHERIFF WILL ASK TROOPS

Seven Defendants Will Be Kept in Unsanitary Jail, Held Unfit for Whites.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., March 17.—This little town on the south bank of the Tennessee River in Northern Alabama was preparing today for the trial of the most exciting criminal case that has been heard here since 1903, when three Negroes were executed for attacking a white girl. One week from next Monday in the Morgan County court house seven Negroes, once convicted of a similar crime and sentenced to death, will go on trial for their lives for the second time in two years.

Residents of Decatur, which is fifty miles to the south of Pulaski, the birthplace of the original Ku Klux Klan of reconstruction days, assert that the defendants will get a fair trial, but they warn that they will stand no nonsense, either from the defense or its sympathizers, white or black.

The townsfolk don't care to listen to legal arguments about race equality or the right of Negroes to serve on juries, the man in the street will tell the visiting stranger.

Sentiment Like Scottsboro's.

The success of the defense in obtaining a change of venue from Jackson County seems a little like a pyrrhic victory in view of some of the comments made here today by officials and average citizens.

Decatur, with its once-busy railroad shops and its silk mills and tire fabric factory, drew many young men from the farms in more prosperous years and most of the infiltration was from Jackson and Madison Counties, where Ruby Bates and Victoria Price, the accusers of the Negroes, live.

Sheriff A. W. Davis, who will have charge of the prisoners when they arrive here for their arraignment and trial, had gone to Nashville today with a prisoner, but his chief deputy, W. T. Willoughby, stated that his superior would take no chances either on an escape of the prisoners or a lynching. The Sheriff, he said, intended to ask for between fifty and seventy-five picked militiamen from cities remote from Scottsboro or Huntsville.

The jail which will house the defendants is a crumbling brick structure some fifty feet from the court house. It was condemned as insanitary and insecure two years ago and since then has been regarded as unfit for white prisoners. Only Negroes are locked up there, white prisoners being taken to the jail at Huntsville, thirty-odd miles away.

To Occupy Bull Pen.

Negroes who are locked in the Morgan County jail have found it so easy to escape that The Decatur Daily no longer regards a jail-break as news. Within the last fortnight three prisoners, a white man and two Negroes, escaped from the court room while awaiting their trials. The Negroes were recaptured, but the white man was not caught.

Deputy Sheriff Willoughby thought the eight Negroes would be locked up in "the bull pen," a large cell fourteen feet square on the ground floor of the jail, instead of being confined in separate cells, "because none of those locks are any good."

Another deputy described conditions in the jail by saying "you could get out of there with a spoon."

It is with the thought of the ease with which prisoners can escape as much as with any fear of mob violence, Deputy Willoughby said, that the Sheriff intended to ask for troops.

Another deputy stated the Sheriff had told him he planned to limit admittance to the trial to lawyers, newspaper men and persons known to him to be "all right." He is planning to issue tickets and to make doubly sure that every one is "all right," he intends to search all entering the court room for weapons, the deputy added.

Resent Defense Tactics.

Another county official, who refused to permit the use of his name, insisted that the accused Negroes received fair treatment at their first trial, and asserted they would "get the same kind of treatment here."

He remarked a little regretfully that "if this thing had happened twenty-five years ago there wouldn't have been any trial." When he was asked if he thought the trial might be interrupted by violence, he said: "I don't know. If any Niggers come around the courthouse and start acting up, something might happen. But if the Niggers and the outsiders mind their business, there won't be any trouble."

Then he added:

"Most of our officers and a lot of people in Morgan County were raised in Jackson County."

The defense, by raising the question of the right of Negroes to serve on juries in its motion to quash the indictments has aroused considerable resentment among citizens of this community. Court officials and old inhabitants affirm that they cannot remember a time when any one hereabouts even suggested that a Negro might be qualified to serve as a juror.

The Jury Commissioners, Arthur Tidwell, J. A. Briscoe and John W. Tomlinson, were chosen because they were regarded as men of discretion and discernment, and that in a Jury Commissioner of the South means a man who cannot be convinced that a black man has that "sound judgment" which the Alabama statutes prescribe for veniremen.

In this community of 16,000 persons there is a Negro population of between 2,500 and 3,000. It is a separate entity, with its own storekeepers and school teachers. There are eight colored preachers, three doctors and a dentist. Several Negro families own their own homes, but only a handful qualify to vote.

Court House in Public Square.

The court room in which the trial will be held before Judge James E. Horton is on the second floor of the court house, which stands in the centre of a public square. Outside on the lawn is a statue of a Confederate soldier, with these words engraved upon the stone:

"Lest we forget. This monument was erected to the memory of those who offered their lives for a just cause, the defense of States rights."

The court room itself is a spacious room with four sections of seats for spectators and a jury box facing the judge's bench. Three of the sections are generally reserved for white witnesses and spectators, while the fourth is generally filled with Negroes. Present plans are to admit only white men and women for the trial.

Mayor James A. Nelson, proprietor of the leading jewelry store, said he did not look for trouble when the trial started, the citizens of Decatur being "peaceable and level-headed."

He did not believe it would be necessary to ask for militiamen. For his part, he would rather deputize a dozen members of the American Legion, who he thought could be relied on to keep their heads in an emergency because of their "training under fire and more advanced age."

GREENWOOD, S. C.
INDEX JOURNAL

MAR 7 1933

SCOTTSBORO CASE

The case of the eight Negro boys formerly convicted of criminal assault in Scottsboro, Alabama, and given a new trial by the Supreme Court of the United States, is now under way the second time in the little Alabama town. Nine were tried and eight were given the death sentence.

A rather notable array of counsel is found in the court room this time. The International Labor Defense of New York is interested in the case and has a battery of counsel. The State of Alabama is represented by her Attorney General and the Assistant Attorney General.

The defense is relying on a peculiar piece of testimony. It is a letter scawled with pencil on rough paper which the defense claims was written by one of the girls assaulted. The defense claims the letter is genuine. In the letter the girl repudiates her testimony given at the first trial. The State contends that the girl was made drunk by agents of the defense and while in that condition was induced to write the letter. A great lot of money has been put at the command of the defense by the New York organization above mentioned.

The Supreme Court of the United States in reviewing the case held two justices dissenting, that the youthful prisoners did not have adequate opportunity to consult with counsel appointed to defend them. This primary and fundamental right of a defendant, the highest tribunal said, must be protected.

In the first trial eight of the nine were convicted and given the death sentence. It was the first time in the history of Alabama that one judge had pronounced the death sentence on eight individuals at one time. On appeal to the Alabama Supreme Court, the verdicts of the lower court were affirmed for seven and a new trial granted one of the defendants. From this an appeal was taken to the Supreme Court and that court ordered a new trial.

It looks now as if the trial will develop into the same sort of notoriety of the two Italians in Massachusetts and the Mooney case in California. Alabama has no desire to require the shedding of innocent blood but at the same time Alabama is not to be bluffed or frightened from doing her duty to protect her women. And if this outside group with money are attempting some conspiracy to carry their point there is abundant reason for the belief that they will not succeed.

The only ground on which a new trial will be given by the Supreme Court of the United States has been used. Alabama will not allow that same ground to exist again. This time the courts of Alabama will have the final word in the matter.

MONTGOMERY, ALA.
ADVERTISER

MAR 19 1933

HATRED UNDER THE MAGNOLIA BLOSSOMS!

The hired pens of the International Labor Defense League, it seems to us, have taken to writing their little hyms of hate in faded violet ink.

Not that the paid hack writers are altogether lacking in imagination and sulphuric splutters. Nothing of the kind! They still show gifts for grinding out fiction and always they can repeat "Legal Lynching," "Legal Murder," and "Boss Control," not to mention the other half-dozen words of the American Communist Party vocabulary.

But the dirty-collared, long-haired young men who sit in New York offices of the International Labor Defense League and write "news" dispatches of what is happening in Scottsboro, Ala., have not been earning their daily bread. Or at least, they are failing to make good on a job which any mediocre hate-propagandist should succeed.

Unembarrassed by questions of truth, and unhampered by any prejudices in favor of facts, which they might feel if they actually were on the scene, it seems to us that these gentlemen at least should make the poison more painful than they have of late.

Now since these paid scrubs of journalism are trying to make a case and are not embarrassed by numerous flights of fancy, and are not concerned with justice in either direction, there is no complaint to make against the phrase, "nine innocent Negro boys," and "Attorney General Knight's legal lynch plans," which flower in nearly every piece of literature coming from the League's Hate-Hokum factory.

They make no pretense that they are not painting the prisoners lily-white in "Uncle Tom's Cabin" fashion. And they make no pretense that they are not trying to picture the State of Alabama and its law enforcement agencies, its courts and its people as red-eyed monsters with blood-stained, spurred boots, horsewhips and noosed ropes, up to God knows what, plans for making existence more unbearable for pig-stuck Workers.

But former experiences with these literary gentlemen had taught us to expect more from them.

Take the following paragraphs which were culled from one of the latest "dispatches" manufactured in the I. L. D. workshop, mailed to newspapers, churches and not a few of the Do-Or-Die "liberal" organizations.

It seems that the defenders of the Scottsboro rapists object to Decatur as a trial site. They write:

> Decatur, I. L. D. officials pointed out, is a town of 20,000 population, only about 50 miles from Scottsboro, and about the same distance as that from Huntsville, the center from which the organization of "vigilance committee" to make sure of the lynching of the boys, has spread.
>
> It is also the center for gangs of criminals who infest the railway lines of Alabama, and make a special practice of terrorizing and beating Negroes. Described by Northern Alabamians as a "big Saturday town," it is another Scottsboro on a larger scale. By the expression, it was explained, is meant that it is a town whose normal population is swelled on Saturdays, holidays, and court days, by a huge influx of white farmers, who come in armed and ready for a lynching or any other form of excitement that might present itself.
>
> The population being about nine times that of Scottsboro, and of much the same composition, Decatur on court day would present much the same aspect as Scottsboro did on the April, 1931, day when a band played "There'll Be A Hot Time in the Old Town Tonight," as the lynch-verdicts were handed down against the Negro boys.

Decatur, the quiet but kindly little North Alabama town, doubtless is surprised to learn of its lawlessness. The citizens of Decatur do not care to stage the Scottsboro trial in their city. And if the trial is held there, they will endure it as an expensive duty just as Scottsboro did. (And Scottsboro, a victim of geographical circumstances, is downright sick of the mess.)

But we should like to help the weary hate-hacks.

Why not go the whole hog and spread some real hatred toward Alabama and Alabamians?

We submit to them that:

There is an unwritten law in this State that every male white Boss in Alabama must practice bird hunting first on the down-trodden white and Negro workers, before reaching the age of twelve years.

The police departments of all Alabama towns have been ordered to remove corpses of Workers from the streets every 24 hours, except on "court days."

And on "court days" as all good I. L. D. public relations advisers know, the entire Boss population appears in spangled uniform to serenade jurors who have promised before-hand to send a batch of innocent Workers to the electric chair.

But by far the greatest gala occasion in Alabama is the mid-Winter festival at which the wealthy Boss class, (of which nine-tenths of Alabamians are members) gather in the court rooms of their respective counties to enjoy the wholesale scalping of the children of the Worker classes.

But why go further? We extend a personal invitation to the New York typewriter-snipers as sportsman to sportsman to visit Alabama and take part in the Anti-Worker Field Day, marking the beginning of the annual open season on the proletarians.

No guns are necessary in this sport as the State Government furnishes specially-trained native Alabama jaguars and laughing hyenas (abundant in this State) with which to track down innocent Workers.

We Alabamians thoroughly enjoy our native sports!

New Bedford, Mass.
TIMES

MAR 10 1933

The Scottsboro Case

At first blush the change of venue granted in the case of the Scottsboro Negroes in Alabama does not look like much of a change. The defendants whose conviction was overthrown by the Supreme Court, instead of being re-tried in the place where they were tried before, will have their haring in another county 50 miles away, and there is no reason to believe that sentiment there, other things being equal, is any different from that in Scottsboro.

However, this is to be considered—that the shift makes it easier to deal fairly with the accused. A community, no less than an individual, hates to confess error under pressure. In this instance the pressure comes in the form of a Supreme Court decision that is irresistible. By the change of venue Scottsboro will save its face, and Morgan County, having no face to lose, will be free to do justice without admitting any previous failure in that respect.

Lynchings-1933

Legal Punishment for Rape

Alabama (Haywood Patterson.)

4365

4365

BIRMINGHAM ALA. NEWS
MARCH 31, 1933

NEGROES' DEFENSE MOTION TO QUASH DENIED BY HORTON

Judge Rules On Plea Made By Patterson Counsel In Attack Case

MORGAN COUNTY VENIRE HELD LEGALLY DRAWN

Stage Is Now Set To Proceed With Trial Started In Decatur Court

DECATUR—(AP)—Judge James E. Horton, presiding in Morgan Circuit Court Friday, denied a motion to quash the venire for the trial of Heywood Patterson, 19, Chattanooga Negro, setting the stage for the new trial of the youth on charges of attacking a woman two years ago.

BY RALPH E. HURST
Staff Correspondent The Birmingham News

DECATUR—Enough evidence has been offered to support the allegation that Negroes have been systematically excluded from the Morgan County jury roll to make it incumbent upon the state to prove that the allegation is not true, Judge James E. Horton ruled in Circuit Court here Friday during hearing on a motion to quash the venire drawn for the trial of Heywood Patterson.

In making his ruling and announcing that the burden of proof is now upon the state to show that the Morgan County Jury Commission has properly administered the state's jury laws, Judge Horton was asked by Defense Attorney Samuel Liebowitz if the court meant that the defense had made out a prima facie case.

Judge Horton answered affirmatively and said he had heard enough evidence from witnesses and in the examination of the jury roll to justify such a ruling.

The ruling was a decided victory for the Scottsboro defense, which has not disguised the fact that it is building up a record of proceedings to be used in an appeal to the United States Supreme Court if convictions result.

Presentation of the defense's case on the motion ended with Sheriff A. W. Davis' examination of the jury roll. Like Capt. Joe E. Burleson, of Hartselle, and J. A. Tidwell, jury commissioner, Sheriff Davis went through the big red book that is the jury roll and said that all of the names of those he knew were of white men.

Before making his ruling, Judge Horton ascertained that a check of names of Negroes given the court Thursday and represented as being eligible jurors, had been partially made and that none of the names had been found on the roll. This was made a part of the record.

Judge Horton dismissed jurors until the afternoon session was reconvened at 1:30 p.m., and ordered Atty. Gen. Knight to proceed with his proof that the jury commission had properly administered the state laws.

Commissioner Tidwell was then placed on the stand and testified he had never considered race or color of any person whose name was put on the jury roll. Knight gave him lists of the Negroes whose names were introduced in court Thursday and Tidwell said he though he had considered "almost all" of them for jury duty.

These Negroes, together with a dozen that appeared as witnesses in Friday"s proceedings, are leaders of their race in this county and are claimed by the defense to have every qualification for jury service that the law requires.

Heywood Patterson was the only one of the defendants in court Friday, he having been separated from the others for trial first and alone, and it is the venire called to supply his jury that is under fire.

In the beginning of the proceedings, it was incumbent upon the defense to show not only that Negroes were not on the jury roll but that their exclusion had been systematic in an improper administration of the state's jury laws.

Tidwell Examined

Tidwell was subected to a rigorous examination from Liebowitz, but was dismissed when court was recessed at noon for lunch. Knight frequently objected to Liebowitz's line of cross-examination, which included questions as to Tidwell's knowledge of jury qualifications and of the Negro citizens alleged to be eligible as jurors, and most of the objections were sustained. Knight complained that Liebowitz was arguing with instead of cross-examining the witness.

Liebbowitz asked the court to have all three jury commissioners go through the book together and eliminate those they knew to be white, but on objections of the state Judge Horton ordered calling of witnesses in the usual manner.

The judge's decision makes it almost certain that selection of a jury for trial of Heywood Patterson, first of the Scottsboro Negroes who will face trial on a severance, will not be started before next week.

Following its contention that the jury roll contains no Negroes, defense attorneys offered evidence of 12 of Morgan County's most highly educated Negroes, who were placed on the witness stand and claimed by defense attorneys to be able to meet requirements for jurors.

Many of these Negroes, representing several professions, testified they are voters of this county and practically all named colleges they had attended or from which they had been graduated.

Most of them in turn read from lists names of other Morgan County Negroes who, in their opinions, were eligible.

Their cumulative testimony was halted after the twelfth witness and the jury roll admitted in evidence over protest of Atty. Gen. Knight, Judge Horton expressing opinion that sufficient evidence had been shown to justify going no further into the issue.

When the jury roll was admitted, Jury Commissioner Tidwell was called to the stand by the defense and asked if he knew whether all the names were of white men.

Replying that he did not and resenting a defense attorney's query as to whether he was making an honest answer, Tidwell was then instructed to go through the list and check off the name of each person he knew to be white.

Tidwell, whose testimony had not been completed when court recessed Thursday afternoon, was interrupted Friday morning to permit the defense to put Capt. Burleson, commanding the National Guard unit of Hartselle, which is doing duty here, on the stand. Burleson was called on to show that names of Hartselle citizens on the jury roll are all white.

When asked by the defense to take the stand, Capt. Burleson replied:

"If the court orders, sir."

The court so ordered, and opposing counsel clashed over a state objection to permit the officer to go through names in the big red book, but an examination was permitted by the court.

Presiding Judge Horton cautioned the attorneys after Defense Attorney Samuel Liebowitz had referred to Atty. Gen. Knight as a "wise-cracker."

" Ithought all the wise-crackers were in the North, but I see there is one here," Liebowitz said as he pointed toward Knight.

Knight asked the court to show an objection to every question Liebowitz asked Burleson.

The jury roll went into evidence as the first victory for the defense simultaneously with the revelation here that a commonwealth's attorney of Virginia had been faced with a challenge to his jury system on the same grounds as alleged here and had requested state attorneys in this case to furnish him with any briefs they had on the question.

This was seen by some observers here as the start of a general assault on the white jury principles of Southern states.

John Galleher, prosecutor of Loudoun County, Virginia, wrote from Leesburg that a Negro indicted for slaying two white women had been arrested in Boston, Mass., and that his attorneys were pressing habeas corpus proceedings on the grounds that the indicting Grand Jury contained no Negroes, which was the first line of attack for the Scottsboro defense lawyers. Galleher, who addressed his letter to the Jackson County solicitor, said he would be faced with the same issue at the subsequent trial in Virginia. John K. Thompson, Jackson County solicitor in attendance at the proceedings here, received the letter dated March 28.

Negroes Witnesses

All but two of Thursday's witnesses were Negroes. John Green, clerk of the Circuit Court here started the parade by testifying on direct examination by defense that he had never seen a Negro on a Morgan County jury. Jury Commissioner Tidwell, last witness of the day, was the other.

The 12 Negro witnesses included physicians, preachers, teachers, an undertaker, bill poster, billiard hall operator and a medical director, and a notary public.

"Communist Party" was heard for the first time Thursday afternoon when Atty. Gen. Knight asked the Rev. W. J. Wilson if he was a member of that group and received a negative answer.

"Do you know that this county has a jury commission?" Knight asked one Negro physician.

"I know it is supposed to have one," the witness replied.

Two of the Negroes testified they had held commissions as lieutenants in the reserve officers' corps of the army; one named four colleges he had attended; several of them named more than one college, and one testified he was a graduate of Alabama graduate schools, Shaw College at Raleigh, N. C., Fiske University at Nashville and the University of Illinois medical college, where he received a degree.

These witnesses were unusually intelligent in appearance and employed good English. In questioning them on their fitness as jurors, Atty. Gen. Knight asked them all if they were habitual drunkards, which is a bar from eligibility under the state law.

Not Drinkers

One of the Negroes testified he had never taken a drink, one answered that he was a "total abstainer" and another replied that he did not "drink to excess."

These witnesses were Dr. Frank Sykes, dentist; Dr. N. E. Cashin, physician; H. J. Banks, bill poster; the Rev. L. R. Womack; J. J. Sykes, notary public; the Rev. W. J. Wilson, minister and school principal; J. D. Pickett, high school principal; Robert Bridgeforth, poolroom operator; George H. Reynolds, undertaker, who named four colleges; Dr. Willis James Wood, physician, and Dr. N. M. Sykes, physician and medical director for an insurance company.

When the defense concluded with them it was entered on the record that more than 400 other Negroes were available and ready to substantiate the testimony.

With the assistance of certain leaders, defense attorneys had prepared a "blue book" or "social register" of Morgan County Negroes and it was these whose names were given to the court.

Admission of the jury roll was a decided victory for the defense, which had lost its move to get Jackson County's jury roll entered in support of its motion to quash the indictments, which was overruled.

Liebowitz questioned Jury Commissioner Tidwell closely as to when the last name had been entered in the roll and was assured that no names had been added since February.

NEGROES STAGE FIGHT

Two of the Scottsboro Negroes staged a fist fight in jail Thursday night, according to Sheriff W. A. Davis, who said they were separated by their companions after several blows had been passed, with neither seriously hurt. The fight grew out of an argument, details of which were not learned, the sheriff said.

4365

Chattanooga, Tenn. News
April 7, 1933

A New Turn

THE Scottsboro case becomes more nauseous. There are the customary "rumors of threatened lynchings" which prove such toothsome morsels of news for the Northern newspapers, and for European papers, which like to picture the South as the last frontier of barbarism.

Is there basis enough in these rumors to justify the press services in giving them the prominence they have already been given? We seriously doubt it. One can always stir up a "threat of lynching" to make a news story.

The most unpleasant part of the trial, however, concerns the principal witnesses.

Ruby Bates, supposed to have been one of the women attacked by the Negro defendants, now testifies that her story was utterly false. She says she was not attacked. She was working in New York recently, and Dr. Harry Emerson Fosdick seems to have persuaded her to come back and testify.

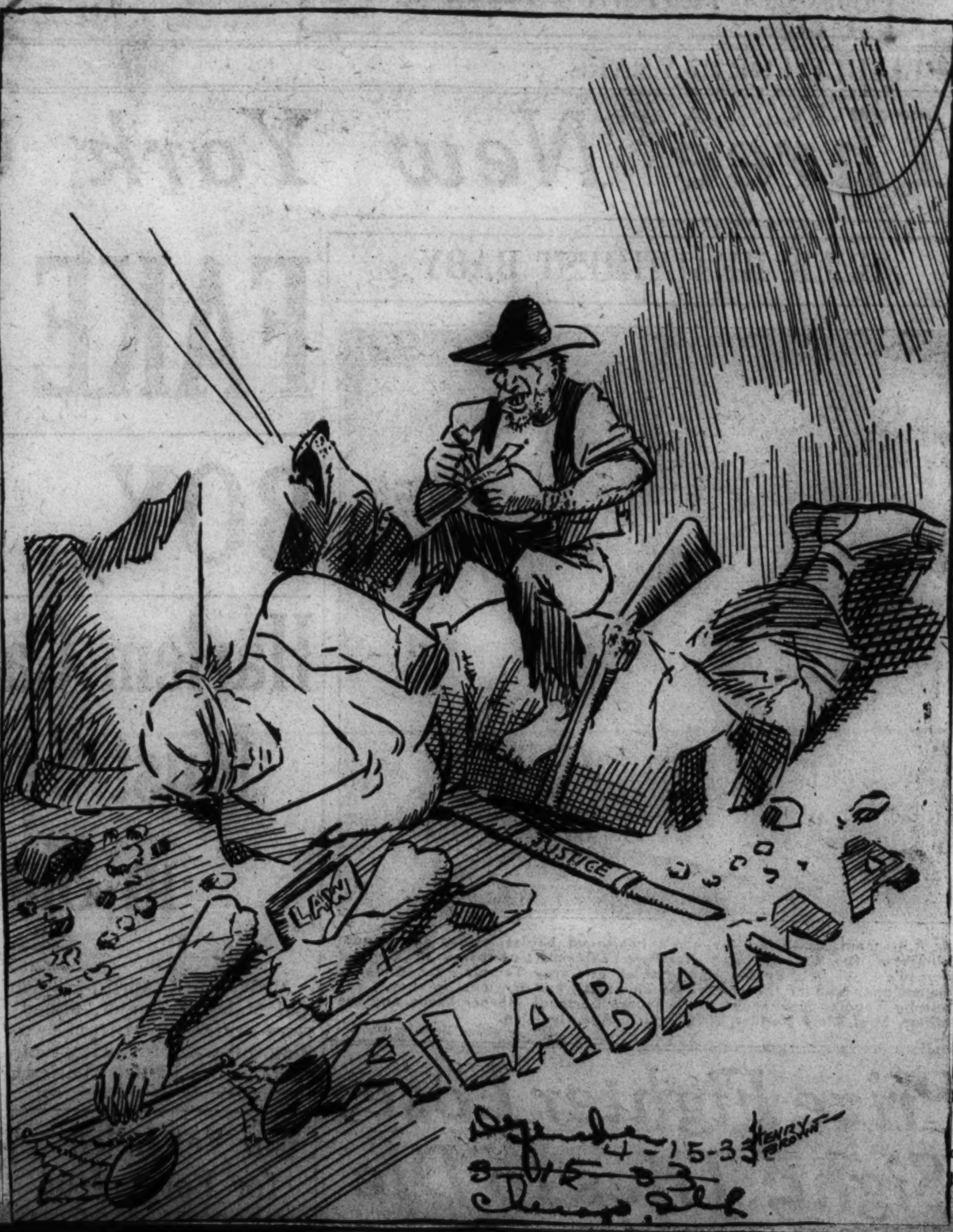
She tells of spending the night in a box car with another woman and two men, and planning a "hobo" trip. She tells of hopping a freight train, of meeting one "Carolina Slim" in Chattanooga, and going with him and another woman and a man to "hobo swamp," in Chattanooga, and spending the night there.

She tells of the quartet swinging another freight the next day to return to Huntsville. They were not even in the car where the fight occurred between the Negroes and seven white youths, she declares.

When one of the Negro defendants testified on the preceding day that he had not even seen a woman on the train, we were amazed. We thought his counsel had committed a blunder in letting him so testify, so obviously unbelievable did we regard his statement. And now, in the light of Ruby Bates' testimony, we see that the Negro might have been telling the truth.

At any rate, the foreign newspapers will have something to print now. What becomes of the South as a land of chivalry? Women hoboing! Women sleeping in box cars to plan hobo trips! Women sleeping with tramps in hobo swamps! What have our Southern cavaliers to say about that?

The Rape of Justice



Defender 4-15-33
~~3-15-33~~
Chicago, Ill.

BROOKLYN CITIZEN
APR 10 1933

THE SCOTTSBORO VERDICT

The twelve "good men and true" who acted as jurors in the Scottsboro case, after twenty-one hours, returned a verdict of guilty against the Negro defendant, Patterson, with a recommendation that he be electrocuted. This, it appears, is the privilege of juries in Alabama.

The conduct of the case by Judge Horton was eminently fair. Judge Horton made every effort in his charge to the jury to instill into the minds of the jurors that prejudice and racial hatred must not sway their minds. But the jurors, being human, succumbed to the atmosphere of prejudice and racial hatred which pervades that part of Alabama.

The verdict is not unexpected. It has been felt all along that fear of local vengeance would prevent the jury from acquitting the prisoner. The present trial, like the previous one, was unfair. The verdict was contrary to the evidence. This, we submit, will be the opinion of those who have followed the case in the columns of the New York "Times," and it will be the opinion of practically every Negro in the United States. In recent years, a great many Negroes have turned to Communism as a protest against their mistreatment in the South. The Scottsboro verdict undoubtedly will increase the number of Negro Communists. It will also have the effect of greatly adding to the Negro population in the North, particularly in this city.

That the case will be appealed is certain. That the verdict will again be reversed is also certain.

Lynchings-1933
Legal Punishment for Rape

Alabama (Haywood Patterson.)

4366

SCOTTSBORO YOUTH DOOMED

Ruby Bates, who confessed on stand she had not been attacked . . .

Attorney Samuel Leibowitz rests after exhausting summation.

Haywood Patterson, guilty [illegible] chair.

Prosecutor Knight, who swayed the jury . . .

Mrs. Victoria Price, whose story of attack by colored youths won credence.

Jurors Laugh Sending Colored Boy to Chair

By TOM CASSIDY.

(Staff Correspondent of The News)

DECATUR, Ala., April 9.—Death for an attack upon a white woman was the fate meted out today to Haywood Patterson, a colored boy, by an all-white jury which entered the courtroom laughing. Alabama had again affirmed its resolve to exact the supreme penalty in the now internationally famous Scottsboro case.

It was almost 11 o'clock (noon, New York time) on Palm Sunday morning and the God-fearing folk of the Alabama hills were congregated in their houses of worship, when the jury, which had been closeted for twenty-one hours, announced that its verdict was ready.

Patterson, the first of the seven Scottsboro colored youths to be re-tried for attacking two white women on a freight train in 1931, was brought into court. His eyes travelled rapidly about the chamber—Morgan County's ancient and picturesque temple of justice. One hundred white men

vagrant.

"This is a black page in the history of American civilization!" Leibowitz declared, as he and his stunned associates heard the verdict.

"For the second time, twelve citi-

One of the two women involved in the purported attack testified in the second trial for the defense. She is Ruby Bates. The other, Mrs. Victoria Price, testified for the

Sullen, Revengeful Crowd.

It was a sullen and revengeful crowd that filled the little

His Plea Falls On Deaf Ears

(NEWS photo)

Defense Attorney Leibowitz (left) asks jury (right, foreground) to free Haywood Patterson of murder charge.

Alabama National Guardsmen, armed with riot guns, ringed him round, as he sat beside the jury box smoking a cigarette and staring at the floor.

No one thought to tell him to stan' when the Judge dismounted from his motor car and, entering the courtroom, took his place on the bench. Verdicts are rendered informally in this jurisdiction.

The jury was summoned from its room. The Judge apologized for the delay he had caused. "Have you reached a verdict, gentlemen?" he asked.

Jurymen Curb Laughter.

The twelve men, now gathered before him in a loosely-formed group, indicated they had. They were no longer laughing.

"Let me see it, then," the Judge directed, and the foreman handed him the slip of paper.

"We find the defendant guilty as charged, and we fix the punishment as death in the electric chair," the Lincolnesque magistrate read.

If the Court felt any emotion—he had been threatened during the trial—his face did not display it. He thanked the jury gravely, and remarked that he believed they had rendered a verdict that they thought was just and fair.

Samuel S. Leibowitz, famous York criminal lawyer, who had come to Alabama to conduct the defense without cost to anyone save himself, was transparently astonished. The gayety in the jury-room had given him hope of an acquittal—or at worst a disagreement.

But justice in Alabama works differently than in New York.

The prosecution had appealed both to sectional feeling and to pride of race. It had derided the defense witness who had taken the stand in "New York clothes"; it had branded Leibowitz "a Greek bearing gifts," and it had charged that "Jew money from New York" was attempting "to buy Alabama justice."

The first jury, which condemned Patterson to death, took just twenty-one minutes to write his doom. The second jury took but little longer to find him guilty. The first ballot was unanimous. But the second ballot revealed one dissenter from the death penalty. For twenty-one hours this juror insisted life imprisonment should be Patterson's fate, and then he capitulated to the opinion of the majority.

Verdict Stuns Counsel.

One of the two women involved in the purported attack testified in the second trial for the defense. She is Ruby Bates. The other, Mrs. Victoria Price, testified for the prosecution. On the witness stand the Bates girl said that Mrs. Price had accused the colored man when she was taken from the freight train by peace officers and was confronted with the charge of being a vagrant.

"This is a black page in the history of American civilization!" Leibowitz declared, as he and his stunned associates heard the verdict.

"For the second time, twelve citizens of Alabama, swayed by bigotry and prejudice, have rendered a verdict that mocks justice.

"You must know this place, where mobs burn crosses at night, to understand that the verdict is merely a judicial lynching. This remark does not apply in any respect to the jurist who presided over this trial. His calm and judicious warnings to the jury could not have fallen upon deafer ears.

"We will appeal to the highest court that once before hurled this mess back into Alabama. It will be back again."

Attorney General Thomas E. Knight Jr. made no comment.

After the jury's verdict Patterson was rushed to Birmingham jail by guardsmen with riot guns.

Formal sentence will be passed by Judge Horton April 17, when the retrial of Charlie Weems, another of the defendants, begins. The colored youths were granted new trials by the Supreme Court of the United States on Nov. 7, 1932 on the ground they had been denied the right of counsel in the original trial.

So high was feeling here that Judge Horton indicated he may be forced to exclude the press from the remainder of the trials.

(Other picture on page 1.)

50,000 Colored Folk To March to Capital.

Colored residents of Harlem started making plans yesterday for a huge demonstration protesting the Scottsboro case verdict.

A march of 50,000 colored persons to Washington to plead with President Roosevelt was the first move planned. William Davis, publisher of the Amsterdam News, put a notice on the bulletin board outside his office, asking signatures by those willing to go to the Capital.

Within four hours 17,000 had signed and more than 5,000 more were waiting in line outside. Davis said he had not decided whether to have the petitioners march to Washington or go by bus or train.

Telegrams have been sent by Davis to publishers of all the leading colored newspapers throughout the nation calling upon them to organize similar protest marches.

An appeal will be taken immediately, the International Labor Defense announced. The case will be fought to the United States Supreme Court if necessary.

The verdict was characterized by William L. Patterson, national secretary of the organization, as "a monstrous lynch-verdict brought in the face of the most indisputable proofs of Patterson's innocence."

Case Aroused World As 8 Boys Were Doomed.

Scottsboro, Ala., April 9 (AP).—The Scottsboro case that echoed around the world started two years ago aboard a freight train—Alabama-bound from the hills of Tennessee.

Two white girls—Mrs. Victoria Price and Ruby Bates—said a gang of nine negroes assaulted them as they were returning home after looking for work.

Some white boys who had been riding the train said the colored boys threw them off and then attacked the girls, both of Huntsville, Ala.

The colored boys were taken from the train at Paint Rock by a posse on the afternoon of March 25, 1931. Officers brought them here to jail. A crowd milled about the Courthouse Square and when it had dispersed, the colored boys were taken to Gadsden and soon were indicted for criminal assault.

Sentences Set Aside.

National Guardsmen maintained order as they went on trial. Charlie Weems, 21, was convicted first and sentenced to die. Then Haywood Patterson, 17, was convicted. Eugene Williams, 15; Andy Wright, 17; Ozie Powell, 16; Olem Montgomery, 17, and Willie Robertson, 17, followed. Judge A. E. Hawkins pronounced the death sentence on eight of them at the same time. A ninth colored boy, Roy Wright, 14, was given a mistrial.

The International Labor Defense intervened and a long legal fight was started to save the boys. On March 25, 1932, the Alabama Supreme Court affirmed the death sentence of all except Eugene Williams, who, it held, was a juvenile.

The other cases were taken to the United States Supreme Court where the sentences were set aside and a new trial was ordered.

Protests against the sentences flooded the State.

The International Labor Defense employed counsel for the colored boys and Samuel S. Leibowitz of New York volunteered his services. A change of venue from Scottsboro to Decatur was granted for retrials.

National Guardsmen again stood watch as the first retrial—that of Haywood Patterson—was started.

Swore Again to Assault.

Ruby Bates disappeared a few weeks before the retrial, but Mrs. Price appeared against Patterson and swore he assaulted her. Then Ruby came back and surprised the courtroom by repudiating her testimony at her first trial. She swore she was not molested by the colored boys.

PATTERSON GUILTY

(NEWS photo)

Colored residents of Harlem sign petition pledging to go to Washington to protest against verdict in Scottsboro case

Lynchings-1933
Legal Punishment for Rape.

Alabama (Haywood Patterson)

4367

4367

NEW YORK TIMES
APR 8 1933

NEW YORK ATTACKED IN SCOTTSBORO TRIAL

Prosecutors Also Hint at Perjury in Its "Surprise Testimony."

MISTRIAL MOTION FAILS

But Judge Instructs Jurors to Ignore Remarks of County Solicitor at Decatur.

DEFENSE ARGUMENT OPENS

Leibowitz Will Conclude This Morning and Case Is Expected to Reach the Jury Today.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

DECATUR, Ala., April 7.—The issue of Alabama against New York City and the clothes, manners and customs of its people was brought up here today before Judge James E. Horton and the jury which is trying Haywood Patterson, a Negro, for his life.

Summing up for the State at the close of the first of the new "Scottsboro trials," Wade Wright, circuit solicitor of Morgan County, made a frank appeal to local pride, sectionalism, race hatred and bigotry.

"Show them," he said—pointing at the counsel table at which were seated Samuel S. Leibowitz of New York, chief defense counsel, and Joseph Brodsky, counsel for the International Labor Defense, a Communist affiliate—"show them

that Alabama justice cannot be bought and sold with Jew money from New York."

At this remark, Mr. Leibowitz arose and asked the judge to declare a mistrial.

"Conviction now, after what he has said, will not be worth a pinch of snuff," he asserted.

The court denied the motion and Mr. Wright continued along the same line, while Attorney General Thomas E. Knight, the chief prosecuting officer of the State, fidgeted in his chair.

When the circuit solicitor finished, Judge Horton told the jury to disregard Wright's statement about "Jew money from New York."

Mr. Leibowitz then began his appeal, urging the jurors to give the Negro defendant the benefit of the "reasonable doubts."

The New York attorney had not finished when the court declared a recess until tomorrow morning. Mr. Leibowitz will then conclude his final argument and Attorney General Knight will say the last word for the State. After that Judge Horton will charge the jurors, and they probably will begin deliberations by noon.

"New York Clothes" a Target.

Circuit Solicitor H. G. Bailey opened the State's argument. In his address there were several references to the "fancy New York clothes" which Lester Carter and Ruby Bates were wearing when they appeared as surprise witnesses for the defense, the girl repudiating her former story of an attack and the young white "hobo" charging Victoria Price, the other alleged victim, with a "frame-up."

His remarks were of such a nature, however, that Mr. Leibowitz took no exception to them. But when Mr. Wright, whose voice has raised him to pre-eminence among local all-day singers, began to speak all the hatred and prejudice that these cases have aroused bubbled to the surface.

Mr. Wright spoke of the reversal of the Supreme Court of Alabama by the United States Supreme Court after Communist sympathizers took up the cudgels for the nine Negro defendants, all but one of whom had been sentenced to die in the electric chair.

But it was New York City, "its sinister influence," and the Jews on which he dwelt and upon which he turned the full flower of his oratory.

Defending the story of the Price woman, Mr. Wright asked the jury:

"Did you ever hear of a more damnable effort to destroy and break down this girl? How did they do it.

"That man Carter is a new kind of a man to me. Did you watch his hands? If he had been with Brodsky another two weeks he would have been down here with a pack on his back a-trying to sell you goods. Are you going to countenance that sort of thing?"

From a front-row seat among the spectators there came a resonant "No!" uttered with the fervor of "Amen" in church.

Woman's Testimony Attacked.

Saying that Carter's rent in New York had been paid by Mr. Brodsky, Mr. Wright went on:

"Don't you know these people, these defense witnesses, are bought and paid for?

"May the Lord have mercy on the soul of Ruby Bates!

"Now the question in this case is this:

"Is justice going to be bought and sold in Alabama with Jew money from New York?"

Mr. Leibowitz interposed here with a mistrial motion and after it was denied Mr. Wright continued:

"It was Brodsky, too, who brought in Ruby Bates. The same Brodsky who put the fancy city clothes, New York clothes, on Lester Carter, and I tell you, gentlemen, that Ruby Bates was guilty of perjury right here in this court room. And there is such a thing as subornation of perjury."

The Bates girl "couldn't tell you all the things that happened in New York because part of it was in the Jew language," he said.

Mr. Wright then attacked the testimony relative to Ruby Bates's presence in "hobo jungles."

He referred to Carter as "Mr. Carterinsky, as he is now," and Mr. Leibowitz again asked for a mistrial, this motion also being denied.

Mr. Wright concluded with the statement that a verdict of guilty in this case "will resound around the world as a victory for law enforcement."

When he had finished Judge Horton said:

"The court rules that the statement regarding Jew money from New York was simply improper and unjustified, and the court asks you members of the jury to disregard it and put it out of your minds."

In opening his argument, Mr. Leibowitz explained that "all New Yorkers do not have horns."

"The least said about sectionalism and prejudice the better," he declared.

"Now, I'm not going to assault your ears with any such ranting and raising the roof as you have been forced to hear from the gentleman seated over there. I shall appeal to your reason as logical, intelligent human beings, determined to give even this poor scrap of colored humanity a fair, square deal.

"What is the argument of the learned solicitor? Change the charge and you would hear the same stereotyped phrases. 'The fair State of Alabama, foreigners,' and all the rest of that claptrap.

"What is it but an appeal to prejudice, to sectionalism, to bigotry? What he is saying is, 'Come on, boys! We can lick this Jew from New York! Stick it into him! We're among our home folk.'

"It was the speech of a man taking an unfair advantage—a hangman's speech."

Not There as "Consoler."

Mr. Leibowitz surveyed the court room crowd. He has been threatened with tar and feathers, with whipping and with gunpowder and lead.

"Now, as for the Jew money from New York, let me say this: That when the hour of our country's need came there was no question of Jew or gentile, of black or white—all, all together braved the smoke and flame of Flanders Fields.

"Now, I'm not getting any fee in this case and I'm not getting a penny of expenses for myself and my wife, who was here with me.

"Mobs mean nothing to me. Let them hang me; I don't care. Life is only an incident in the Creator's scheme of things, but if I can contribute my little bit to see that justice is served, then my mission is fulfilled."

Mr. Leibowitz said he was not here as a crusader nor to ask social equality for Negroes, "but to see that the law guaranteeing equal protection to all races in our courts is observed."

In rebuttal evidence Attorney General Knight sought to introduce the testimony of a white inmate of Kilby prison, whose death sentence for murder has been commuted by the Governor to tell the jury that while Patterson was in the death house he expressed the wish that he "had killed those girls." Judge Horton refused to allow the witness, Burtus Frost, to testify and the lifer left the court room with a prison guard.

The Bates girl was recalled but quickly excused by Mr. Knight after Judge Horton ruled that her cross-examination had been concluded and that if she were to testify at all it would be as the Attorney General's witness.

W. H. Hill, the station agent at Paint Rock, where an armed posse stopped the train on which the attacks are alleged to have taken place, testified that the Bates girl, who declares now that she "only told what Victoria told" at the first trials, was the one who told him the Negroes had attacked her.

Wire Roosevelt of "Klan Mobs."

A statement that Ku Klux Klan mobs were being organized to lynch the Scottsboro defendants was telegraphed to President Roosevelt yesterday by William L. Patterson national secretary of the International Labor Defense.

The message urged the President to "guarantee the safety of these people in Alabama, where law enforcement is non-existent, so far as protection to Negroes or any one interested in preventing murder of Negroes is concerned."

The International Labor Defense said that protest demonstration will be held all over the countr today under its auspices "against the attempts to lynch the Scottsboro boys."

The New York demonstration will start with a mobilization at 110th Street and Fifth Avenue at 2 P. M., followed by a march through Harlem, it was announced.

Advertiser
4-10-33
Montgomery Ala.

First Scottsboro Defendant Gets Extreme Penalty

Jury Returns Guilty Finding In Patterson Case After 21 Hours' Deliberations

Appeal Is Probable

Negro Hears Death Verdict Read On Anniversary Of Same Sentence In 1931

By T. M. DAVENPORT
Associated Press Staff Writer

DECATUR, ALA., April 9.—(AP)—On the second anniversary of his first sentence to death, Heywood Patterson, first of nine negroes indicted in the Scottsboro attack case to face a new trial, today heard a jury return a verdict of guilty with the extreme penalty.

With head bowed, Patterson, showing nervousness for the first time, heard Judge James E. Horton, in Morgan Circuit Court, read the verdict reached by a jury after 21 hours of deliberation.

"We, the jury, find the defendant guilty as charged and fix his punishment at death," read the verdict handed to Judge Horton and the first of the new trials granted seven of the negroes by the U. S. Supreme Court had ended.

To Be Sentenced April 17

Patterson will be formally sentenced April 17. At that time the defense will have opportunity to make a motion for a new trial. If the motion is overruled by the presiding judge, the defense then would be able to appeal to the State Supreme Courts.

Fewer than 100 persons were in the courtrooms as the verdict was returned and it was greeted with silence, broken only by the rush of messengers to telegraph offices to send dispatches.

Worldwide interest has centered on the trial and throughout the week Judge Horton and Atty. Gen.

Thomas E. Knight, Jr., have been bombarded with telegrams protesting "attempts to lynch" the defendants and their attorneys.

These telegrams followed the many rumors floating about during the week that mobs were forming either here or in nearby towns, but officers said no evidence of such feeling could be found, except once when a mass meeting was held here.

It was just two years ago today that Judge Alfred E. Hawkins, in Jackson Circuit Court, at Scottsboro, pronounced sentence of death on Patterson and seven of his companions. They were convicted of attacking Mrs. Victoria Price and Miss Ruby Bates, of Huntsville, aboard a Southern Railway freight train as it rumbled through the Sand Mountains in Jackson County.

"I think the verdict was a miscarriage of justice," Samuel S. Leibowitz, of New York, chief counsel for the defendants, said.

"I don't," replied Atty. Gen. Knight, who directed the prosecution, "not beyond a reasonable doubt."

In a statement after the verdict was announced, Leibowitz said the fight had just begun.

Leibowitz's Statement

His statement follows:

"This verdict is an acts of bigots, spitting upon the tomb of the immortal Abraham Lincoln.

"We would have been more than delighted to have left it in the hands of Judge Horton, but it is a pity the law prevented that. We will fight with every drop of blood in our veins to free these men, because they are innocent, as every reasonable human being that sat in the courtroom hearing the evidence must have felt. It is only a pity that, amid these beautiful surroundings and glorious country, where there is on every hand hospitality and courtesy, such race hatred and bigotry should live.

"I think the prosecutor of this county (Solicitor Wade Wright) when he resorted in his bombast to the mud gutter in hurling villification on the great people of New York and its vast body of Jewish citizens, perhaps represented in his way a cross section of what the defendants and lawyers representing them were faced with."

George W. Chamlee, Sr., of Chattanooga, one of the first attorneys employed by the International Labor Defense in behalf of the negroes after they were convicted, said "I still have an abiding faith in the good citizens of Alabama and I am coming back for another trial."

Leibowitz May Not Return

There have been reports that Leibowitz would not return for the other trials and today he said he would not know until after he had returned to New York. He entered the case at the invitation of the I. L. D., but stipulated that he would receive no compensation and would pay his own expenses.

Shortly after the verdict against Patterson was returned, he was taken under military escort to Birmingham to join his eight companions yet facing trial, who were removed there last night.

Patterson was tried on an indictment charging him with attacking Mrs. Price, who took the stand as the principal witness for the State and pointed to him as one of six negroes who attacked her in a gondola car of a freight train after throwing six white youths off the train.

The evidence hinged largely on the testimony of the two women. Knight and Leibowitz addressed their arguments to this question at length.

"This is a damnable frameup by two irresponsible women," Leibowitz said as he charged that the story of the attack was invented by Mrs. Price, as the Bates girl had testified, saying "I said what Victoria did," in explaining her testimony in the first trials.

Ruby Bates sold out, lock, stock, and barrel," Knight said as he tore into her testimony before the jury.

In the two years the case has been pending in the courts, demonstrations have been held and subscriptions taken in all parts of the world in behalf of the negroes.

Thousands Of Protests

Thousands of protests signed by individuals and organizations have been sent to Gov. B. M. Miller at Montgomery and to other State officials connected with the trials, demanding changes of venue and "imedmiate and unconditional release of the defendants."

Once, while the cases were on appeal to the Alabama Supreme Court, guards were on duty at the Capitol and twice in Washington guards have been placed over the U. S. Supreme Court building to prevent demonstrations.

The outcome of the trial added a new chapter to the strange case which has aroused international interest since Patterson and seven other young negroes were convicted of attacking Mrs. Victoria Price and Ruby Bates and sentenced to death at Scottsboro two years ago. The present retrials, which were brought here on a change of venue, resulted from a discussion of the U. S. Supreme Court setting aside the original death sentences.

Late yesterday, after the jury had taken Patterson's case, Judge Horton granted severances for the other defendants and the trial of Charlie Weems was set for April 17 after counsel had entered a plea of not guilty for him. Only seven of the original group of nine negroes charged with the attack are involved in the retrials. The other two were held to be juveniles and their cases await further investigation.

After the spreading of numerous rumors that mobs were forming here, for which authorities insisted there was no foundation, members of counsel for the negroes asserted yesterday that fiery crosses had flamed on Alabama's hills the previous night and that they believed their lives were threatened.

A joint statement by Joseph R. Brodsky, of New York, a defense attorney, and Leibowitz asserted that the burning of the crosses followed a remark in court Friday by Solicitor Wade Wright, of Decatur, that witnesses for the defense were being "bought with Jew money." The statement added that "only the presence of the National Guard prevented a mob from entering Decatur."

Ruby Bates Appeared Suddenly

The latter part of Patterson's trial also was featured by the dramatic appearance of Ruby Bates, who had been missing from her home for some time. Saying she had just arrived from a hitchhiking trip to New York, Ruby repudiated the testimony she gave in the original trials two years ago. She denied that she had been attacked and said she had not seen Mrs. Price molested by the negroes as they rode through North Alabama aboard a freight train on which the two women were hoboing their way home after seeking work in Chattanooga.

Prosecuting attorneys, headed by Atty. Gen. Knight, charged immediately that Ruby had perjured herself and spoke of "sinister influences" in New York, which they said were responsible for the fact that she appeared in court smartly dressed in contrast to the inexpensive attire of Mrs. Price. Judge Horton took cognizance of this development in his charge to the jury when he said: "The law has a stern duty to perform, and when women of the underworld come before it, the jury must consider that fact."

Judge Horton also said there should be no thought of color, race, or sectionalism in the jury's deliberations.

Brooklyn, N. Y. Eagle

APR 11 1933

Alabama Self-Convicted.

Not the Scottsboro Negroes but the State of Alabama was on trial at Decatur. To the regret of all fair-minded Americans, Alabama is self-convicted. There is one commonwealth in this Union where the judicial murder of innocent persons can be forced on a jury by an outside mob loudly threatening lynching.

Doubt in many minds as to the legalistic innocence of the accused was common enough before the Supreme Court of the United States set aside the earlier conviction. That doubt was strengthened when one of the alleged victims of outrage, Ruby Bates, having come to New York was persuaded by the Rev. Dr. Harry Emerson Fosdick to go back to Alabama and tell the truth in court. She explained under oath that the Negro youths had been "framed." That she faced possible conviction for perjury in the first trial can hardly be denied.

It is fair to say that Judge James E. Horton who presided at this trial, showed no prejudice in his rulings or in his charge to the jury. Under Alabama law the jury decides for or against the death penalty. That is why the jurymen were out 22 hours. They agreed on a guilty verdict on the first ballot, but one juror held out for life imprisonment. The accused men are being tried separately. Technically, the verdict only affected the defendant Patterson.

There is a strong probability that the other defendants will be convicted as this one was. There is a vague possibility that the Governor of the State may prevent judicial murder by his power of commutation. The Brooklyn lawyer who headed the defense, Samuel S. Leibowitz, seems to have done all that was possible for his client up to date and is likely to use tact and discretion in appeal proceedings. And, though he received many threatening letters, he appears to have been treated with courtesy and respect by the court and by the prosecuting attorney.

MOBILE, ALA.
REGISTER

APR 1 1933

THE SCOTTSBORO JURY ISSUE

The question raised in the case of the Scottsboro negroes on account of the failure of the sheriff to include negroes in the venire from which a jury will be selected is not new. The supreme court of the United States, and the supreme courts of states, have passed upon it a number of times. The states of the South have not attempted, by law, to exclude negroes from jury service, for that is not allowable under the Fourteenth Amendment to the Federal Constitution.

In Alabama, as in other Southern states, the law provides for the summoning and selection of citizens for jury service. The law prescribes the qualifications of jurors. The negro is excluded in this state, not by law, but by practice, by jury commissioners and sheriffs. It is a perfectly lawful practice. There is nothing in the law of this state that would force a jury commissioner or a sheriff to select jurors from any particular racial group, and ought not to be for obvious reasons, for such a rule would be dangerous and subversive of reason and justice.

If we had a rule of law under which members of particular races could be tried only by juries composed of members of the same races, we would have an unwholesome condition; or if we had a rule of law, more limited, under which a person accused of crime could force the courts to summons as jurors members of his own race to sit in judgment upon him, the situation would be equally unwholesome from the standpoint of the administration of impartial justice in Alabama.

No such laws are to be found on the books of this state, or on the books of any other state, and it is safe to assume that the supreme court, if the court should again have to pass upon this Scottsboro case, will not pay a great deal of attention to the point raised by the attorney for the defense so far as this particular issue is concerned.

Lynchings - 1933
Legal Punishment for Rape.

Alabama (Charlie Weems.)

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THE JURY WHICH LAUGHED.—This is the jury which condemned Haywood Patterson to the electric chair. Although the defense had completely shattered the frame-up case against the Negro boy, the jury voted that he was "guilty" in 20 minutes. Because one of the jurors held out for life imprisonment instead of electrocution, the jury remained out for more than 18 hours. One of the members of the jury was a banker, connected with the Tennessee Valley Bank, of Decatur, Ala.

Daily Worker 4-15-33

SECOND SCOTTSBORO TRIAL IS DUE TO OPEN MONDAY UNLESS PROTEST HALTS ATTEMPT TO RAILROAD CHARLEY WEEMS

Daily Worker 4-15-33
New York, N.Y.

N. Y. Conference Sun. to Map Drive for Boys and Negro Rights

Daily Worker

TRIAL DELAY SOUGHT

4-15-33

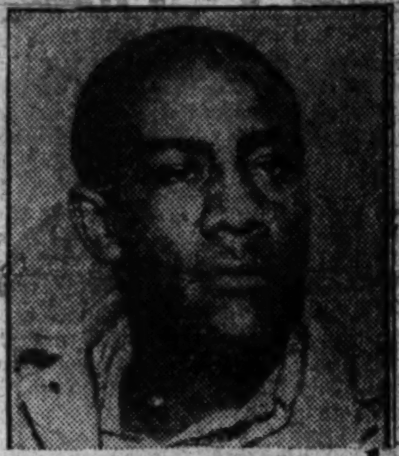
Concrete Actions Are Proposed by I.L.D.

In a stirring call to action issued today by the National Executive Committee of the International Labor Defense, Negro and white workers, intellectuals and all interested in the freedom of the Scottsboro boys and the fight against national oppression are called upon to join in a Scottsboro March to Washington. Friday, April 28, is the date suggested for the arrival of the delegations to the capitol to present to President Roosevelt the demand for the immediate liberation of the Scottsboro boys.

Conference Sunday

An important step in the mobilization of this march is the united front Emergency Conference called by the Scottsboro Unity Defense Committee for Sunday afternoon at 3 o'clock at the Harlem Masonic Temple, 310 Lenox Ave., near 126th St. This will be a broad, city-wide conference which will have representatives from many Negro and white organizations, labor unions, churches, lodges, political groups, etc.

Sponsors of the Scottsboro Unity Defense Committee include Sherwood Anderson, Franz Boas, Countee Cullen, Waldo Frank, William M. Kelley, Dr. Kelly Miller, Louise Thompson, William L. Patterson, John L. Spivak, and others. W. C. Handy, famous composer, is honorary chairman.



Charlie Weems, Scottsboro boy, due to go on trial in Decatur on Monday.

The I.L.D. call for the Washington march and other actions follows:

To All Workers, Black and White:
To the Oppressed Negro People:
To All Willing to Struggle for the Freedom of the Scottsboro Boys and Against the Oppression of Negroes:

The murderous verdict of the all-white jury—the tool of the Southern white rulers—that pronounced the death sentence upon Haywood Patterson in Decatur, serves to destroy every remnant of the illusion that Negro people and the working class can receive justice in capitalist courts. At the same time it points out to the American workers, black and white, the clear path that they must travel in the further struggle to free the nine Scottsboro boys, free Tom Mooney and all victims of ruling class terror—the path of mass action supported by legal action, as resolutely followed by the I.L.D.

Masses Aroused

The toiling masses are aroused to the deepest indignation by the brazen decision of the Southern white ruling class that Haywood Patterson must die in the electric chair on framed-up charges of "rape." The spontaneous response of the Harlem population, nearly 30,000 protest signatures within three days, the impromptu demonstrations of remarkable militancy by 5,000 black and white workers upon the arrival of attorney Leibowitz and the reception to Mrs. Patterson, the spontaneous movement for a march upon Washington and similar actions from other centers indicate that the Scottsboro struggle has now reached the stage at which it involves millions of black and white people, revealing the tremendous scope of the mass movement.

It is through the correct policy of the I.L.D. in the Scottsboro case that the attention of the whole country and many parts of the world has been focussed upon the sore spot in the fabric of American capitalist society—the brutal social, political and economic oppression of the fourteen million American Negroes.

Forces of Reaction Gathering

Already the forces of reaction are gathering in an attempt to crush this movement, to stem this mighty upsurge. The Democratic Party, through its Tammany Hall agents among both Negroes and whites, is forming alliances for this purpose. In answer to this effort all honest elements who sincerely wish to fight for the freedom of the Scottsboro boys must unite their forces.

The I.L.D. welcomes every moral and material aid from all who wish to support the struggle, but at the same time the masses must be on their guard and fight with every means at their command against anyone who seeks to hamper and divert the clear purpose of the masses—to smash the whole system of brutal national oppression of the fourteen million Negroes in the United States—a system which breeds Scottsboro frame-ups, lynchings, and Jim Crow, and which violates their every fundamental human and democratic right.

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The masses are in motion. They are demanding immediate militant and uncompromising action, not only for the defense of the Scottsboro boys but also on the whole question of the violation of the elementary constitutional rights of the Negro people, dramatically symbolized in the Scottsboro case. They are demanding immediate action on the part of the Roosevelt government, the allies of the Southern white rulers, to enforce the rights guaranteed under the Thirteenth, Fourteenth and Fifteenth Amendments of the United States Constitution.

Concrete Action

The I.L.D. therefore proposes to the Emergency Scottsboro Conference as called by the Scottsboro Unity Defense Committee for this Sunday, and to all working class and progressive organizations of every color and nationality, of every political and religious belief, the following:

1. To organize a Free the Scottsboro Boys March upon Washington.
2. To collect and present to President Roosevelt 1,000,000 signatures demanding the immediate, unconditional and safe release of the nine Scottsboro boys.
3. To present to Congress a bill

to be passed at once, providing for immediate and strict enforcement of the Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution.

The I.L.D. suggests Friday, April 28, as the date on which thousands of Negro and white workers are to arrive in masses from nearest points in delegations from farther ones, before the White House and Capitol.

In the course of preparation for the Free the Scottsboro Boys March these shall be the immediate demands:

1. **A new trial for Haywood Patterson.**
2. **Postponement of the other trials until after the appeal has been acted upon in Haywood Patterson's case.**
3. Negroes **and white workers to serve on the jury.**
4. **Transfer of all Scottsboro trials to Birmingham.**
5. **Full safeguard for the Scottsboro boys, all lawyers and defense** witnesses in the case.
6. Immediate, **unconditional and safe** release for the **nine Scottsboro boys.**

Upon receipt of this Call let the Scottsboro Emergency Conference and every other organization not yet within this body take up and endorse our proposals and jointly with us get to work at once on all the details that will place upon an organized basis the tremendous movement of the black and white masses to compel the ruling class to let go of their victims, the nine Scottsboro boys, and to grant the Negro masses every constitutional right.

Long live the unity of the black and white masses, North and South!

Only the masses can compel the freedom of the Scottsboro boys, Tom Mooney, Angelo Herndon, and every other victim of ruling class terror and national oppression!

On to Washington!

'SCOTTSBORO' RETRIAL JURY OUT 21 HOURS

4-10-33

Nineteen-Year-Old Chattanooga Negro For Second Time Faces Death Chair

WEEMS TRIAL TO BE NEXT

Defense Counsel in Celebrated Affair Says 'Fight Has Just Begun'

DECATUR, Ala., April 9 (AP)—Death in the electric chair confronted Heywood Patterson, 19-year-old Chattanooga Negro, for the second time Sunday as a Morgan county jury in the first retrial of the "Scottsboro case" found him guilty of attacking a white woman.

The verdict was returned at 10:58 a. m. (Central standard time) after the jury had been out 21 hours. Judge James E. Horton had ordered the reconvening of court at 10 o'clock to receive a report from the jury, but a delay of nearly an hour occurred until he arrived at the courthouse.

A hundred spectators received the verdict in silence. Patterson himself, who once before had been sentenced to death on the same charge, lowered his head and appeared nervous as the jury made its report. Shortly afterward a squad of national guardsmen escorted him from the courtroom to jail.

Shortly afterwards Patterson was taken under military escort to Birmingham to join his eight companions yet facing trial who were taken there last night.

"Fight has Just Begun"

In a statement after the verdict was announced, Samuel S. Leibowitz, of New York, chief of defense counsel, said the fight has just begun.

His statement follows:

"This verdict is an act of bigots, spitting upon the tomb of Abraham Lincoln.

"We would have been more than delighted to have left it to the hands of Judge Horton, but it is a pity the law prevented that. We will fight with every drop of blood in our veins to free these men, because they are innocent, as every reasonable human being that sat in the courtroom hearing the evidence must have felt. It is only a pity that amid these beautiful surroundings and glorious country, unaccustomed to the strange visitors where there is on every hand hospitality and courtesy such race hatred and bigotry should live.

"I think the prosecutor of this county (Solicitor Wade Wright) when he resorted in his bombast to the mud gutter in hurling vilification on the great people of New York and its vost body of Jewish citizens, perhaps represented in his way a cross section of what the defendants and lawyers representing them were faced with."

International Interest Shown

The outcome of the trial added a new chapter to the strange case, which has aroused international interest since Patterson and seven other young Negroes were convicted of attacking two women and sentenced to death at Scottsboro, Ala., two years ago. The present retrials, which were brought here on a change of venue, resulted from a decision of the United States Supreme court setting aside the original death sentences.

Late Sunday, after the jury had taken Patterson's case, Judge Horton granted severances for the other defendants and the trial of Charlie Weems was set for April 17 after counsel had entered a plea of not guilty for him. Only seven of the original group of nine Negroes charged with the attack are involved in the retrials. The other two were held to be juveniles and their cases await further investigation.

After the spreading of numerous rumors that mobs were forming here, for which authorities insisted there was no foundation, members of counsel for the Negroes asserted Saturday that fiery crosses had flamed on Alabama's hills the previous night and that they believed their lives were threatened. A joint statement by Joseph R. Brodsky of New York, a defense attorney, and Leibowitz asserted that the burning of the crosses followed a remark in court that day by Solicitor Wade Wright of Decatur that witnesses for the defense were being "bought with Jew money." The statement added that "only the presence of the national guard prevented a mob from entering Decatur."

Girl Reverses Her Story

Brodsky is one of the attorneys engaged by the International Labor defense to defend the Negroes, while Leibowitz offered his services to that organization.

The latter part of Patterson's trial also was featured by the dramatic appearance of one of the women who had been missing from her home for some time. Saying she had just arrived from a hitch-hiking trip to New York, she repudiated the testimony she gave in the original trials two years ago. She denied that she had been attacked and said she had not seen the other woman molested by the Negroes as they rode through North Alabama aboard a freight train on which the two women were hoboing their way home after seeking work in Tennessee.

Prosecuting attorneys, headed by Attorney General Thomas E. Knight, Jr., charged immediately that she had perjured herself, and spoke of "sinister influences" in New York, which they said were responsible for the fact that she appeared in court smartly dressed in contrast to the inexpensive attire of the other woman. Judge Horton took cognizance of this development in his charge to the jury when he said: "The law has a stern duty to perform, and when women of the underworld come before it, the jury must consider that fact."

Judge Horton also said [illegible] should be no thought of co[illegible] race or sectionalism in the [illegible] deliberations.

Will Appeal to President

NEW YORK, April 9. (AP)—The national office of the International Labor Defense announced Sunday night that an appeal will be taken immediately in the case of Haywood Patterson, Negro convicted Sunday in Decatur, Ala., in the Scottsboro case.

4-10-33

The announcement said the case will be fought to the supreme court if necessary.

"The immediate demands of the I. L. D.," said William L. Patterson, national secretasy, "now will be for a new trial . . . change of venue to Birmingham for the remaining boys to be tried, adjournment of their trials until after the appeal in the Patterson case, and immediate unconditional, safe release for all the nine boys.

"The demands will be made not only to the courts and state authorities of Alabama, but to President Roosevelt, who, as chief executive, will be called upon to give protection to the boys, their witnesses and lawyers, whether they are menaced with lynching by a jury or by extra-legal agencies.

"Determined to Murder"

"The lynchers of the south," read the organization's formal statement, "the landlords and mill owners, whose system of oppression and terror against the Negro people and the poor whites has been most sharply challenged in the fight to save the lives of the Scottsboro boys, are determined to murder them.

"These rulers of the south have common interests with the rulers of the north. The United States supreme court is the common tool of both.

"The life of Haywood Patterson, and the lives of the eight other innocent Negro boys, rests now where it has always rested, in the hands of the workers of the world, Negro and white, who have four times already saved them from death."

Harlem Petition Signed

As soon as word of Patterson's conviction reached Harlem Sunday, William Davis, publisher of a Negro newspaper, posted on his bulletin board a petition by which the residents of the Negro section would signify their intention of going to Washington to protest to President Roosevelt.

The petition was posted at noon and by 4:30 o'clock more than 16,000 signatures had been obtained.

Police estimated 2,500 persons were waiting in a double line to add their names, and five patrolmen were assigned to keep them in order.

Davis said he planned to have 50,000 Negroes from all parts of the country join the movement to Washington.

He sent telegrams to publishers of Negro newspapers in Chicago, Pittsburgh, Philadelphia and Norfolk, Va., asking them to join in the plan.

NEW YORK CITY POST
APRIL 10, 1933

THE ALABAMA VERDICT

We regret the death sentence against the Negro, Haywood Patterson, in his retrial in Alabama on charges of criminal assault upon two wayward white girls. We regret it because the penalty seems excessive, even if the testimony, some of it clearly perjured, had proved unmistakably the guilt of the nine colored boys of whom Patterson is the first to go to trial. But our main regret is that the possibility of truth and justice is now utterly lost in a welter of race, sectional and political passions that can never be untied. The South has its fundamental racial enmity between white and black. That enmity undoubtedly entered into this case. Yet it was not wise to provoke and complicate it by bringing in as the defender of the Negroes a Northerner, a radical and a Jew. When that was done, three other bigotries were added to the "color-line" already existing. Hope of real justice vanished. The Negroes at once became as much victims of their would-be saviors as they were of the Southern whites.

SCOTTSBORO, A SYMBOL!

No event of recent years could serve to enlighten America and the world on the unfair practices in Southern States so much as the exposure of the studied exclusion of Negroes from juries by councel for the seven Scottsboro boys now on trial for their lives.

But Scottsboro does not stand alone. It is a symbol of the efforts of the white ruling class to keep down the Negro masses. Similar conditions exist throughout the South. Indeed, while perhaps not as flagrant, yet nevertheless violations of constitutional rights are frequent in the Northern States.

It behooves Negroes everywhere to organize and fight the conditions which make a Scottsboro possible. Only through organization and militant fighting can a square deal ever be assured persons of color in America.

Lynchings-1933 I

Alabama

4261

Legal Punishment for Rape

Negro Worker In Court today for Scottsboro Protest

10-17-33

NEW YORK.—Harold Lyons, Negro worker arrested for being present at a Scottsboro protest meeting two days after Tammany police had brutally broken up the meeting, will come up for trial today in the Criminal Court Building, Part 4, at Franklin and Center Sts. Lyons is being defended by the International Labor Defense. White and Negro workers are urged to pack the court to protest this outrageous frame-up of a Negro worker.

New York

SCOTTSBORO FRAUD ON JURY CHARGED

Times

11-25-33

Leibowitz Offers New Ground to Quash the Indictments Against Nine Negroes.

New York Times

IN CLASHES WITH JUDGE

Latter Says Patterson Trial Must End in 3 Days, Sets Norris Case Thanksgiving.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., Nov. 24.—Samuel S. Leibowitz, chief counsel for the defense in the Scottsboro case, asked Circuit Judge W. W. Callahan today to quash the indictments against his clients on the ground that the grand jury which indicted them in the Spring of 1931 for attacking two white girls was drawn from a list fraudulently prepared.

This new ground for quashing of the indictments was advanced after Judge Callahan set next Thursday for the beginning of the trial of Clarence Norris, one of the nine Negroes whose first trial at Scottsboro was held unfair by the United States Supreme Court.

In setting Thanksgiving Day for the opening of the Norris trial Judge Callahan expressed the opinion that three days would be sufficient for the third trial of Haywood Patterson, one of the Negroes, who has been convicted twice and saved twice from the electric chair on appeal.

"We're going to make speed beginning Monday," he said as he went about the business of drawing 100 names from the jury box for the Norris trial.

Patterson's trial is to start on Monday, and a special panel of 100 talesmen has been summoned.

Judge Speeds Hearings.

Judge Callahan, indicating a growing impatience with the slow progress of the defense attack upon the Alabama jury system, ordered the lawyers to return to court after dinner. It was the second night session since the hearings, which run from 8 A. M. to 6 P. M., began last Monday.

The defense has been seeking to have the indictments returned against the Negroes, accusing them of a joint attack upon Ruby Bates and Victoria Price, invalidated on the ground that members of the colored race are systematically excluded from jury service in Jackson County, where the alleged crime occurred.

Although witnesses have testified at this hearing and the one before Circuit Judge James E. Horton last Spring that they never had heard of a Negro serving on a Jackson County jury, the jury roll produced in court yesterday for the first time contained the names of several Negro citizens.

It was the discovery of these names which led Mr. Leibowitz to charge today that the jury roll was forged after indictment of the Negroes and after criticism of the Alabama jury system had developed. A New York handwriting expert is on his way here with microscopes and other paraphernalia to help the defense attorney to prove his contention.

Officials Study Jury Roll.

The whole court day today was spent in a perusal of the Jackson County jury roll by J. E. Moody, president of the Jackson County Jury Commission; J. Hunt Stewart, a member of the board in 1931, and Hamlin Caldwell, court stenographer of Jackson County, who in twenty-four years' experience says he has never known a Negro to serve upon a grand or petit jury.

Judge A. E. Hawkins, who presided at the first trial of the Negroes and for whom a subpoena was issued, failed to appear when his name was called.

Mr. Leibowitz read into the record far into the night the testimony taken the last time he tried to prove systematic exclusion of Negroes from jury service.

But before he began he stated the additional ground upon which he seeks to have the indictments against his clients quashed. The prosecutor made no objection.

During the day, at the request of defense attorneys, subpoenas were issued for six of the men identified as Negroes when their names were read from the jury list yesterday. These men were Hugh Sanford, Pies Larkins, Travis Mosely, K. O. Snodgress, Cam Rudder and Mark Taylor.

Mr. Moody, who was asked to supply the court with samples of his handwriting, said that it looked to him as if most of the names in the jury roll were written in the hand of Kelly Morgan, former clerk of the jury commission.

Judge Bars an Answer.

While Mr. Stewart was on the stand he admitted that he knew Mark Taylor, one of the Negroes whose names appeared on the jury roll.

"Is he qualified to serve as a juror?" asked Mr. Leibowitz.

"Don't you answer that," said Judge Callahan, without waiting for objection from the State.

The judge and the New York attorney were at odds several times during the day. Once, when Mr. Leibowitz was entering an objection to a question by Attorney General Thomas E. Knight Jr., the prosecutor, Judge Callahan asked him:

"Are you making an objection or a speech?"

"It's an objection, your honor," said Mr. Leibowitz.

"Well, it's overruled anyway," said Judge Callahan.

When Judge Callahan set Thursday for his trial, Mr. Leibowitz protested, first, because the date selected was Thanksgiving Day, and, second, because he said he did not think Patterson's trial would be over then.

"Oh, yes it will," said Judge Callahan. "We're going to make speed in this case. We're going to start making speed on Monday. We'll be through in three days if the Lord is willing."

When Mr. Leibowitz asserted he would have about fifty witnesses, and Attorney General Knight said he didn't know how many the State would have, Judge Callahan remarked that it didn't matter much.

"I'm fixing to conclude this case in three days," he said. "I don't care if you have a thousand."

BIRMINGHAM, ALA.
AGE HERALD

OCT 24 1933

On Shifting Judges

It is deeply to be regretted that Judge Horton will not sit in the so-called Scottsboro cases, now reset for hearing at Decatur late in November with Judge Callahan presiding. That can be said without offering or implying any reflection upon Judge Callahan. The fact which cannot be overlooked is that the judge who has already tried the cases and who has done so with infinite credit to himself and the state of Alabama, is not being permitted to bring to a fresh investigation the benefit of his experience and the assurance of his unfaltering courage.

Just why the change was made by the authorities having the matter in hand has not been given out. In the circumstances, one can only speculate. Some of us will feel that it is a sound step. Others farther removed from the scene may be disposed to view the matter differently. It is an incalculable pity that critics of Alabama are thus being provided with another excuse for denying that full justice is administered in our courts when Negroes are defendants under conditions which bring into play the prejudices of the whites.

Having before him the example of his colleague, Judge Callahan can be relied on, we are sure, to meet the high test to which he is to be subjected. He is fully aware, we take it, of the national and international interest which these cases have aroused. He is fully aware of the anxiety with which intelligent Alabamians regard further developments in a business which has already made this commonwealth the object of pointed censure. If anything was needed to make him ready for his best functioning as judge, the situation provides that prod.

But to believe this is not necessarily to consider wise the shift which takes out of this cause the brave and veteran judge, whose behavior in the last trial won the praise of all thoughtful observers. Putting every other question aside, what is the sense of dispensing with the services of a man who is specially equipped to render justice in this affair? That, we suppose, will remain a mystery until an explanation is given us by those responsible for the arrangement. Meanwhile, it can be said that our hearts, our hopes and our prayers are all with Judge Callahan.

White Woman, Former Decatur Resident, Tells of Life in South, Backs Fight for the Scottsboro Boys

Finds Oppression is Worse Than Ever on Return to Birmingham

Daily Worker
11-23-33
New York, N.Y.

(By a Negro Worker Correspondent)

BIRMINGHAM, Ala.—Having been born and raised in Birmingham, which I left on account of oppression, I was surprised when I returned there recently to find the Negro more oppressed than ever.

Establishments that have existed for decades and during their existence hired cheap Negro laborers, now hoist bankrupt signs, go temporarily out of business, and soon afterward reopen with all white laborers simply to displace the underpaid Negroes.

The N.R.A. demands that a living wage be paid every man regardless of color. The officials of these firms swear they are damned if they will pay a living wage to a Negro. They would pay it to the man of their color, who needs it more, they say, because of his higher standard of living. Now, unless some Moses (in the form of the Federal government) comes along and helps these modern Isrealites, these oncoming winter months, will be hard.

The revelation of the inefficiency of the N.R.A. to cope with the hardships of the Negroes did not appear as bad to me as the nightly doings of a selected group of policemen. Eleven o'clock is the time limit for Negroes to walk the streets, though they are taxed (in proportion) the same as members of other races. After eleven, if Negroes are caught walking in the streets, the Slingshot Squad shoots wire staples at their legs and feet, the same as they would birds. If a Negro should chance to meet a friend on the street and stop to talk after the time specified, they are caught by another selected squad. They are questioned as to where they have been, where going, and why out? And if slow in responding to the questioning, they are whipped with a five foot piece of water hose and sent on their way.

In the North we are treated more like human beings. Never shall I return to this damnable spot on earth unless one of my loved ones passes away and only respect will persuade me to return then.

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Editor's Note:—This worker draws a vivid picture of oppression in the South, but his hope that the Federal Government or the N. R. A. may be induced to do something about it only gives rise to an illusion under which the ruling class tries to weaken the mass struggles of Negro and white workers against this oppression. The government in Washington is just as much a tool of the capitalist ruling class as is the state government of Alabama or the city government of Birmingham, and only the united struggle of Negro and white workers will defeat the N. R. A. and government program of discrimination and oppression.

Also, while the oppression of the Negro in the North is not shown in such open and brutal form as in the South, discrimnation on the job and in the neighborhoods is just as widespread and is based on the oppression in the South.

Daily Worker will be spread all over Alabama and especially in Decatur where I was raised. In reading the Daily Worker I see lots of names, in fact I know most of them, Mr. Winton on Fifth Ave., Elizabeth Morris on Prospect Drive, she being second door neighbor to my father.

Well, I guess all those that make threats still have a few meals ahead of sowbelly, sorghum molasses and corn bread. I know that is practically their daily menu, for I was raised there and raised on it, and existed on it, while at the same time in 1928 was doing laundry work for our living for a family of seven, and because it was so-called "nigger work" in the South, in some mysterious way we had to move, known only to Mr. Otta on Fifth Ave., South. Yes, I know all those crooks, and believe me, I'm spreading the news to my father, sending him Daily Workers, as he is still in that good country, the Democratic South. I only wish I was there for a while just to tell them all what they can do. They just don't know any different, they know they are suffering. Here is a part of a letter I got from my father a few days ago, as follows:

"You think you are having an awful time in Flint, but I hope you have a bed to sleep on. We haven't a bed to sleep on, or a chair to sit on, or a table to eat on, and nothing to eat. Our clothes are just rags, haven't had a pair of shoes in over three years. We are sleeping on the floor and our house is just a shack worse than our barn was on Prospect Drive in Decatur. I am almost blind—one eye is gone." This is the exact copy of the letter from my father.)

Now my father is 79 years of age. He spent about twenty years of his life in the L. & N. railroad shop in Decatur. He came out on that sell-out strike about 1922, and wouldn't go back. My mother had a long spell of sickness, and died in 1927. My father had managed to pay for his home somewhere near three thousand dollars, and during sickness he borrowed seven hundred and fifty dollars on his home from Mr. Thornhill, another of Decatur's noted crooks, so there went his home. In other words, his life savings gone, now he is cast aside on a hillside at Boas, Alabama, living under the club of a Mr. Sneed. I just can't swallow such stuff any longer. If I ever get down there again, I will at least give them a chase. I knew exactly how the Negroes are treated throughout the South. I know just what they would say to me if I go down there.

I'm a full-blooded southern born American of the working class, for the working class, black, white, foreign-born, native-born, hoping for freedom for all the Scottsboro boys, and wishing I could be in Decatur during their trial. I heard Ruby Bates speak in Flint. She is well acquainted with all my people, so if you have space in our paper, I would like you to correct all mis-spelled words, if any, and pass these few remarks around the globe. You can use my initials.

—W. T. P.

• • •

P.S.—I'm going to write Mr. Roosevelt to stop over for a visit with my dad on his trip to his summer home in Georgia. It is close by. Perhaps if Mr. Litvinoff goes with him, they can gather in shacks enough to make a bed for two.

ALABAMA NEGROES PUT ON JURY LIST

Times

Disclosure Is Challenged by the Scottsboro Defense as Tampering With Roll.

11-24-33

WRITING EXPERT CALLED

N.Y.

Uncovering of Seven Names After Series of Denials Electrifies Decatur Court.

By F. RAYMOND DANIELL.
Special to THE NEW YORK TIMES.

Times
11-24-33
N.Y.

DECATUR, Ala., Nov. 23.—The mammoth volume which contains the names of those Jackson County citizens deemed qualified to serve as jurors was produced in court today, and it created a sensation in the Scottsboro case.

Inscribed upon its pages were the names of seven Negroes, the very one whom Samuel Leibowitz sought vainly to show last Spring possessed all the statutory requirements for jury duty.

Mr. Leibowitz, who had made a dramatic reurn to the rôle of chief counsel for the defense, immediately set about the task of proving that the Negroes' names had been entered fraudulently on the jury list since his Negro clients were indicted for attacking two white girls in March, 1931.

He sent to New York for John V. Haring, a handwriting expert who testified in the Hall-Mills murder case, and, pending the arrival of the witness, he had Judge W. W. Callahan, presiding, impound the jury roll.

His questioning of J. [illegible] Moody, president of the Jackson County Jury Commission, left no doubt that he hopes to show that the Negroes' names were entered on the rolls since he opened his attack upon Alabama's "lily white" jury system.

Dramatic Scene in Court.

The defense, which earlier in the day had lost a motion to quash the venire from which a jury will be chosen Monday to try Heywood Patterson, one of the defendants, for a third time, was seeking to quash the indictments against all seven of the prisoners here for trial. Alleged systematic exclusion of Negroes for purely racial reasons was the basis for both motions.

The climax came when Mr. Leibowitz made it clear that he expected to prove that the names of Negroes were added to the grand jury roll long after the Negroes accused of attacking Victoria Price and Ruby Bates were indicted, and after the jury system which Alabama has had since the days of reconstruction was challenged by the defense.

Attorney General Thomas E. Knight Jr., limping about the court room suffering from a gunshot wound received while investigating a lynching at Tuscaloosa, was pale of face and his voice was flat as he registered his objections to the questions of Mr. Leibowitz.

Judge Callahan left his place on the bench to peer over the shoulder of the New York attorney as he pointed out the circumstances which formed the basis of his suspicions.

In the face of the old judge who supported Alfred E. Smith for President in 1928 and helped stop the organization of a Decatur unit of the Ku Klux Klan there was admiration as Mr. Leibowitz proceeded with his examination of the jury commission's president.

Joseph R. Brodsky and G. W. Chamlee, associates of Mr. Leibowitz and also retained by the communistic International Labor Defense, looked pleased.

Times
11-24-33
N.Y.

Discovery of a Negro on Roll.

From the questions propounded by Mr. Leibowitz and the answers made by Mr. Moody, it appeared that when the present jury commission took office in 1931 it made up its own rolls of citizens available for jury duty. After the names listed by the retiring commission they drew two red lines.

Mr. Leibowitz called Judge Callahan's attention to the fact that in nearly every case, when the name of a Negro appeared upon the roll, it was written on the last line of space devoted to each precinct of the county, a line in most cases left vacant. The two red lines ran through the names of all the Negroes identified as such today.

The first definite identification of a Negro on the roll came at 4:05 P. M., when the court room was almost empty. Mr. Moody, by the court's direction, had stopped specifying that the names be read from the rolls were white. By Judge Callahan's direction it was assumed that all those he knew were white unless he specified otherwise.

Judge Callahan was chatting with a group of newspaper men when Mr. Moody read off the name of Hugh Sanford and said: "He's a Negro."

The judge cut his conversation short and resumed his place upon the bench as Mr. Leibowitz demanded that the place in the book where Sanford's name occurred be marked for identification.

Southern newspapermen who had been drowsing through the dull session, confidently asserting that no names of Negroes would be found, rubbed their eyes and rushed urgent bulletins to their offices.

Defense Elicits More Names.

The next Negro identified by Mr. Moody was Mark Taylor, "a presser," of Scottsboro. His name occupied the last line allotted to the 1931 rol lfrom his precinct.

Mr. Leibowitz flipped over a dozen pages and asked:

"How about Cam Rudder? Is he black or white?"

"Don't know," replied the witness.

"For Your Honor's information," Mr. Leibowitz said to the judge, "Rudder is a Negro."

Rudder's name also was pierced by the red lines at the bottom of the section filled by the jury commission in office when the grand jury which handed up the indictments in the Scottsboro cases was drawn.

"Now," asked Mr. Leibowitz, "can you tell us whether the lines are on top of the names or the names on top of the lines?"

"Don't know," said Mr. Moody.

"Never mind," said the defense attorney, "we'll have some one here who can tell us about that."

Times 11-24-33

Lynchings-1933 II

Legal Punishment for Rape.

Alabama

4260

"We regard your teachings as dangerous and a menace to our state," the pamphlet states. It declares the residents of Decatur have a right to arise when "outside Negro and white people send lawyers into our state to defeat law and cheat justice." The law has been too slow in sending the Scottsboro boys to the electric chair, the author says, therefore the people of Decatur must "save themselves."

Scottsboro Trials Will Be Rushed in Death Verdict Plot

Worker New York 11-23-33

Arraign Charlie Weems Tomorrow--Take Ruby Bates' Testimony In New York Because of Lynch Threats

By JOHN L. SPIVAK

(Special Correspondent of the Daily Worker.)

DECATUR, Ala., Nov. 22.—The State of Alabama is determined to rush the trials of the rest of the Scottsboro boys without waiting for a decision on any appeal if Heywood Patterson is convicted.

This news came late this afternoon when Circuit Judge W. W. Callahan of Morgan County, in a surprise move, served notice upon Joseph Brodsky, International Labor Defense Attorney, that he would have Charlie Weems arraigned tomorrow and set the date for his trial a week from November 27.

This Monday, immediately before the Jury will be chosen to try Heywood Patterson, Judge Callahan plans to arraign two more defendants. He has not yet announced their names.

No reason for this unexpected move is given by the state.

Normally when several defendants are accused at the same time, separate trials are asked for each and an appeal is taken on one conviction. The state saves time and money by postponing the other cases until a decision has been granted in an appeal. Despite the fact that it will cost the state more money and take up more time, Alabama is, nevertheless, determined to rush the cases through indifferent to planned appeals.

DECATUR, Ala., Nov. 22.—Because Ruby Bates may be lynched if she appeared in Decatur to testify for Haywood Patterson, first of the seven Scottsboro boys to be tried for their lives for the third time this Monday, a court order to take her testimony in New York was on its way there by air mail this evening.

The order directed Julius Applebaum, 32 Broadway, to have Ruby appear before him for interrogation. With the order went a long series of questions prepared by Joseph Brodsky, International Labor Defense attorney and an almost equally long series of questions by Attorney General Thomas E. Knight, Jr.

Brodsky explained to Circuit Judge W. W. Callahan of Morgan County, presidng at the third of the internationally famous trials, that Ruby Bates refused to go to Decatur because of the open-voiced threats to kill her.

Threatened to Lynch Her

Attorney General Knight was not willing to accept the record of her testimony at the Patterson trial this spring. He asked Brodsky to permit the introduction of her testimony at the first Scottsboro trial. Brodsky refused. This is the testimony where she and Victoria Price said the nine Scotsboro boys had "raped" them. Subsequently Ruby recanted her story and confessed that the boys had not touched them.

This confession and her dramatic appearance to take the stand for Patterson this spring caused Morgan County whites to turn furiously against her. After her testimony a mob started to march on Cornelian Court Apartments where she was staying with the avowed purpose of lynching her.

The questions prepared by Brodsky bring out her story from the day she appeared in Chattanooga with Victoria Price, the train ride, the arrival in Scottsboro, the arrests, the seizing of the boys, the pressure put on her by Jackson County officials to say she had been raped—all these details of the first accusation against the Negro boys. Then follow details of her realizations that she was condemning innocent boys to their deaths, her recantation and confession of the whole frame-up.

Ruby Bates' Confession

Attorney General Knight's questions are designed to try to get her to repeat the story she told at the first Scottsboro trial when the boys were convicted. Ruby has since confessed that she told that story under duress and fear.

When the interogratories are returned here by Monday morning Brodsky will reply to Knight's questions and let Ruby explain how she happened to give her testimony at the first trial—the details of how the Scottsboro boys were framed.

While these interogatories were on their way to New York both sides utilized the day's court adjournment by preparing for arguments in the defense motion to quash the indictments against the Scottsboro boys because of the deliberate exclusion of Negroes on the grand jury that indicted them.

On this question evidence submitted at the Patterson trial this spring will be read in court again for the record. But the defense has several new witnesses to add to the cumulative evidence it has already produced. Brodsky has issued subpoenas for Judge Hawkins, who presided at the original Scottsboro trials, when the boys were convicted in a few days without proper legal presentation. Besides Judge Hawkins the defense has subpoenaed the clerk of the Scottsboro Court and the Jackson County jury roll, in an effort to show that in Jackson County Negroes are discriminated against deliberately because of their race and color.

Excluding Negro Jurors

In the meantime both sides are waiting for the appearance tomorrow morning of J. T. Tidwell, Morgan County Commissioner, who may tell why he excluded the name of J. J. Sykes, a Decatur Negro with several college degrees, from the jury roll. Judge Horton ruled that he did not have to answer. This ruling was reversed by Judge Callahan.

It was pointed out that to have refused to answer this would most likely have made it a reversible error in the event of an appeal to the United States Supreme Court. But, with the reversal of Judge Horton's ruling Comissioner Tidwell has to answer, and even if he answers with "I don't remember" or "it is possible some member of the jury board had same objection to him, but it is so long ago that I cannot remember who the jury board member was or what his objection was." It is an answer of sorts that will appear before the U. S. Supreme Court.

It is apparent that Attorney General Knight's procedure with reference to the Negro on the jury question is laboriously designed to circumvent the Supreme Court decision in the Euel Lee case. This case, taken to the Supreme Court by the I. L. D. resulted in Negroes being placed on juries in Maryland. Attorney-General Knight has admitted that he studied the Euel Lee case thoroughly so as not to make the same mistakes made by the state of Maryland.

Dixie's Negro Leaders "Hazy" on Scottsboro

Amsterdam News 11-22-33

Writer Finds Intelligentsia Uninformed or Uninterested in Southern Cities

By T. R. POSTON.

(Staff Writer of The Amsterdam News.)

SOMEWHERE IN THE SOUTH, Nov. 20.—"What are the factors which make possible such outrages as the Scottsboro case? Indignant speakers throughout the world have answered that question a thousand times. But in the countless answers—persecution and oppression of the Negro, barbarism of the Southern white, vicissitudes of the class struggle—these speakers have overlooked one important factor in the equation—the almost total lack of interest and indignation of the South's Negro intelligentsia in the Scottsboro and similar cases.

This bankruptcy of leadership, astounding as it is, has been encountered repeatedly by the writer in the last few days in interviews and discussions with scores of community leaders, doctors, lawyers, teachers and ministers, in a half dozen larger cities in three Southern states, Arkansas, Tennessee and Kentucky.

But more amazing than their lack of interest in the case is their almost criminal ignorance of its latest developments and significance.

Arriving here from a section of the country where almost every literate person has followed closely each development in the case, one is surprised to find a doctor in a large Tennessee city who asks, "Is there still a

Scottsboro case? I thought that Jew lawyer, Leftowitch, proved the boys innocent and had them set free." Or a Kentucky educator, holder of two college degrees and candidate for a doctorate, who shrugged shoulders at the final outcome of the case and sighed, "You can never tell what those damned crackers in Tennessee will do to the boys at the new trial."

And one shudders still more to think of what future Southern generations will be taught of the Decatur brilliance of Samuel L. Leibowitz and the perfection of his case there, when a young woman who is entrusted with the furtherance of higher education in an Arkansas school remarks, "Well, in spite of what they know will happen to them, some of the men and even the boys of our race still prefer white women to their own women."

These are not isolated statements. The above expressions, and worse, were repeated several times in the informal discussions which were prompted by the writer in search of material for one or more articles on "What the Southern Negro Thinks of the Scotttsboro Case." None were speaking for publication, however. Few knew that a reporter was prompting the discussions. But the majority, if not all, seemed sincere in their utterances.

All Not Ignorant.

All community leaders were not ignorant of the developments of the case. But even those who had followed it closely in the South did not seem to understand the significance of the Scottsboro phenomenom or to see in it any relation to their own precarious fortunes. This latter group is typified by a Louisville professional man who stated, "Those things can happen in Alabama but they would not be possible here. Whites and Negroes both are more intelligent here." Even as he made the assertion, Louisville police were still searching for at least two Negro civic leaders who had been kidnapped in the recent election there because they had urged their followers to vote the Democratic ticket. A third leader, son of a minister, had been kidnapped, beaten and mutilated before his bleeding body was thrown from a speeding automobile by white election thugs.

Despite the majority of these reactions, however, one finds many Southern leaders who are working in their own way for the liberation of the boys. One hears of scores of ministers who have urged their congregations to pray for the Scottsboro youths. One encounters various branches of the National Association for the Advancement of Colored People which are raising funds for the defense. Incidentally, it seems to be the consensus of opinion here that the N. A. A. C. P. is conducting the defense. Few persons among the leaders seemed to know of the International Labor Defense and these few regarded the organization with suspicion.

But if one becomes discouraged after discussions with the South's Negro intelligentsia, one may observe at least a deeper interest and in most instances a better understanding of the Negro's position in the South if he will discuss Scotttsboro and similar cases with the common people here. Talk with the workers, the church members, the rural residents. Visit the poolrooms, the "jukes" (Southern ginmills), the bus and railroad stations and discuss racial conditions with the people you meet there and you will begin to understand that there is all too much truth in the statement that "The white South is sitting on a barrel of dynamite."

These poor people, illiterate for the most part but by no means ignorant, can and will tell you tales which will make your blood run cold. Theirs is not a picture of a peaceful South with occasional outrages. Theirs is not the picture of the glorious South which will come when all men are educated. Theirs is only the picture of what they have seen and what they know. And if one wishes to know what they think, one has but to look into their smouldering eyes as they tell their simple but horrible tales to each other.

Comrade J. Louis Engdahl Died Fighting Scottsboro Battle

Death Caused by Overwork on Tour, a Year Ago Tomorrow

11-21-33

By ROSE DE SANTES

The coming battle for the Scottsboro boys coincides roughly with the anniversary of the death of our leading fighter for them, our late Comrade J. Louis Engdahl. This recalls the vast importance of the Engdahl-Wright European tour, for it was precisely this tour, which Comrade Engdahl organized and directed, bringing the message of Scottsboro to workers throughout the world, which forced the granting of a new trial by the U. S. Supreme Court.

When Comrade Ada Wright returned to the United States last December, we obtained first-hand information on just how Comrade Engdahl sacrificed his life in the campaign to save the Scottsboro boys. She reported that during the seven months tour into 18 countries, J. Louis Engdahl never averaged more than three or four hour's sleep each night; that they were travelling both day and night, and after meetings and big demonstrations—no matter how late—Comrade Engdahl would sit up and typewrite, articles until dawn. In many hotels he was told he'd have to stop typing after the guests had retired, which meant more work—writing by hand.

Wrote Many Articles

Toward the middle of July—they had been on tour just about ten weeks—Comrade Engdahl hal already written fifteen long articles on how the Scottsboro message was received in Germany, Austria, land, Great Britain, Norway, Sweden Denmark; "Two Cities—Vienna and Zurich," "The Tmerican Capitalist Press in Europe," "The Year's Campaign for Scottsboro," "Scottsboro and the Anti-Imperialist Struggle" and "Scottsboro and the Mooney Anniversary," besides a whole series of intimate sketches about every city visited. And there were approximately 25 long articles written after that time, up until practically the time of his death, which appeared in the **Inprecorr, Daily Worker, Labor Defender** and other periodicals. This shows how hard Comrade Engdahl worked.

Engdahl and Mrs. Wright in France

J. Louis Engdahl (right) is shown with Mrs. Wright, Jean Richetta, French labor leader, and Marcel Cachin, editor of the Communist daily, "L'Humanite," at a meeting in Paris during the European Scottsboro tour last year.

Comrade Engdahl worked just as hard when in New York; he was always the first to open up the office in the morning and the very last to leave at night, only to return to his home and continue work. He would not finish at the office out of consideration for Mike, saying "night watchmen must also sleep." He was thoughtful of everyone but himself. If he had given himself a little thought, he undoubtedly would have been alive today, for instead of taking a badly needed rest after reaching Moscow on October 31st, following the tremendous strain of the previous six months' tour, he plunged at once into new activities.

Aided World Congress

It is now a matter of record how he and Ada Wright had been hounded and persecuted, jailed and deported, during their European tour. Nevertheless, he ploughed right into an over-abundance of work again in the Soviet Union, helping in the preparations for the November 7th celebration and, immediately after, preparing for the World Congress of the International Red Aid, which started Thursday, November 10th. In addition to the activity of the Congress—writing articles, manifestos, resolutions—he worked each night after Congress had adjourned, and again early in the morning, on a Scottsboro pamphlet and a biography of Ada Wright. Even on Sunday, November 13th, although already ill, he remained at work the entire day and evening.

Monday he was too weak to get out of bed, and when Ada said she was going to get a doctor for him he replied: "Don't bother, Ada, it's only a cold; let the doctor take care of the other comrades." (There were

Switzerland. France. Belgium. Hol-

200 delegates housed at the same hotel—Hotel Mayak—and several of them were ill). Comrade Wright did get the doctor, however, but his strong and healthy body—he had never been sick before—had now become a complete physical wreck under the terrific strain, with no power of resistance left to fight just an ordinary cold. This latter, of course, developed into the flu and pneumonia.

Mrs. Wright Ill

Right here I must mention Ada's unselfish devotion, for, although very ill herself, she refused to leave Comrade Engdahl for one moment, day or night, until he was taken to the

Untiring Labor of ILD Leader Helped Rouse World Protest

hospital two days later, on Wednesday. Ada was herself taken to the hospital the following day, where she remained for 12 days.

On Sunday, November 20th, the day before Comrade Engdahl died, Comrade Sonia Kaross visited him in the hospital. He said among other things, in referring to his illness: "I realize only now what a strain this trip has been. Constant travelling and preparing the tour, being hounded, getting deported, then one or the other of us getting arrested and arranging for the other to continue the tour; Ada getting ill; constant irregularity of living; not enough sleep; all this has weakened my constitution. I feel very tired and weak, and don't believe I'll pull through. Tell Ada she must get well quickly and redouble her efforts."

Comrade Engdahl died at a time when he was needed most. But he is not dead to the comrades who knew him; he remains a living and shining example of unstinted loyalty and devotion to workers throughout the world. It now becomes the task of every class conscious worker and particularly every I.L.D. member to honor his memory by enrolling to carry on the work for which he gave his life.

We must act immediately to save the Scottsboro boys from the bestial lynch gangs now being organized in Decatur. Every minue, every hour, must be spent in rushing protest telegrams to Governor Miller, demanding full protection. Only through mass pressure can we defeat the despicable lynch officialdom of Alabama.

Lynchings-1933
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Legal Punishment for Rape.
6

Alabama

(Do Not Paste Scottsboro Case on this Card.)

4184

New York Evening Journal

SEP 6 1933

DEATH DECREED IN ATTACK

DECATUR, Ala., Sept. 6.—A death decree had been rendered by a jury today against Tom Brown, Negro, for an attack upon a white ~~woman,~~ Mrs. George Dugger, on Aug. 21.

Since the attack mobs have tried three times to get at Brown and lynch him. State troops were on guard ~~here~~ during the trial.

The Negro will be taken under National Guard escort either to Birmingham or Montgomery, where he will be held pending an appeal.

Birmingham, Ala. Age-Herald
September 5, 1933

Alabama's Test

The trial of Tom Brown opened Monday at Decatur. This is the Negro whom on two occasions a band of potential lynchers sought to take from the custody of Sheriff Giles, of Morgan County. The case is being heard with 100 soldiers in attendance. This is the arrangement not because of any fresh threats of mob violence, but because Judge James E. Horton, who is presiding, believes in an abundance of caution.

There is nothing to be proud of in the presence of this military guard. Thoughtful Alabamians would infinitely prefer a situation in which the majesty of law can be upheld without such a resort to bristling force. But at least this is to be said for the use of guardsmen: So far as the authorities can bring it about, the accused will be dealt with according to the written law and not in accordance with the murderous passion of lynch law.

We may be sure that, so far as Judge Horton can shape matters, justice will be done to this Negro. Judge Horton has already given proof of transcendent courage, and no one has ever doubted his ability as a judicial officer. Few men have been subjected to a quick succession of tests such as has been imposed on him. It is a source of profound satisfaction that a man of his sterling quality is trying this case.

It is not clear what is being done to round up those responsible for the killing of a Negro named Royal, just before or after Brown's capture. So far as the facts have been disclosed, this was murder induced by the bitterness of the hour. The Grand Jury which indicted Brown is engaged in an investigation of the subsequent crime. It is to be hoped that whoever committed this offense will in turn be identified, indicted and brought to trial.

This is not the only attempt now being made in Alabama to hold white men who have used extra-legal measures accountable for such misconduct. At Tuscaloosa, a Grand Jury is renewing this week its study of the recent lynching of two Negroes. This is the case in which Atty. Gen. Knight has interested himself. For the sake of the state's good name, not a stone should be left unturned in the endeavor to isolate the persons who brought such discredit upon our civilization.

Circumstances are serving to make it necessary for this commonwealth to exhaust its resources in attacking vigorously the evil of lynching. Alabamians who do not realize that their state is under the scrutiny of the world, or who are indifferent to that scrutiny, are blindly with their own blessedness at odds. The obligation to deal effectively with the lynching menace is inescapable, if we would appease our own consciences or hold up our heads in the sight of mankind.

Merely to resent outside criticism or to find excuses in outside interference is of no avail, in the light of stubborn realities. To grow testy with affronted pride is not the mature, intelligent way of facing up to this problem. And to throw the burden upon alien busybodies does not erase the fact that we did not meet the demands of a crucial experience in a creditable fashion.

The truth is that for the sake of our own peace of mind, for the security of our institutions, and for the promotion of an ordered way of life, we cannot afford to let this challenge pass without throwing against the principalities of darkness our entire armament of spiritual and legal power. To do less—to consult expediency or to be complacent—is to be craven at a juncture when we should be exerting every jot of resolution we possess.

Speedy Justice Awaits Negroes

Advertiser
9-16-33
Montgomery, Ala.

Pair Of Ruffians Indicted For Court Street Crime Go On Trial Wednesday

Trial of George Meadows, 27, and Frank Jackson, 22, negroes, on charges of robbery and rape in connection with an attack on Robert Webb and his girl companion on the Court Street extension Sept. 6, yesterday was set for Wednesday by Judge Walter B. Jones, of the Montgomery Circuit Court.

The trial date was set by the court following appointment of Attys. John Sankey and N. T. Spann to defend the negroes and after the defendants had been arraigned. Both entered pleas of not guilty.

The Montgomery County Grand Jury yesterday morning returned indictments against the negroes after a session of about two hours, in which about a half dozen witnesses appeared.

Solicitor W. T. Seibels said yesterday he would ask for the death penalty for both negroes.

A brilliant charge which censured the courts generally for delay in the trial of criminal cases, declaring that such delay contributed largely to the disrespect for law, and which denounced lynching as murder, was given by Judge Jones.

"The great need of this country today," Judge Jones said, "is that punishment for crime be speedily inflicted and that we have less sympathy and admiration for criminals.

To Easy For Crime

"Our laws in the past have been based too much upon a tender consideration for the welfare of the criminal and on a callous disregard of the rights of the law abiding citizens. It is high time we were beginning to put the rights of the State and her honest, God-fearing citizens and their right to life and property above the right of the criminal to plunder and murder them and go unwhipped of justice because of a mass of technicalities and crime producing laws that are a disgrace to our country."

Advertiser
9-16-33
Montgomery
Ala.

The slow procedure of punishment and the mild punishment dealt stimulates crime, Judge Jones said, pointing out that the criminal knows "as he looks back over crime statistics for a few years, that there is about one chance in 20 of his ever being apprehended and about one chance out of 20 of his ever serving out a sentence at all commensurate with the heinousness of his crime."

"Among the criticisms made against the administration of criminal justice in this country, there is one that is particularly well taken: our steps in the punishment of crime are so slow, our methods are so worn out and so feebly adapted to the purpose for which they are used, our law enforcing agencies are so badly equipped and our punishments, if ever inflicted, so mild and so tardily administered that the criminal has little, if any, real fear of the law or respect for it."

The people of Montgomery County, Judge Jones said, have always set their faces against lynching. "There is throughout this county," he said, "and there has been for many, many years a forceful and well expressed public opinion which has demanded and insisted, no matter how outrageous the offense, that the laws of this State be observed, and that those charged with crime be protected in every constitutional right...."

Praises Juries Here

"The records of this court will bear me out when I state that the juries of Montgomery County have conscientiously endeavored to do equal justice to the white and to the black. No man has ever been convicted in this courthouse solely because of the color of his skin. And the juries of this county have been impartial in the remedies in their verdicts in criminal cases."

Judge Jones cited the case in which a white man was given a long sentence for robbing and raping a negro woman, and the conviction of a white man for the murder of a little negro girl.

"The crime of lynching," he said, "and I call it a crime because it is murder in the first degree under the Constitution and laws of Alabama—is one of the most serious offenses known to the law.

"No good, law abiding man will ever take part in a mob or will ever lift a hand to take from the officers of the law the prisoner they have in charge. ....The good and law abiding citizen has confidence in his courts and juries, and there is not in his makeup that cowardice which renders him willing under cover of the night, to attack in overwhelming numbers, a few faithful officers of the law and to defy and set at naught the laws of his people.

"The good citizen is not found in mobs. He doesn't aid and abet mobs and he has not respect for those who make up a mob and who are willing to burn down a jail or kill an officer of the law in order to take from him some prisoner and put him to death without trial."

Judge Jones praised the action of the law abiding negroes in cooperating in the hunt for those alleged to have committed the crime.

"It is a commendable thing," he said, "that the law abiding negro citizens of Montgomery County have cooperated to the fullest extent with the peace officers of the city and county in ferreting out those alleged to have committed the crime you are to investigate, and have furnished the officers with the information which was of great help to them in their investigation of the matters soon to be placed before you. The law abiding negroes of Montgomery deplore these crimes and hope that the perpetrators will soon be brought to justice and punished."

Lynchings-1933
Legal Punishment for Rape

Arkansas

4369

ASSAULT JURY HUNG; MISTRIAL IS ORDERED

Commercial Appeal

Twelve Hours' Deliberations in Morgan Case Futile.

5-11-33

HELENA, Ark., May 13.—After deliberating for 12 hours in the case of Buck Morgan, 28, charged with criminal assault on a young West Helena girl, the jury this morning reported to Judge W. D. Davenport that it was hopelessly deadlocked and a mistrial was declared.

Memphis, Tenn.

The testimony was in and the arguments closed in the case last night at 10:30. Retiring to the jury room, the 12 men deliberated the case until 1:30 o'clock this morning. At one time it was reported that the jury stood 11 to one for conviction.

Defense attorneys were to confer with the prosecution and Judge W. D. Davenport regarding an agreement on bail for Morgan, who has been in the Phillips County jail since last December.

Morgan, who emphatically denied any improper relations with the girl, is a former member of the United States Navy and claims to have been for a time a member of the personnel of the submarine S-10 crew.

Because of the week's recess in court here, George Hill, 19-year-old negro, convicted Wednesday on a charge of criminally attacking a 15-year-old white girl, will not be sentenced until the week beginning May 22. The verdict brought in by the jury in his case makes it mandatory that Judge Davenport fix his sentence at death in the electric chair.

Judge Davenport late last night sentenced two men to terms in the penitentiary. D. T. Young, 59, convicted of assault with intent to rape a 7-year-old girl, by a jury who left his punishment to be fixed by the court, was sentenced to three years in the penitentiary. Judge Davenport said that he was giving Young the minimum sentence because of his advanced age and the state of his health.

He also sentenced Alfred Hamilton, negro, convicted by a jury of the murder of D. W. Sweeney, white construction company worker, here last November, to life in the penitentiary.

NEGRO GIVEN DEATH AS BAYONETS BRISTLE

Commercial Appeal

Jury Quickly Convicts Georga Hill of Criminal Attack.

5-12-33

VICTIM TELLS STORY,

Memphis, Tenn.

Identifies Helena Suspect As One Who Attacked Her on Roadside—Verdict Returned in 20 Minutes.

Special to The Commercial Appeal.

HELENA, Ark., May 11.—A jury this afternoon returned a verdict of guilty as charged in the indictment against George Hill, 19-year-old negro, for a criminal attack upon a 15-year-old girl near Marvel on Feb. 4.

The verdict made it mandatory for Judge W. D. Davenport to fix his punishment at death in the electric chair. The jury was out for only 20 minutes.

The trial of Hill, one of the most sensational ever to take place in Phillips County began shortly before noon with the corridors filled with national guardsmen, a detachment of 18 coming here from Marianna this morning. They were headed by Capt. Eugene Hampton and Lt. C. B. Dozier.

Trial Is Orderly.

Inside the court room all during the trial, a cordon of deputies and police officers kept order and no disturbance, save the rumbling of voices, broke the stillness as witness after witness told of the crime.

The girl's testimony, bore out a confession which officers claimed they obtained from Hill after his arrest. She said that she and another girl with an escort, 29-year-old Chauncey Holland, were returning from a party on the night of Feb. 4, the time being near midnight, she said.

Hill, the girl said, met them, passed by turned around and came up from behind, flourished a gun and commanded Holland to run. He then forced her to accompany him toward a nearby cornfield, and when she screamed twice he hit her over the head with a pistol and threatened to kill her if she screamed again.

He left her there, she said and fled. She made her way home, about a mile distant while Holland was returning with searchers for the negro.

Shows No Emotion.

The negro sat through the whole of the trial without showing emotion.

Defense counsel appointed by the court, to defend the negro, did not place him on the stand, nor did they furnish any other defense witnesses. They devoted their time to developing the testimony in the case so that it would be presented to the jury in as fair manner as possible.

While the jury was deliberating, Hill questioned by an officer in the presence of a reporter, denied that he had a gun on the night of the attack, or that the shoe plates found by Deputy Sheriff Edgar Hickey, in his home after the attack were the ones he wore during the attack.

He said that the plates were taken off his shoes prior to that night. Previously officers said he had admitted that they were taken off after the attack and it was by means of these plates that the negro was partially identified.

NEGRO WILL GET DEATH

Helena Assailant Will Be Sentenced Monday.

Commercial Appeal

HELENA, Ark., May 20.—George Hill, 19-year-old negro, who was found guilty by a jury of a criminal attack on a girl when he was tried here May 10, is scheduled to receive a sentence of death in the electric chair here Monday when Judge W. D. Davenport convenes court for another week's session.

5-21-33
Memphis, Tenn.

Such a sentence is mandatory by reason of the fact that the jury in returning the verdict found the negro guilty as charged in the indictment without recommending mercy.

As soon as the verdict was rendered, Hill, protected during the day by national guardsmen and sheriff's and police officers, was taken to an unannounced jail, where he has been held for safe keeping. He will likely be brought here only for the length of time necessary for him to receive the sentence.

INDICTED FOR ASSAULT

Commercial Appeal

Frank C. Callahan Faces Charge At Hot Springs

HOT SPRINGS, Ark., Nov. 7.—Frank C. Callahan, operator of a chain of local rooming houses, was indicted this afternoon by the Garland county grand jury on a statutory charge. The prosecuting witness is a 12-year-old girl. The alleged attack took place Saturday.

11-8-33
Memphis, Tenn.

Callahan will be arraigned tomorrow morning.

DEATH SENTENCE FOLLOWS ATTACK

Courier 5-20-33

HELENA, Ark., May 18.—(ANP)—Two rape trials, which the International Labor Defense did not get in on were settled quietly here on Thursday afternoon. In one case, involving a 19 year old colored boy, George Hill, a mandatory death verdict was returned. In the other, involving a 55 year old white man, the degree of punishment was left to the discretion of the judge.

Pittsburgh, Pa.

A detachment of 18 Arkansas national guardsmen helped local police and sheriff's deputies to guard the courtroom during the trial of Hill. He was charged with an attack on a 15 year old white girl. She stated that she was returning from a party at midnight in the escort of two white boys and that Hill met them on the road, chased the white boys off and attacked her.

The court appointed three lawyers to defend Hill. They did not put him on the stand, nor offer one bit of testimony in his behalf.

In the other case, D. D. Young, the white man, was convicted of an attack on a seven year old white girl.

In the case of the colored boy, the all white jury returned a verdict which made a death sentence mandatory; in the case of the white man, this same all white jury on the same day left the punishment to the discretion to the judge.

Florida.

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REPRIEVE GIVEN TO DOOMED MAN BRINGS PRAISE

~~Courier~~

Pittsburgh, Pa.

4-15-33.

Outstanding Woman President of Bethune-Cookman College Also Commends Reporters Who Prompted Governor's Action.

DAYTON BEACH, Fla., April 13—(ANP)—In an open letter addressed to Governor Dave Sholtz, here this week, Mrs. Mary McLeod Bethune, president and founder of Bethune-Cookman College, praised the action of the Chief executive in granting a reprivee to Will James, sentenced to die on charges of raping a white woman, and commended the attitude of two young white reporters who were directly responsible for the Governor's action.

The text of the letter follows:

"On the part of the Negro constituency of the state of Florida and of the 14,000,000 Negroes of America, permit me to express our heartfelt gratitude to you and to the State Pardon Board for the 60-day reprieve which postpones the immediate electrocution of Will James, Marion County Negro, condemned to die during the week just closing as the perpetrator of a most serious crime."

"The public is indebted to LeRoy M. Washington, young Negro journalist, and the editorial pages of the Jacksonville Journal for intimate details as to the action of the Pardon Board in generous response to the noble attitude of alert, broad-hearted young news reporters and sympathetic lawyers of Jacksonville who, for no recompense except the satisfaction of seeing justice done, sacrificed time and effort in a spiritual endeavor to prevent a possible miscarriage of justice to a man of another race. All praise to those young reporters for their alertness and passion for even justice, to those lawyers for their unselfish sympathy, to your Pardon Baord for its patient dispensation of fair play, and to you, Honorable Sir, for your calm courage in the face of convictions,—fresh evidence that we truly live in a new era of justice and fair play for all."

"Now that stay of execution has been granted to James for 60 days, these millions of Negroes, who condone no crime wherever guilt may be determined without shadow of doubt, earnestly pray that the machinery of true justice may not be retarded in turning the X-ray of investigation upon the real merits of James' case before the supreme penalty is exacted."

"May the God of the Universe continue to guide and protect an executive of such fine courage and convictions as yours. May your disposal of this case serve to reassure the confidence of voiceless millions in the unquestioned supremacy of impersonal justice." May your term of administration go down in history as "The New Day of the Square Deal for All."

This case has attracted state-wide attention. James was in the proverbial shadow of the electric chair, when he was discovered by two white reporters who went to the death house to investigate another case. Through their efforts the Governor granted a 60-day reprieve.

General

4372

Lynchings-1933

Legal Punishment for Rape.

The Short Memory of Our Lawyers

Afro American

1-28-33

Baltimore Md.

The Scottsboro case in Alabama, the Euel Lee case in Maryland, and the now celebrated Herndon case, tried last week in Atlanta, are all notable in that the defense, stakes its appeal upon the right of Negroes to sit on the grand and petit juries.

How strange this is.

Thirty years ago, on January 17, the United States Supreme Court reaffirmed the ruling made in the case of Carter versus the State of Texas, to the effect that the exclusion of Negroes from grand juries is a violation of the Constitution, and therefore, not permissible.

The decision written by Justice Holmes dealt with the case of one Rogers, who was indicted for murder by an all-white Alabama grand jury, from which Negroes were excluded.

The original Carter case went back several years further, and in deciding it, the Supreme Court held:

"That the exclusion of all persons of the African race from a grand jury which finds an indictment against a Negro in a state court, when they are excluded solely because of their race or color, denies him equal protection of the laws, in violation of the Fourteenth Amendment of the Constitution of the United States, whether such exclusion is through the action of the legislature, through the courts, or through the executive or administrative officers of the State."

This being the law as interpreted by our highest court, the question is, how does it happen that our lawyers have gone to sleep in every Southern state and for 30 years or more the South has kept colored people off grand and petit juries?

Granted that the arm of the law is long, must we also concede that the memory of a lawyer is short?

Lynchings - 1933

Legal Punishment for Rape.

Georgia

4373

[illegible] Ga. Telegraph
April 12, 1933

The Downer Case

Last week in Oglethorpe Superior Court John Downer was convicted of rape and sentenced to die in the electric chair on April 28. This was his second trial and conviction. The trial appears to have been fair in all respects although it was held in an adjoining county to where the first "military" trial was held. It will be generally conceded of course that if the Negro is guilty he ought to be punished.

But the significance of Downer's case lies in the history of his first trial. This involved a most important aspect of the familiar principle of American constitutional jurisprudence that no man shall be deprived of life, liberty or property without due process of law.

Downer was arrested in Elbert county on the day following the crime with which he was charged. Public feeling was at white heat. He was rescued from a mob formed to lynch him only by troops ordered to the scene by the governor. A special term of court was immediately called to meet a week after the crime was committed for the sole purpose of trying its alleged perpetrator. During the time intervening the governor was besought by citizens of Elbert county to send a large detachment of soldiers to preserve order and protect the prisoner.

On the eighth day after the crime, Downer was brought into court under military guard for trial. Soldiers were in complete charge of the tribunal. Every entrance to the court house was commanded by machine guns. No one was allowed to enter without being searched for firearms. Leading counsel for the prisoner was appointed by the court only at seven o'clock on the morning of the trial. It was proceeded at once after counsel had had a consultation with their client lasting not more than an hour. No objection was made to the time or place or circumstances of the trial. The inevitable verdict was that the prisoner was guilty, and he was sentenced to die. He was saved at the last moment by the intervention of the United States courts which held that a trial under such circumstances was void as constituting a denial of due process of law.

The second conviction of John Downer may well serve as the occasion for a reminder, always timely, that justice is more than a mere matter of forms and ceremonies. There can be lynching by a court as well as by a mob. The taking of a human life by the state is a serious and solemn thing. If right at all, the the proceedings by which it is sought to be done ought to be calm, deliberate, judicial, preserving the substance as well as the form of justice. It can never be such when counsel for the defendant are forced to trial without time for adequate preparation and when the presence of armed troops is necessary to protect the prisoner from the fury of a mob. A trial under such circumstances is a lynching by law. No sort of euphemism can make it anything else.

The Telegraph hopes that the second trial of John Downer marks the end of the misguided notion that justice administered by mob law is any better than justice administered by mob violence. The two are the same, both in purpose and in quality. Due process of law is not a mere phrase to be mouthed by rote. It is a vital principle, the reality of which is essential to the preservation of constitutional liberty. Its denial in substance is the sure precursor of tyranny and oppression.

Coy Must Have Been Innocent

Black Dispatch
10-21-33

THOMASVILLE, Ga., Oct. 19. (ANP)—Expressions were heard outside the courtroom here Friday that Coy Wilson must have been innocent when a jury which had heard the evidence [illegible] him on a charge of attacking a white woman, deliberated all night before returning with a verdict which resulted in a sentence of only from one to ten years.

RAVISHER TO DIE

Telegraph

Negro's Victim Was a Blind 16-Year-Old Girl

11-17-33

Macon Ga.

MILLEN, Ga., Nov. 16—Major Goodin, thirty-year-old Negro, was convicted of rape by a jury in Jenkins county superior court late Wednesday, and was sentenced to die Dec. 15. After deliberating for an hour the jury returned a verdict of guilty without recommendations for mercy.

The victim of Goodin's attack was a 16-year-old Negro girl who is blind.

Jim Dixon was appointed by the court to defend the prisoner who had been held in jail for the past five months.

Appeal will be filed.

X

NEGRO IS FOUND GUILTY OF CRIMINAL ASSAULT

Constitution
12-2-33
Atlanta Ga.

Albert Dobbs, negro, was found guilty of criminal attack Tuesday by a jury in Judge Howard's division of criminal court. The verdict, which did not include a recommendation for mercy, automatically carries the death sentence, and Judge Howard will pronounce sentence this morning.

Dobbs is the second negro to be sentenced to death for such offense within the past week. Charles Stone, convicted November 28, is sentenced to die in the electric chair January 12.

Lynchings-1933
Legal Punishment for Rape.

Georgia

4374

Macon, Ga. Telegraph
Wednesday, February 1, 1933

Judicial Lynching

On July 5 or 6, 1931, Sam Jackson, a Negro of low mentality, was arrested in Screven county, Georgia, charged with drunkenness and rape. He entered a plea of guilty to the charge of drunkenness and received a chain-gang sentence. In the following November, while he was serving this sentence, he was indicted for rape.

Immediately thereafter, Jackson was brought into the Superior Court of Screven county in chains for trial on this indictment. The judge remembering the case of Robert Elliott Burns, directed that the chains be knocked off. Jackson was taken from the courtroom and his shackles removed. He was then brought back before the court who ordered his immediate trial, though he had not known of the indictment before he entered the courtroom and had had no opportunity to employ or confer with counsel or to make any preparation whatever to defend himself from the serious charge against him.

After ordering that the trial proceed, the court appointed two lawyers to represent the defendant, stating that he would give them a few minutes to confer with their client. They retired to an adjoining room with the Negro, and after two or three minutes a bailiff called and told them that "the judge said come on in, he was waiting." In response to this demand, they went back into the court, and the defendant was at once put on trial, convicted and sentenced to death.

It is a disgrace to Georgia that one of her courts should evince such callous disregard of the rights of one of her lowly citizens. Such action by a court is worse than lynching by a mob. A mob is swept by sudden and violent passion. The court's action is cold, calculated, deliberate. Neither ought for a moment to be tolerated in a civilized community.

But we are grateful that the story does not end there. By a unanimous decision, just published, the Supreme Court of Georgia reversed the judgment of the Superior Court on the ground that the defendant was denied his constitutional right to benefit of counsel. Said Chief Justice Russell, speaking for the court: "The benefit of counsel is a boon conferred by the constitution of this state upon one accused of crime. The right guaranteed by the constitution is one of substance and not of symbols." The Telegraph commends the Supreme Court for the humaneness, the intelligence, and the courage of its decision in this case.

The time has come for Georgia to afford to its Downers and its Jacksons and to all its poor and humble citizens the substance as well as the form of justice. We are glad to see the Supreme Court of this state set its face against this sort of thing. Protection can be had against such judicial mockery of justice in the United States courts as has been recently demonstrated in the cases of Downer and the Scottsboro Negroes. But The Telegraph is gratified to note progress by the state courts towards protection of the constitutional rights of those accused of crime.

MACON, GA.
TELEGRAPH
FEB 1 1933

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Negro Gets 10 Years For Attacking Woman

THOMASVILLE, Ga., Sept. 29. (AP)—Coy W[illegible] a negro, was convicted here today of assaulting a white [illegible] sentenced to from 1 to 10 years. The jury [illegible] throughout the night.

Savannah, Ga. Pre
Wednesday, February 1

JUDGE STRANGE'S REPLY TO CHARGES MACON TELEGRAPH

VIGOROUSLY DISPUTES EDITORIAL; DECLARES ATTACK UNWARRANTED

STATESBORO, Ga., Feb. 1.—"The editorial printed in the Macon Telegraph this morning condemning me and the court I conducted in the trial of a negro for assult is wholly unwarranted, ~~unfair~~ and without a basis of truth," declared Judge H. B. Strange here this morning after reading an article printed in the current issue of the Macon paper.

The negro was tried and convicted of assault upon a negro woman. He offered no defense witnesses, Judge Strange says, whereas the state offered several eye-witnesses who responded to the woman's cries.

The Telegraph's editorial which severely criticizes the Sylvania tribunal which tried, convicted and sentenced Sam Jackson to death in 1931, follows:

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"There is no truth in the contentions that the attorneys retained for the negro had not sufficient time to prepare their case.

"It is true that the negro was brought into court in shackles. I immediately ordered them removed and proceeded to give him a fair and impartial trial just as any other man.

"You may positively state that the attorneys had all the time they desired in preparing the case and when they returned to court with their client, they came in upon their own volition. Nobody went for them.

"When the negro first came into court after the shackles were removed, I asked if he had a lawyer. He said he had not. I then appointed Evans and Overstreet to defend him. They are capable lawyers and handled his defense in a fair and efficient manner.

"The statement that the negro is of low mentality is also false. The court records will speak for themselves. He made as intelligent a statement as could possibly be made upon the witness stand.

"So far as not sufficient time to acquaint himself with the charges against him, I often wonder just how long one needs in Georgia to come prepared for trial. He started serving time for his first offense—drunkenness—in July. I did not try him until November.

"I intend to answer the editor of the Macon Telegraph and acquaint him with the real facts in the case. The new trial was not granted upon any evidence offered in the case at the negro's trial but rather upon some newly-thought-up grounds which were injected into the case after new counsel had been employed."

JURY COMPLETED FOR DOWNER TRIAL

Negro Taken to Unannounced Jail for Safekeeping Tuesday Night.

4-5-33

LEXINGTON, Ga., April 4.—The jury was completed today for the trial of John Downer, Elbert county negro charged with an alleged assault upon a white girl of that county. This is the negro's second trial. He was convicted in Elbert superior court at a trial marked by the presence of national guardsmen, after an infuriated crowd had tried unsuccessfully to take him from the jail there.

Attorneys for the negro, contending that the atmosphere at the first trial prevented a fair hearing for the negro, carried the case to the United States court of appeals, where a new trial in a different venue was ordered.

The defense today made a motion for a directed verdict on the ground that the negro's life had already been placed in jeopardy once, but the motion was overruled after the state had argued that the action of the United States court had, in effect, declared that the proceedings at Elberton were not a trial, because of the inflamed state of public opinion and the presence of the national guardsmen. The negro then entered his plea of not guilty.

Monday night a number of white men demanded the key of the jail from the deputy sheriff in charge, stating that several hundred others were waiting in the outskirts of the town. The deputy refused and Sheriff T. E. Watkins took Downer to the Clarke county jail at Athens for the night, returning him here for trial this morning.

The negro has been taken to some unnamed place for safekeeping tonight.

There was no disturbance near the courtroom today. There are unusually large crowds in town but everything has been orderly so far. There are no guardsmen here.

Taking of testimony, it is understood, will begin when court opens Wednesday.

Ga. Telegraph
April 12, 1933

The Downer Case

Last week in Oglethorpe Superior Court, John Downer was convicted of rape and sentenced to die in the electric chair on April 28. This was his second trial and conviction. The trial appears to have been fair in all respects although it was held in an adjoining county to where the first "military" trial was held. It will be generally conceded of course that if the Negro is guilty he ought to be punished.

But the significance of Downer's case lies in the history of his first trial. This involved a most important aspect of the familiar principle of American constitutional jurisprudence that no man shall be deprived of life, liberty or property without due process of law.

Downer was arrested in Elbert county on the day following the crime with which he was charged. Public feeling was at white heat. He was rescued from a mob formed to lynch him only by troops ordered to the scene by the governor. A special term of court was immediately called to meet a week after the crime was committed for the sole purpose of trying its alleged perpetrator. During the time intervening the governor was besought by citizens of Elbert county to send a large detachment of soldiers to preserve order and protect the prisoner.

On the eighth day after the crime, Downer was brought into court under military guard for trial. Soldiers were in complete charge of the tribunal. Every entrance to the courthouse was commanded by machine guns. No one was allowed to enter without being searched for firearms. Leading counsel for the prisoner was appointed by the court only at seven o'clock on the morning of the trial, was proceeded at once after counsel had had a consultation with their client lasting not more than an hour. No objection was made to the time or place or circumstances of the trial. The inevitable verdict was that the prisoner was guilty, and he was sentenced to die. He was saved at the last moment by the intervention of the United States courts which held that a trial under such circumstances was void as constituting a denial of due process of law.

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NEGRO GETS SENTENCE OF DEATH IN SECOND ASSAULT CONVICTION

11-2-33

Escaped Convict's Trial for Crime Against Woman Guarded by Troops

HOMER, Ga., Nov. 1 (AP).—Mack James, Negro escaped convict, was found guilty of assault upon and murder of an aged white woman today as national guardsmen with fixed bayonets held an orderly crowd of several thousand persons 50 yards from the courthouse.

The jury deliberated but 20 minutes and Judge W. W. Stark sentenced James to die in the electric chair Dec. 1.

Macon, Ga.

James, serving his second sentence for assault, escaped from the Banks county chain gang, where he was a trusty, the night before the woman was attacked and slain. The state today presented circumstantial evidence tending to connect James with the slaying. The Negro, in a statement to the jury, denied the charges.

James was captured shortly after the crime and taken to the Fulton (Atlanta) county tower for safekeeping. He was returned here before daybreak today in the custody of 60 picked members of the national guard under command of Adjutant-General Lindley Camp.

Ten guardsmen surrounded James in the courtroom and few spectators were admitted. All were searched before being allowed to enter the courtroom.

A crowd estimated by officers at 5,000 persons gathered in the streets but made no attempt to interfere with the trial.

Illinois

4375

Lynchings-1933

Legal Punishment for Rape

White Rapist Ordered to Spend Two Years in Penitentiary

Defender 5-20-33

Chicago, Ill.

Stanley Kasper (white), 21 years old, of Glencoe, Ill., was found guilty of rape Monday by Judge John Prystalski, chief justice of the criminal court, after Mrs. Lydia Jackson, 48 years old, the victim, and other witnesses related details of the outrage of March 23. He was sentenced to two years in Joliet.

Mrs. Jackson, who works in Glencoe and lives on the premises, was returning home from a shopping tour when she was accosted near Sunset Lane and Vernon Ave. The moron took the woman's money and then dragged her into the woods.

Mrs. Jackson's screams were heard by a resident of the neighborhood and he called the police. Lieut. William Helke and Policeman Paul Hanson hurried to the scene and found Kasper still detaining the woman. He was taken to the village station and charged with robbery and rape.

On the witness stand Monday Kasper declared he didn't remember anything that happened after he left the railroad station.

Assistant State's Attorneys Robert L. Donigan and Frank Donoghue prosecuted the case vigorously and had asked for a more severe sentence.

Mrs. Jackson's daughter, Mrs. Lucille Pride, who had been living in Indianapolis, came here after her mother was outraged and sought aid of various agencies in an effort to obtain justice in the matter. She expressed utmost dissatisfaction with the sentence, asserting that she believed the defendant should have been given a longer term.

Recall Other Case

In speaking of the light sentence imposed on Kasper it was recalled that in April, 1932, three people, a woman and two men, were convicted on a charge of rape in connection with an alleged attack on a young white divorcee, Vivian Renz, and given long prison terms.

John Thompson, who is said to have attacked the woman, and Mrs. Viletta Lowe, in whose home the alleged attack occurred on Nov. 3, 1931, were given 30 years each. Levi Minter, who is said to have helped to hold the woman, was sentenced to 10 years.

All the witnesses denied the woman was raped. She was taken to Mrs. Lowe's home at 4457 Calumet Ave. by Carl B. DeVol, a wealthy white broker. Everything Mrs. Renz did was voluntary and of her own will, the witnesses testified. DeVol, indicted for rape, jumped his $3,000 cash bond and hasn't been seen since.

"RAPE" CASE MERE EXHIBITION INSTEAD OF A CRIME

Afro-American 6-17-33

Baltimore, Md.

CHICAGO (ANP.) — The DeVol case, in which a white man escaped a charge of rape and three colored confederates were given 30 years each, is to be passed on by the Illinois Supreme Court. The Chicago Branch of the N.A.A.C.P. has provided funds for the transcript of the case and seeks to have justice done to John Thompson, Viletta Lowe and Levi Minter. The first two were given 30 years and Minter 10.

According to the original case, Ralph DeVol, wealthy white insurance broker of Evanston, brought an 18-year-old white girl from Wisconsin whose name was not permitted to figure in the case, to the south side apartment of Mrs. Viletta Lowe, for alleged immoral purposes. DeVol is alleged to have paid John Thompson $5 for the privilege of witnessing the intimacies between Thompson and the girl, with Minter and Mrs. Lowe also present at the time. All of the witnesses testified that the girl gave full permission and was neither coerced or forced into the debauch.

The appeal is being made on a writ of error, the main assignment of which is that evidence adduced at the trial is insufficient to support and warrant the [illegible]dered by the jury [illegible]

outcry by the complaining witness, and the charges made by the complaining witness were not corroborated.

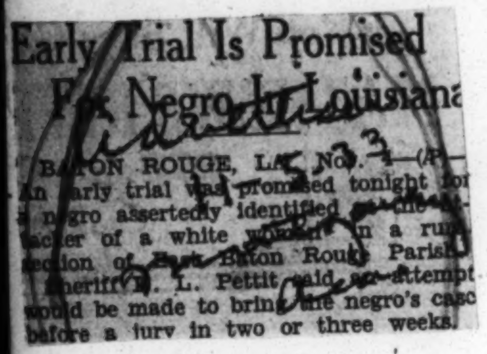
Attorneys Earl B. Dickerson and Heber T. Dotson are the attorneys of record in the matter of the appeal.

Louisiana

4376

Lynchings-1933

Legal Punishment for Rape.



Early Trial Is Promised For Negro In Louisiana

Advertiser 11-5-33

BATON ROUGE, La., Nov. 4—(AP)—An early trial was promised tonight for a negro assertedly identified as the attacker of a white woman in a rural section of East Baton Rouge Parish.

Sheriff R. L. Pettit said an attempt would be made to bring the negro's case before a jury in two or three weeks.

Maryland

4378

Lynchings-1933

Legal Punishment for Rape.

ONLY 10 YEARS FOR RAPIST WHO KILLED CHILD.

Afro-American

Ofay Who Fatally Shot Girl Gets Light Term.

7-1-33

Baltimore Md.

ALSO ABUSED CHILD'S SISTER

Say He Lured Pair to Shanty Here.

Martin Gothea, white, pipe fitter, and former Polytechnic student who was convicted of raping 12-year-old Cecelia Williams and fatally shooting her ten-year-old sister, Florence Williams, in his shanty on April 23, was sentenced to ten years in the Maryland penitentiary by Judge Stanton, Thursday.

The white man was convicted on the statutory rape charge last week. Tried on charges of murdering the ten-year-old child he was convicted of manslaughter. Judge Stanton sentenced the white man to three years in the House of Correction on the manslaughter charge and ten years in the Maryland penitentiary on the rape charge. The sentences are to run concurrently. Gothea will serve the ten years in the penitentiary.

Testimony given at the trial in the criminal court disclosed that he persuaded the two girls to enter his shanty and that while there the younger girl was shot and the older one raped.

U. S. Court Seeks to Disbar Ades for His Fight for Negro

Daily Worker

12-5-33

BALTIMORE, Md., Dec. 3.—Acting to disbar Bernard Ades, International Labor Defense attorney, because of his militant fight for the rights of Negroes in Maryland, Judge William C. Coleman of the U. S. District Court here has issued an order to show cause why he should not be permenently disbarred from practice in the federal courts.

This action follows the previous barring of Ades from practice in the Federal Court in the Euel Lee case—an action taken also by Judge Coleman, to prevent the taking of legal steps to save the life of Euel Lee.

The basis of Judge Coleman's attack on the I. L. D. lawyer is primarily his defense of Euel Lee — which the jurist calls "fraudulent" because police claimed they secured a "confession" from Lee. Published photographs of Lee at the time showed just how this "confession" was obtained.

This basis of attack, it was pointed out, is even contradictory to the whole supposed principle of American law, under which every defendant is supposed to have the privilege of full and adequate legal defense.

The I. L. D. is mobilizing mass defense to prevent the disbarment of Ades, and as well will mobilize a corps of lawyers to fight on the question of the legal issues involved. The organization has called on all workers and organizations, all intellectuals, liberals, and liberal lawyers to send

Lynchings-1933

Mississippi.

4379

Legal Punishment for Rape.

NEGRO AGAIN ESCAPES GALLOWS IN ASSAULT

JACKSON, Miss., July 6—(AP)—Through federal court action, Tom Carraway, coast negro under death sentence in connection with an alleged attack upon a white woman, escaped the gallows today for the sixth time since he was convicted two years ago.

Sentenced to hang July 10 by the Mississippi supreme court after an extended legal battle for his life in state tribunals, Carraway today won a postponement until September of a hearing on his federal court petition appealing from the state court decision. The action automatically sets aside the execution until after the hearing.

Carraway's federal court petition, filed by former Lieutenant Governor Bidwell Adam, Gulfport, and S. D. Redmond, Jackson attorney, charges the negro's conviction was in violation of the federal constitution in that the jury panel did not contain any negroes and that two of his witnesses were prevented from testifying in his behalf through "fear of mob violence."

Greenwood, Miss. Commonwealth
July 7, 1933

T28

INVITING LYNCHING

Tom Carraway, coast negro, under sentence of death for an alleged attack on a white woman, has carried his case into federal court, charging that the Mississippi jury system violates the Fourteenth Amendment because no negroes were on the panel which tried him, and that fear of mob violence prevented two negroes who could prove an alibi for him, from testifying.

The Carraway case, viewed in connection with the Scottsboro, Alabama, trials, and the attack of a negro on the jury system of Virginia when extradition was sought, gives the appearance of a determined and concerted effort being made to break down the laws of the Southern states under which negroes are practically excluded from juries.

The attempt will be viewed with great concern by Southern people who are and have been sincerely interested in eliminating lynching in the Southern states, for if every trial of a negro accused of a heinous offense must be fought through to United States Supreme Court before final conviction, on technicalities, there are going to be more lynchings and fewer trials in the state courts, for there has yet been devised no system of appealing from Judge Lynch's decisions, whether right or wrong.

Greenville, Miss. Times
August 18, 1933

SEEK INDICTMENT OF NEGRO IN ATTACK ON YOUNG CHATHAM GIRL

Report That Petitions Are Being Circulated Asking for Special Session of Grand Jury to Indict Negro Held by Officers

Petitions are reported as being circulated in the southern part of Washington county to be presented Circuit Judge S. F. Davis requesting the jurist to call the grand jury into session to consider indictment of J. B. Johnson, 25, negro farm laborer, on a charge of attacking an eleven year old white girl in the Chatham community.

Johnson is held in an unannounced jail where he was rushed on the night of Tuesday, August 8, by Sheriff Ben H Gildart who got word that a mob of 100 from the lower part of the county was advancing on the county bastile. The mob arrived at Greenville, milled about the jail and after seeing for themselves that Johnson was not in jail here, dispersed and returned home. Some of them were armed.

The girl was enroute to her home on a farm at Chatham Tuesday morning, August 8, after attending Mission School when she was accosted by a negro and dragged into a clump of bushes. She made her way home and told her parents.

The man-hunt was started in the southern part of the county and Sheriff Ben H. Gildart and deputies joined the search. Bloodhounds were brought from Clarksdale.

Johnson was arrested by Deputy Neal of the Chatham community, and later Essie Lee was taken into custody by Sheriff Gildart. Lee was later released.

Fellow farm workers reported that Johnson, who was plowing in a field nearby where the girl passed, was late in coming in with his mules to water them at 11:45 a. m..

The little girl in a highly nervous condition was unable to positively identify either of the negroes. Both negroes were brought to Greenville and lodged in jail. When Sheriff Gildart got word that the band of 100 men was enroute to Greenville, he rushed the negroes away by automobile. Lee was later released.

Reports from the Chatham community are that the petition for the calling of the grand jury into special session is being signed by residents of that section, where feeling has been running high since the attack.

The last regular session of the grand jury was held in June, and the next regular session will be held in December.

Execution Of Mississippi Negro Is Delayed Again

GULFPORT, MISS., Nov. 23.—(AP)—Judge Walter A. White in circuit court today overruled a motion for a new trial for Tom Carraway, 21-year-old Jackson County negro, who has escaped the gallows a half dozen times since his conviction at Pascagoula nearly two years ago on a charge of criminal assault, but he granted a supersedeas writ pending an appeal to the Supreme Court.

Judge White's written opinion intimated that he thought Carraway should have a new trial, but he said he could not grant it because such action would be to "override and ignore" the opinion of the Supreme Court, which has already affirmed the conviction.

Bidwell Adam, former Mississippi lieutenant governor, counsel for Carraway, said an appeal would be carried to the Supreme Court as quickly as possible.

The plea for a new trial is based on the contention that the negro was "inadequately" represented by counsel at his trial.

Lynchings-1933
6
Legal Punishment for Rape.
6

Missouri.

4380

GETS LIFE FOR ATTACKS

Commercial Appeal

Negro Sentenced [illegible] Kennett
Faces Two Other Charges

KENNETT, Mo., Nov. [illegible]—C. D. Ward, 23, negro, charged with attacking two women near Malden March 28, was sentenced to life in the penitentiary today after a jury in circuit court found him guilty.

Prosecuting Attorney Elbert Ford stated he would demand the death penalty on two other indictments against him. The cases will be set Nov. 20.

NEGRO TO HANG FOR ATTACK ON 2 GIRLS

Commercial Appeal

Found Guilty of Charge In Trial At Kennett

11-30-33

KENNETT, Mo., Nov. 29.—C. D. Ward, negro, will be sentenced here Dec. 18 to hang for the attack last May upon two farm girls near Malden. He was found guilty here this afternoon by a jury which failed to agree on punishment, and Judge James V. Billings announced that he favored the death penalty.

Ward was arrested in Helena, Ark., several weeks ago, and was identified by the girls as their attacker. He admitted the attack but later repudiated the confession.

In his first trial he was found guilty and given life, but was brought to trial on a second indictment because the prosecuting attorney was not satisfied with the punishment.

The hanging will be the first in this county in 32 years.

A LOCAL DRED SCOTT CASE

Call
10-20-33
Kansas City Mo.

Whether or not Clinton Dawson is guilty of rape is of lesser concern. The important thing is that his case be reviewed in the higher court in order that it may stand out clear and unmistakeably that no defendant is to be sentenced without a trial in which he has counsel to advise him and all the formalities of a trial.

Dawson is being punished because the law says he should be punished for what he has done. The law ought to be obeyed also when it sets out the procedure under which his guilt is to be ascertained. In short it is of small moment, entirely a concern of the individual, whether or not he did wrong, but it is everybody's business whether or not a person under arrest shall be entirely in the hands of those whose business is to convict him, and shall plead without understanding the inevitable results of that plea.

A policeman was Dawson's advisor. He pleaded guilty on the assurance that thereby he would earn a light sentence. His action proves how little he knows. But at the same time his ignorance makes it the more imperative that the state protect his constitutional rights, a thing which it did not do. On the contrary, it took advantage of his ignorance.

Dred Scott, the ante-bellum fugitive from slavery, himself unimportant, became the symbol of a principle fought over by the pro- and anti-slavery forces. Dawson, a citizen of little constructive worth according to his own admissions, typifies the right of every defendant to his day in court. His conviction, if let stand, will be a precedent for sentencing other prisoners without trial.

The lawyers who are preparing an appeal for Dawson are rendering a service to the public. Not the black public only but all the people are subject to the same drumhead conviction he got. The idea of the arresting officer being the prisoner's counsellor! Prosecution in such a setting is a shame to the state, which its own honor should drive it to correct.

Poor folk like Dawson are easily convicted when every form of the law is complied with. The representatives of the law have not the slightest excuse for beguiling them with false promises and tricking them into pleading guilty.

North Carolina

Lynchings-1933
Legal Punishment for Rape.

4381

N. C. GOVERNOR FREES CONDEMNED BOY JUDGE FELT INNOCENT AFTER TRIAL ON CHARGE OF ATTACKING WOMAN AGE 75

Balto., Md.

Among Last Acts of Late Judge Was To Write a Plea. Boy Was Twice Doomed By Courts.

RALEIGH, N. C. Jan. 5— (CNS) Tried for his life on two occasions, twice convicted on a capital charge, and sentenced to death in the electric chair, his case heard on appeals two times before the North Carolina Supreme Court, Wilbur McLeod, Negro lad of Lee County, is today a free man having been granted a parole by Governor O. Max Gardner, as one of his last official acts before leaving the Governor's Chair.

Early in 1929 McLeod was arrested, tried, convicted, and sentenced to death for rape of a seventy-five year old white woman in Lee County. An appeal was perfected to the State Supreme Court, which Court granted McLeod a new trial, basing the decision on the fact that the evidence on which he was convicted, was not sufficient to convict. At McLeod's second trial, what was purported to be new evidence, was presented to the jury, and for the second time he was convicted on the charge of rape.

Judge Convinced Of Innocence

At the direction of Governor Gardner, Lieut Lawrence A. Oxley State Director of Negro Welfare, visited Lee County and made a through investigation of the facts in the case, and recommended that the death sentence be commuted to one of life imprisonment. In August, 1930, acting favorably on the report and recommendation of Lieut. Oxley, the Governor commuted McLeod's death sentence.

Since that time every effort has been put forth toward establishing the innocence of this unfortunate boy. One of the most important factors in securing his freedom, were the contents of a letter written by the Trial Judge Midgette, who listened to all the evidence in the case, wrote the Governor, that he was convinced of the absolute innocence of McLeod.

Among fifty Christmas paroles granted by Governor Gardner, one goes to Wilbur McLeod, with the statement from the Governor that, "This boy is not guilty of the crime charged, and is being punished unjustly." Lieut. Oxley when asked for a statement on this case, stated that, "Every effort will be continued, looking toward the securing of a complete pardon for McLeod so that full, though belated justice may be done this unfortnate country lad."

Fair Trial Assured For Accused Negroes

HENDERSON, N. C., Oct. 6.—(AP) After an investigation of reported attempts to shoot two negro defense attorneys last night, Judge R. Hunt Parker ruled in superior court today there was no evidence that two negro defendants in an assault and kidnaping case could not get a fair trial here.

He delivered his ruling after the two attorneys, C. J. Gates and H. M. Thompson, of Durham, said they were shot at and cursed when they left the courthouse after a session last night.

10-7-33

The attorneys were given an armed guard when they entered the jammed courtroom today. Subpoenas had been issued for them and they were assured protection. The Henderson bar appointed a committee to aid in the investigation.

Charlotte Ob.

Gates and Thompson are associated in defense of Beaufort Kelly and Florida Bullock, charged with kidnaping and assaulting a white girl on a farm near here several weeks ago. They sought unsuccessfully to have the indictments quashed on the ground that negroes were barred from the grand jury.

Lynchings-1933
Legal Punishment for Rape.

Oklahoma

4382

JESS HOLLINS' PROSECUTOR VOLUNTARILY ASKS PRESIDING JUDGE TO DISMISS INFORMATION

Black Dispatch
3-11-33

SAM CUNNINGHAM, ASSISTANT CREEK COUNTY ATTORNEY, ATTEMPTED TO AMEND INFORMATION AT RECENT TRIAL

Case Now Stands With No Charge Against Defendant In Any Court

OKMULGEE, Okla., Mar. 7.—Defense counsel for Jess Hollins, Negro, charged with rape of Alta McCullom, white girl, won a signal victory here Tuesday when Sam Cunningham, assistant county attorney of Creek county, returned from Sapulpa and voluntarily asked Judge Mark L. Bozarth to dismiss the information which the day before Cunningham had declared he had the right to amend.

Dismissal of the charge is in line with the prediction of Judge E. P. Hill, Hollins' attorney, who told the court Monday that Cunningham had no legal right to amend an information which Bozarth had previously declared void.

As the case now stands there is no charge in any court against Hollins. The prisoner is still held, and it is possible that a new information will be filed in Creek county against the now famous prisoner. Hollins' attorneys express the belief that they will be just as able to demur the prosecution out of court on their next information as in this instance.

"I think we are making some headway towards constitutional government in Oklahoma," said Editor Roscoe Dunjee, president of the N. A. A. C. P. branches of Oklahoma, when asked for a statement covering the latest developments. "We are forcing the prosecution into the straight-jacket of the statutes. The Creek county officials now know that they cannot slap together a loose jumble of words with which to frame a Negro into the electric chair. The state branches are girding their belts in readiness for the next attempt of Oklahoma officials to stage a legal lynching."

Jess Hollins was convicted in Sapulpa, Creek county, about fourteen months ago on a charge of rape. The court held a night session of only a few minutes, going swiftly through the gestures of arraignment, preliminary and trial. Later the State Criminal Court of Appeals declared the alleged trial a farce and remanded it for trial.

Black Dispatch
3-11-33
Okla City

The Strength In Unity

Black Dispatch
3-11-33
Oklahoma City, Okla.

When the citizens of Tulsa, Boley and Oklahoma City join hands together on the same day to raise funds for the protection of a Negro in another section of the state, the Black Dispatch feels that black folk are actually uniting their forces for the common good.

This unusual incident happened last week during the trial of the Jess Hollins case, when N. A. A. C. P. branches in the three cities rushed to the rescue of the fund and placed the amount of money in Okmulgee necessary to cover current expenses of the trial. So far as we know this is the first expression of such interest in an Oklahoma case.

To date Oklahomans have raised $351.26. The national office of the N. A. A. C. P. has sent into the state the sum of $100, making a total of $451.26. But the trial has just started; we have twice halted the state in its mad rush to electrocute a man whose only probable crime is that he is black. Today, because of our combined efforts, the officials of Creek county find themselves hurled back to an original information. The court at Okmulgee has spoken again to say that the former alleged information would not stand.

Negroes have lost most of their battles, not because they could not win, but because they did not have the patience, the perserverence and the courage to go on to the top of the hill. It has cost time and money to drive the Creek county officials into a legal "nine-hole." It will cost money to keep them there. What have you done to help?

Since the Okmulgee trial the citizens of Vernon have raised money for the fund. It is reported in this issue of the Black Dispatch. This is the proper spirit. Negroes in the communities where funds have already been raised and also in communities where no assistance has been given, should be alert and active in collecting funds to keep up the fight. It will be a great victory for justice when we have forced the officials of Creek county to give Jess Hollins a fair trial.

To date the N. A. A. C. P. has been justified in the open stand it has taken in the Jess Hollins case. Two courts have said that due process of law has been denied Hollins. This is, after all, the particular angle regarding our courts, in which the N. A. A. C. P. is interested. Regardless of a citizen's guilt or innocence, the N. A. A. C. P. demands that such a citizen have thrown about him all constitutional guarantees, when tried in our courts.

If you have not contributed to the Jess Hollins Defense Fund; if you have not used your influence in your community for a united effort along this line, do not delay this important matter any longer. Let's show the state of Oklahoma a united front. Join in the demand for justice in our courts.

Rape Case Must Be Retried

Defender
5-20-33
Chicago, Ill.

SAPULPA, Okla., May 12.—Openly challenging the authority of the court to further hold Jess Hollins, charged with assault on a white woman, Judge E. P. Hill, attorney for Hollins, retained by the N. A. A. C. P. branches in the state, presented a plea Monday before Judge Gaylord F. Wilcox in which he demanded the immediate release of the defendant.

The motion was denied and Judge Hill gave notice of appeal to the criminal court of appeals.

The legal question upon which Judge Hill based his plea for the release of Hollins arises from the failure of Judge Mark L. Bozarth, Okmulgee, when he sustained a demurrer of Hollins' attorney to instruct the county attorney to file a new information. Hollins' attorney had charged the original information was faulty and Judge Bozarth sustained him. But no new information was filed and on Feb. 28 the case was dismissed.

Judge Hill now claims before Judge Wilcox that Oklahoma law provides that his client shall go free when the judge sustaining a demurrer to an information fails to direct that a new information be filed.

Judge Wilcox objected vigorously to this interpretation of the law. He asked Hollins how he would plead and when Hollins' lawyer said he had instructed his client not to plead because the defense did not recognize that Judge Wilcox had any jurisdiction, Judge Wilcox himself pleaded Hollins not guilty. Hollins' attorney is confident of a reversal of Judge Wilcox's ruling and cites the plain language of the Oklahoma statutes and court decisions on this particular point.

Hollins was arrested first in Sapulpa in December, 1931, and was tried and sentenced to death in a courtroom set up at night in the basement of the jail, where he had no lawyer, no friends or advisers. He was about to be hanged on August 13, 1932, when the N. A. A. C. P. was called in on August 15 and his case was appealed to the Oklahoma supreme court, which instantly reversed the verdict of death and ordered a new trial.

The Jess Hollins Demurrer

Black Dispatch

The Black Dispatch trusts that no false hopes will be aroused in the breasts of Negroes because of the action of Judge Bozarth Monday in the Jess Hollins case. Already gossip flits from lip to lip that Jess Hollins is free; that the case was tried and that he was declared innocent.

The opposite, however, is the truth. Jess Hollins is still a prisoner held by the state to answer to some sort of information which will be later filed against him. We do not want to create a false impression. To do this would be to court a reaction which later would be damaging to the faith and confidence which we are desirous that black folk place in the proper and final equitable adjudication of this regrettable affair.

3-2-33

The dicision of Judge Bozarth Monday in sustaining the demurrer of the defense attorneys, did not go into the merits of this case. The guilt or innocence of Jess Hollins was not the issue in that abruptly ended hearing. Hollins' attorneys were able to convince the court that Creek county officials had prepared a faulty information against Hollins, which did not conform to the statutes of the state of Oklahoma. Judge Bozarth has in turn given Creek county officials until April 3 to prepare a proceeding, in which they will have the opportunity to cure the defectiveness in the instrument declared.

Oklahoma City

Under the statutes of Oklahoma, and most states, the prosecution cannot charge a man with more than one offense in an information. In law this faulty form is called duplicity. The Hollins charge fell down on this point.

Oklahoma

Again, in charging a defendant with the commission of a given crime, the language of the statutes on that subject must be followed substantially. No vague gesture or vague, random hearsay must be employed in the language of the information. The defendant must be placed in the straight jacket settled and fixed by the state. It is a proper safeguard in due process of law. The Hollins information fell down on this point.

Attorneys for Hollins also state in their demurrer the contention that "The facts stated in said information do not constitute a public offense." This is, of course, a more or less controversal question which could hardly be determined except in a trial on the merits of the case. It was, however, their privilege to throw the state on the defense on this question. The Black Dispatch believes Judge Bozarth sustained the demurrer on the two first points set up in the demurrer.

It should be heartening, however, to those who contributed to the defense fund of Jess Hollins, to know that the vicious Creek county officials who rushed into a night session of court to take the life of a black man who may be innocent, have been halted the second time in their mad mob spirit and told by the court that they must in the trial of this case follow orderly procedure guaranteed by the constitution of the state and the United States. This is the battle ground of the N. A. A. C. P., and that is primarily the reason for their entrance into this proceeding.

The action of the court Monday will have the effect of bumping off the cock-sureness of perjurers always present in a case such as this. Just the other day County Attorney Lewis Morris, of Oklahoma county, had to remand to jail a witness in a case where a white man was being tried for brutally murdering a Negro porter in a hotel. Since landing in jail this perjurer has already said that he knows nothing about the case, and he does not know why he made the statements calculated to free the defendant. You know why he made the statement. The only place where this perjurer errored was in the belief that the Oklahoma county courts were places where white folk kangaroed black folk. This white perjurer had doubtless gotten away with this sort of a crime in a score of other instances, or had perhaps seen other persons safely assume this attitue towards helpless black folk.

Jess Hollins will be tried in some court on a charge of rape. The Black Dispatch makes that prediction now, but as we said a moment ago, things are breaking in his favor. Slowly, but surely, Creek county law agencies are being forced to proceed down constitutional paths towards the day of trial. When that day comes we believe that the evidence will show that Jess Hollins has suffered all of this persecution for no other reason than because his face is black.

Criminal Court Of Appeals Remands Hollins Case

Black Dispatch

The case of Jess Hollins, Negro, accused of having raped a white girl, Alta McCummon, in Creek county, in December 1931, was remanded by the Criminal Court of Appeals to Okmulgee for trial last Monday.

6-15-33

Attorneys for the Oklahoma Branches of the N. A. A. C. P. appeared during the hearing and argued that the case should be dismissed on the ground that Judge Bozarth, Okmulgee, had failed to direct the county attorney of Creek county to prepare a new information, and that this failure had the effect of voiding the information.

Okla City

All records in the case were ordered by the high court to be transferred to Okmulgee county and the case will be sent down for hearing during the next term of court.

According to E. P. Hill, attorney for the N. A. A. C. P., the court did not pass upon the question of the voidance of the information, and he will immediately press this point before Judge Bozarth.

The statutes provide that contemporaneous with the sustaining of a demurrer, a judge must direct the county attorney what future action to take. Initiative in such matters is not vested in prosecuting attorneys following sustained demurrers.

South Carolina

4383

Lynchings-1933

Legal Punishment for Rape

CHARLESTON, S. C.
NEWS
JUL 28 1933

Decency and Law

For the crime that so often has been set up by a variety of Southern politicians as an excuse for lynching, a man, a negro, was lawfully put to death in the penitentiary last week. He was arrested, tried, convicted, in Laurens county, where he had the protection of the sheriff and other officers of the law. About eighteen years ago a negro in Fairfield county was accused of a similar crime, he was carried to the penitentiary and when Sheriff Hood brought him back to Winnsboro for trial he was killed and so was the sheriff. The man who was accused of killing the sheriff was tried and acquitted, which was an indirect way of condemning a gallant sheriff for giving his life in the performance of the duty to which he was sworn. In the Laurens case decency and civilization have been vindicated and the confessed felon has met the fate that will in all cases be measured to such culprits unless there shall be reasonable doubt of their guilt. Yet there are prominent white men, "leaders of the people", who would have advocated and instigated the lynching of the negro in Laurens if they had had the opportunity to do so, who would have had hundreds of Laurens men to stain their hands with mob murder.

Lynchings - 1933
Legal Punishment for Rape

South Carolina

4384

ALLEGED RAPIST TO DIE

6-24-33

LAURENS, S. C., June 22.—(A. N. P.—Death in electric chair is the price that the state of South Carolina will exact from a Negro who is accused of violating the "eternal chastity" of a white woman.

Barney Smith, 21, was tried and convicted Tuesday of criminal assault and sentenced to die July 21. The jury deliberated only eight minutes. Smith pleaded not guilty. Sixty-four National Guardsmen, deputy sheriffs and detectives surrounded the courtroom and yard as irate whites swarmed into the building to witness the trial.

Smith's alleged victim in court pointed an accusing finger at him and briefly told how he had forced himself into her home on March 7th. She said that she was alone in the house with her small child.

Smith on the stand was seemingly unafraid and in a low tone denied the woman's accusations. He said that he was in Laurens County at the time the crime was alleged to have been committed in Greenwood County. He pointed out that it was impossible to cross the Saluda river because of construction work being done on the bridge.

Barney Smith is the first person to be sentenced to the chair from Laurens in 18 years. And this is the first trial during this generation that troops were ordered out to maintain order.

SOUTH CAROLINA NEGRO DIES IN ELECTRIC CHAIR

7-22-33

COLUMBIA, S. C., July 21.—(AP)—Barnie Smith, 21-year-old Laurens county negro, was electrocuted at the state penitentiary here at sunup today for attacking a young married white woman, mother of a small child, near Ware Shoals last March. Before he died, Smith confessed to the attack.

"SOUTHERN JUSTICE" SENDS MAN TO CHAIR IN 'EIGHT MINUTES'

Entire Trial, Including Selection of Jury, Trial and Sentence, In Less Than Two Hours.

(Special to The Pittsburgh Courier)

LAURENS, S. C., June 22—South Carolina delivered herself unto the "Southern Justice" code and sent young Barney Smith to his death in eight minutes! In fact, the trial opened at 11:10 and at 11:37 Smith had been tried and sentenced and on his way back to Columbia, where he is to remain until July 21st when the death sentence will be carried out. The jury was out just eight minutes!

Smith, 21, protesting his innocence to the last, was accused of criminal assault upon a young white woman. Although detectives and deputy sheriffs testified that he had voluntarily "confessed," Smith swore that he was not in Laurens County at the time of the crime; that he could not get across Saluda river because of work on the bridge. He also repudiated the alleged confession to the officers, saying he was cruelly beaten and tortured and forced to make a statement. The defendant had an attorney, but he made no argument for his client and the jury retired to return in record "cracker-justice" time.

As a precautionary measure the court at Laurens for the first time in this generation, was surrounded by state troops, ordered by the governor to see that there was no interference with typical "southern justice." Smith is the first person to be sentenced to the chair from Laurens county in about 18 years.

Negro Sentenced To Die in Chair

Telegraph
9-16-33
Macon Ga

LEXINGTON, S. C., Sept. 15. (AP)—Clarence Floyd, 26-year old Negro, today was convicted of criminally attacking a young Columbia white woman and sentenced to be electrocuted.

A Lexington county sessions court found Floyd guilty after two hours deliberation. Judge W. H. Grimball, presiding, sentenced the Negro to be electrocuted October 20.

The principal state's witnesses were the young woman and H. D. Sutton, young Columbia furniture salesman.

They told how Floyd came up to an automobile in which they were sitting near New Brookland, a suburb, the night of August 5, robbed Sutton, and holding him at bay with a pistol, attacked the girl.

Taking the witness stand himself, the Negro told a frantic story of former dealings with Sutton and said the latter had "framed" him. He sought to establish an alibi that he was elsewhere the night of the attack.

White Farmer Sentenced For Attack On Colored Girl Nine Years Old

11-24-33

SUMTER, S. C.—(By A.N.P.)—Joseph Wells, 55-year-old white man, was convicted of assault with intent to criminally assault a 9-year-old colored girl in General Sessions court here Wednesday. The jury recommended mercy for the white man and Judge M. M. Mann sentenced him to 40 years in the penitentiary, which sounds bad, but which is a merciful sentence when it is realized that Negroes, accused but not convicted, of the same crime against white women, are summarily murdered by mobs.

Tennessee

Lynchings-1933

Legal Punishment for Rape

4385

Chattanooga, Tenn. Times
June 9, 1933

NEGRO WINS FREEDOM IN TRIAL FOR ASSAULT

Randell Jones, colored, was absolved of a charge of criminally assaulting Bessie Smith by a directed verdict of not guilty from Judge L. D. Miller in second criminal court yesterday.

The Negro, represented by Attorney Jesse Hargraves, offered an alibi in defense to the crime, which is alleged to have occurred last Jan. 31.

Atty.-Gen. John J. Lively represented the state. The not guilty verdict was given after both the state and the defense had closed their cases.

The case against Odum Martin, charged with the murder of sher Rainey, was passed until July 5.

FISK MAN WILL HELP IN SCOTTSBORO CASE

NASHVILLE, Tenn., July 3 (ANP).—The Mahlon Publishing Company of this city announces that "The Scottsboro Blues," a volume of verse by Herman J. D. Carter, Fisk University graduate, will be off the press on Wednesday.

The company states that Mr. Carter has offered to give the Scottsboro boys a sum equal to the royalty that he may receive from the first thousand copies. Earl D. Crawford, Nashville artist, illustrated the book.

Chattanooga, Tenn. Times
September 2, 1933

NEGROES' EXECUTION DUE NEXT THURSDAY

Defense Attorneys Seeking Clemency for Wilcoxen and Bivens, Attackers.

With next Thursday set as the execution date for Andrew Wilcoxen and Oscar ("Skin") Bivens, Chattanooga Negroes, who are condemned to die for criminally assaulting a white girl, local attorneys are fighting to have the governor commute the death sentence to life imprisonment.

Attorney George W. Chamlee, who, as International Labor Defense league counsel, is defending the Scottsboro Negroes, has interested himself in the case, according to Attorney Fred Redwine, who represented Wilcoxen at the trial. Attorney Joseph N. Hunter, who was appointed by the court to represent Bivens, said yesterday he has stepped out of the case after carrying it to the state supreme court because Bivens' people have contacted Chamlee.

Chamlee, however, when asked if he was leading the fight for clemency, denied he was actively interested. "His folks came to me and asked me to draw up a petition," the International Labor Defense league attorney said. "I just drew it up for them and let them take it around."

Redwine, nevertheless, said Chamlee had the petition and was active in getting it presented to the proper authorities in Nashville.

"I believe we've got a chance," Redwine said, when asked if he thought the efforts to keep the Negroes off the electric chair would be successful.

Signers of the petition asking commutation are either all, or mostly, colored citizens.

The two Negroes—Wilcoxen captured by city detectives almost immediately after the assault, and Bivens, tracked down by Constable Roy Clinton after weeks of hiding—were convicted in Judge C. W. Lusk's court and sentenced to die. A new trial was refused and the state supreme court upheld the conviction, and did not recommend commutation of the death penalty.

If the Negroes are electrocuted, they will be the first Hamilton countians to die in the electric chair for murder or assault in at least a dozen years, according to local officials.

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2 NEGROES EXECUTED AT TENNESSEE PRISON

9-7-33

NASHVILLE, Tenn., Sept. [illegible]—(AP) Andrew Wilcoxen and Oscar Bivens, negroes, convicted of attacking a young white woman in Chattanooga last year, were electrocuted at the state penitentiary early today. The negroes, both about 26 years old, spent their last minutes singing spirituals.

Wilcoxen went to the chair first and sang while awaiting the throwing of the switch. Bivens joined in the singing from his death cell and continued the spirituals while sitting in the electric chair waiting for the current to be turned on.

Lynchings- 1933
Legal Punishment for Rape.

Texas.

4386

TEXAS NEGRO CONVICTED DESPITE REPUDIATION

DALLAS, Texas, Sept. 11.—(AP)—A district court jury after brief deliberation today sentenced Bluitt Burkley, 19-year-old negro, to death in the electric chair for the murder of Miss Katheryn Prince, 19-year-old white girl, who was attacked and slain near here the night of August 30.

9-12-33

The negro repudiated a confession, claiming it was made under threat of mob violence.

Constitution

Forty deputies guarded the courtroom to prevent any possible attempt on the life of the negro whose brother, Thurman Burkley, awaited trial on a similar charge.

Ga.

TEXAS NEGRO EXECUTED FOR CRIMINAL ASSAULT

12-20-33

HUNTSVILLE, Texas, Dec. 19.—(AP)—After making a final statement of his innocence, Tom Cook, 34-year-old Houston negro, was electrocuted at the state penitentiary here early today. He was pronounced dead at 12:12 a. m.

Constitution

"Lord knows I didn't do it," he said as he was being strapped in the electric chair.

Ga.

Cook was sentenced to death for criminally assaulting a white woman. He was convicted in Houston in 1932.

Virginia.

Lynchings-1933

Legal Punishment for Rape.

4387

To Try White Man On Charge Of 11-Year Girl Oct. 25

Planet

10-14-33

Seven cases of rape are scheduled or trial in Hustings Court. These ffenses are against young girls, all nder 14 years of age, and is a warning to mothers to watch over and rotect their girls. Four of these ases are against white men. Three hite men are being charged with his offense against the same girl and he only 14 years of age, and white.

Richmond Va.

Edwin Winn, white, of 2118 West ain Street, is scheduled for trial n the Hustings Court on October 5 on a charge of rape against a olored girl in East Leigh Street. e is held in jail awaiting trial.

Three young colored men are harged with offenses against colred girls and will be tried at this erm of court.

Lynchings-1933
Legal Punishment for Rape

Virginia

4388

YOUTH GETS 99 YEAR SENTENCE AT SECRET TRIAL

Journal Guide

Lawyer Appointed By Court Didn't Put Him On Stand

10-21-33

Richmond Bureau
604 N. Third St.

RICHMOND, Va. — News was received here this week that James Mizer, 24-year-old Orange County youth, was sentenced to 99 years in the state penitentiary by a jury in the Orange County Circuit Court on a charge of rape during the September term.

Mizer did not take the witness stand in his own behalf on the advice of his attorney, Severn M. Nottingham, who was appointed by the court. The trial was held behind closed doors "on account of the sensational character of the testimony, and in order to prevent undue prejudice against the accused," according to the defense attorney.

Norfolk, Va.

From other sources it was learned that the woman involved in the case was a married white woman about 22 years of age. Mizer is said to have admitted intimate relations with the woman, but to have denied he had raped her. His contention is that he had been in the woman's company on previous occasions.

Veil of Secrecy

While it is very difficult to pierce the veil of secrecy thrown up around the case, it was learned from a reliable source that Mizer and the woman were seen by a white man passing on a train. This man notified authorities when he reached his destination, and Mize was arrested shortly afterwards a the spot where he and the wom an had been seen.

Mizer was placed in the Charlottesville jail and held until hi trial. He is said to have bee charged with a similar offense few years ago, but the grand jur found insufficient evidence to indict him. Mizer's only known rel ative is a brother. According t his attorney the facts in the cas against Mizer were practically undisputed.

The Guide was informed tha the attorney endeavored to obtai an agreement for a life sentenc but the commonwealth would no consent, and made a strong ple for the death penalty. The jur on the first ballot, is said to hav stood eight for life, and four fo the death penalty. They finall agreed on a life term, "and to b frank with you," the attorney stated, "I was very much relieved a the outcome."

At the time of Mizer's arrest o the latest charge, he is said t have had a charge of stealing cow hanging over his head but ha not been tried. He is alleged t have plead guilty to the offense.

The act with which Mizer wa charged was alleged to have been committed on a lonely road abou a mile and a half from Barboursville main road. The testimony, according to the attorney, wa strong that the act was committe by threats of death against th woman.

Lynchings - 1933
6
Legal Punishment for Rape.

Virginia
6

4389

Ofay Rapist Gets Only Three Years

Afro-American
Baltimore, Md.

FREDERICKSBURG, Va.—After being found guilty of an attempt to rape three colored girls from 10 to 12 years of age, Nelson Crismond, white, 54, was sentenced to only three years in the penitentiary, this week.

The rapist, a resident of Stafford County, was found guilty on a statutory offense and has taken an appeal to the Supreme Court of Virginia.

OFFICERS TRY TO SMASH CAMERA AT GORDON TRIAL

Face Assault Charges Brought By Guide Representative

Journal & Guide
Norfolk, Va.

Two Norfolk County officers, who were star witnesses against 18-year-old Russell Gordon during his trial on the now repudiated charges of rape brought by a white woman, will themselves have to stand trial on several complaints lodged against them after they allegedly assaulted and cursed a representative of the Journal and Guide, Monday, and attempted to smash his camera because they thought a picture was about to be made of Mrs. Pauline Hartmann, Gordon's accuser.

The officers were H. W. Jones and another whose identity had been only tentatively established early Wednesday. The victim of the incident was P. Bernard Young, Jr. managing editor of the Journal and Guide.

At midnight Tuesday the warrants had not been served on the officers, although it is understood they were back at the courthouse Monday night and Tuesday. Justice of the Peace Kemp Plummer assured the Journal and Guide late Tuesday night that the warrants would be served at the courthouse sometime Wednesday.

"Remote Control" Coverage

Mr. Young was in company with John Jordan, a Portsmouth representative of the Guide who had been assigned, along with Albert L. Hinton, city editor, to cover the Gordon trial.

Because newspapermen had been excluded from the trial proper along with the general public, the coverage of the proceedings was largely by "remote control."

The reported occurrence took place about seven p. m., just before darkness fell, and during a short recess ordered by Judge C. W. Coleman. As related by Mr. Young and according to the warrants which he immediately swore out against the officers, the alleged attack, and the events leading up to and immediately following it are as follows:

Trial Dragged

About 1:30 Monday afternoon he received a message from Mr. Jordan that Sheriff A. A. Wendell of Norfolk County had granted permission for a photograph to be made of young Gordon at some convenient time, probably around five o'clock. The regular Guide photographer was otherwise engaged. Mr. Young took the office's news camera with him and arrived in Portsmouth about 3:15. Mr. Jordan also had a camera. All Guide reporters are adept at use of the camera.

The trial dragged. After some waiting, Mr. Young used five of the six exposures on his film in snapping Gordon's parents, defense lawyers, and others more or less directly connected with the case. He saved his last exposure for the scheduled "shot" of Gordon.

Just before seven o'clock a short recess was ordered by the court. Mrs. Hartman, accompanied by her husband, friends, and county officers who had testified in her behalf, came out of the courthouse. Seeing the reporters with their cameras on the courthouse porch, she turned back and held a hurried conference with her companions in the lobby of the building.

"Can't Photograph Her"

First an unknown white man sought to elicit information about the newspapermen and indirectly to learn if they planned to photograph Mrs. Hartmann. Then Officer Jones approached the Guide representatives.

"You folks can't take a picture of Mrs. Hartmann," he bristled.

"We hadn't planned to," Mr. Young replied.

The officer went back to the group surrounding Mrs. Hartmann. In a few moments he returned to the newspapermen.

"You guys are going to get into trouble with those cameras if you try to take any pictures of her," he asserted.

Given Repeated Assurance

He was again told that no effort would be made to photograph the prosecutrix. For his further information, Mr. Young told him he was saving his last exposure for the picture which the sheriff had promised could be made of Gordon.

The officer became abusive, talked of "laws" against "this thing," and was taking a particularly threatening attitude. It was then that Mr. Young told him substantially, the following:

"We have repeatedly tried to set aside your fears about photographing Mrs. Hartmann, but you don't seem satisfied. Now you can't intimidate us into not doing something which is entirely legal and in the course of which we break no laws nor override the orders of the court. We're going about our duty, and we're not violating any laws and you know it. We've tried to reassure you. Now will you leave us alone!"

Tries To Smash Camera

After a lull of several minutes, Mrs. Hartmann started across the courthouse porch and down the long flight of stone steps to the street. As Officer Jones passed Mr. Young, who was leaning at the top of the stairs against a stone column on the porch, he gave the camera an "upper cut" blow and shoved Mr. Young. The camera hit Mr. Young under the chin and against his chest. No attempt had been made to photograph the woman.

Following the officer down the steps, Mr. Young remonstrated with him, demanding at the same time to know his name. He was replied to curtly and in abusive language, and the officer refused to state his name.

The other officer who accompanied him was appealed to. "As an officer will you stand by and see a citizen assaulted?" he was asked.

Other Officer's Action

In reply he grabbed the lapel of Mr. Young's coat, shook his fist in the newspaperman's face, and with curses and threats to strike him shouted: "You'll get no g.... d.... help from me!"

After a few moments the two officers proceeded down High Street toward the Norfolk ferry. In the meantime Mr. Young had warned them "there are laws to protect people from such assaults," got names of several colored witnesses, and reported the affair to Judge Coleman.

Although fully a dozen white men were within 15 feet of Mr. Young when the alleged assault took place, every one of them, when asked to be a witness to the proceedings, declared: "I didn't see anything."

Photos O. K., Said Judge

Attorney Ernest Merrill, white, Gordon's chief counsel, who just missed seeing the affray, declared it to be "an outrage against justice." The Guide representatives then learned from him that the officers had unsuccessfully sought to have Judge Coleman order them not to take any photographs, particularly of Mrs. Hartmann. In this appeal to the court, they were joined by Commonwealth's Attorney A. O. Lynch of Norfolk County.

Judge Coleman expressed surprise and disapproval at the officers' action, adding that they had no police authority in or about the courthouse as they were county officers and the courthouse was Portsmouth city property.

Within a few minutes Messrs. Young and Jordan, who fortunately escaped the officers' wrath, went to Portsmouth police headquarters, where Mr. Young secured a warrant for the arrest of Officer Jones and a John Doe warrant against the other policeman.

To Press Charges

Assault and battery, cursing and abusing, and an attempt to destroy valuable property (the camera) were the charges placed against Jones. Cursing and abusing and threatened assault were charged against the other officer.

Asked for his comment on the incident, Mr. Young smilingly remarked: "I covered the Scottsboro trial of Haywood aPtterson at Decatur, Alabama, where national guardsmen were required to prevent mob violence, and came away without a scratch. I return to Virginia—and look what happened!"

JURY SYSTEM ATTACKED IN GORDON CASE

Norfolk County School-Boy Accused By White Woman

JURY OUT 1 HR. 10 MIN.

Jury Commissioners Summoned To Defend Practices

Journal & Guide
Norfolk, Va.

[illegible]-packed two and one-half hours which recalled the internationally known week-long exposure of the Southern jury system by Samuel S. Leibowitz in the Decatur episode of the Scottsboro case, the charge of statutory criminal assault against 13-year-old Russell Gordon in connection with an alleged attack upon Mrs. Pauline Hartmann, young white woman, was shoved into the background Monday in Norfolk County Circuit Court in Portsmouth.

The youth, facing a possible death sentence, was acquitted by a jury at 10 p. m. Monday night after a trial which lasted until long after dark. The twelve men in whose hands rested his fate deliberated exactly one hour and 10 minutes.

The issue which overshadowed the airing of the actual charge against the youngster was whether Negroes are systematically and illegally excluded from the grand jury which indicted Gordon.

Motion Overruled

Following closely the line of attack in the Scottsboro and Crawford cases, Ernest S. Merrill, white Norfolk attorney, made a motion that the indictment which charged Gordon with rape be quashed because, through the exclusion of Negroes, the grand jury which returned it had been illegally drawn.

After a heated battle between defense counsel and the prosecutor, Judge C. W. Coleman, who presided, overruled the motion to quash the indictment.

When the trial proper got underway, the courtroom was cleared of all persons except those immediately connected with the case. Even the press was barred.

Courtroom Cleared

"It has been a custom of the court not to allow reporters or anyone else in the the courtroom during the actual taking of testimony in cases of this kind," Judge Coleman told the Journal and Guide. "I see no reason to make an exception in your case."

Comonwealth's Attorney A. O. Lynch was particularly emphatic in his objection to the presence of press representatives during the trial proper.

"Systematically Excluded"

Mr. Merrill charged that Negroes had been "intentionally and purposely excluded" from the grand jury which returned the indictment against Gordon "because of their race and color," and in violation of the 14th Amendment to the Constitution of the United States. Exceptions were noted after Judge Coleman had overruled the motion.

It was also contended by the defense that Negroes had been "systematically excluded from grand and petit juries in the Norfolk County Court," for the past 14 years.

Like its famous predecessor, the retrial of Haywood Patterson in Decatur, Alabama, last April as one of the sensational Scottsboro trials—the issue of whether or not Negroes are excluded from jury service in Virginia, was not decided until three members of the Norfolk County jury commission, and at least six reputable Negro residents of Norfolk County had testified that no Negro had served on either a petit or grand jury in Norfolk County for the past twenty years.

Charged List Illegally Drawn

Additional arguments on the motion to quash the indictment were also made on the grounds that the county grand jury list was illegally drawn. Mr. Merrill pointed out that the law required the jury list for the year to be compiled by the five jury commissioners, the entire list to be approved by the commissioners as a body, and each named to be placed in a locked ballot box by the commissioners and placed in the custody of the county clerk.

The defense scored heavily when V. C. Randall, deputy court clerk, was called and admitted, under cross examination, that at the time the disputed jury list was drawn he, himself, placed the individual names in the box in place of the commissioners, as required by law. Mr. Randall explained his action by saying that the time was short inasmuch as a grand jury had to be selected by March 1, the date of the new term.

Asked if the jury commissioners met in a body and approved the list before signing it, Mr. Randall said they did not, and added that no one was present when the names of the grand jurors were drawn.

Judge Coleman's Statement

The hearing, which was held in a courtroom crowded with members of both races, brought to light some interesting facts, not the least of which was the statement of Judge Coleman in reference to the Negro jury issue. It was brought out that it is the duty of the County Court judge to select the grand jurors after the jury commissioners have submitted their lists.

Called upon by defense counsel to make a statement on the method of selecting grand jurors, Judge Coleman said: "I don't think the court is called upon to act as a witness. In selecting the grand jurors no question of color ever came to my mind. I just selected the jurors, and did not consider the question of their color at all."

Commonwealth's Attorney Lynch, who opposed the motion, stuck to his belief that "until it is shown that people of African descent were excluded from the jury solely because of their color, I think the motion should be overruled."

Mr. Lynch Opposes Motion

Mr. Lynch cited the case of Patterson versus Commonwealth, 139 Virginia, in which a similar motion was made for quashing an indictment where a Negro was accused of murder in connection with a white man's death. The commonwealth's attorney contended that a mixed jury is not essential, and that a mixed jury is not guaranteed by the 14th Amendment.

The prosecutor insisted that the defense had to show that Negroes had been excluded from petit and grand jury service in Norfolk County solely because they were Negroes, before a motion to quash the indictment could prevail. "How can I prove that?" Mr. Merrill asked. "I don't know. That's up to you," Mr. Lynch replied.

Sheriff A. A. Wendell, of Norfolk County, testified that he had never summonded a Negro for jury service in the county court during the past fourteen years he has served as head of the county police force, nor could he ever remember having seen one serve in that capacity. He was later recalled and asked whether or not the percentage of white and Negro population had varied very much during that period, and replied that, in his opinion, it had not.

"Never Gave It A Thought"

Various explanations were given by the three members of the jury commission as to why they had never included Negroes in their jury lists. Commissioner Charles Old swore that the Norfolk County poll tax list had been used by him in making up the list from which the members of the petit jury were drawn; that no names had been taken from the list of Negro enfranchised poll tax payers, and that competency and qualification only had been taken into consideration in making up the list of eligible jurors.

Mr. Old, who lives in the Deep Creek District, testified that he chose 60 names from a list of 300 men whom he considered fit for jury service. He admitted that no Negroes had been included in the list. Asked why, he replied that he knew very few colored people aside from those who worked for him on his farm. "I never gave it a thought," he said.

H. A. Hall, another jury commissioner, when asked by Mr. Merrill why no Negroes were included on his jury list, testified that he did not know a single Negro in the Washington District where he resides who he considered qualified for such service. Mr. Merrill then explained to him that the only requirement for jury service is that the person so designated must be reputable and law abiding.

Knows No Negroes

Mr. Hall was then asked whether or not he knew at least one Negro in the Washington District, which includes the city of South Norfolk, who he considered reputable and law abiding.

Mr. Hall replied, "No. Not one."

J. Y. Minafee, the third jury commissioner summonded, declared that he did not know a single Negro in the Tanner's Creek District from which his list was drawn, and had never considered them at all. He said he was unable to answer a question as to the number of Negroes residing in the county as compared with the number of whites.

That Negroes had at one time rendered jury service in Norfolk County was testified by Randolph Bell, 72-year-old resident of the Deep Creek District, and a retired Navy Yard employee. Mr. Bell was summonded by the defense presumably as an example of a Norfolk County Negro qualified to serve on county juries.

He testified that he had served on the county grand jury many times in past years but not within the past twenty years. Asked if he had been available for such service during that time, he said he had.

Negro Citizens Testify

J. Kidd, also of the Deep Creek District, told the court that he had never known a Negro to serve on the county jury. The Washington District was represented by J. H. Edwards, farmer, who gave substantially the same testimony. Mr. Edwards' statements revealed that he has lived in the Washington District for more than 35 years, but that he was not very familiar with the qualifications for jury service.

Other witnesses of the same character included J. W. Trotman and Wilbur Jackson, both of the Washington District, and W. S. Miller. Each of these witnesses swore that they had been residents of Norfolk County for at least 25 years, and that they had never known of an instance where a Negro had been summonded for jury service in the Norfolk County court. Each witness asserted that he knew at least 25 persons in his district who were reputable and law abiding.

CAMERA COVERAGE OF RUSSELL GORDON TRIAL

Norfolk County [illegible] to having another Harper case when 18-year-old Russell Gordon was accused of attacking Mrs. Pauline Hartmann, white. A jury freed him Monday. Pictures shown above were taken during his trial from which spectators as well as newspapermen were barred. The two pictures at the top left of Mr. and Mrs. A. D. Gordon, Water Works Road, Norfolk County, parents of young Gordon, and a view of the jury returning to the courtroom after a recess. Below (left) are shown Ernest Merrill, white, and George H. Walker, defense attorneys, in a hurried conference on the courthouse porch with a newly found witness. Clarence Brown, International Labor Defense district organizer, and Alexander Wright, Communist Party organizer, are shown at the right. The I. L. D. supplied counsel for Gordon.—Journal and Guide Photos.

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Norfolk Virginia

Lynchings-1933
Legal Punishment of Lynchers

Alabama

VICTIMS OF ALA. MOB MAY HAVE BEEN INNOCENT

Tuscaloosa Investigation Fruitless Before Alibis

Special to Journal and Guide

Journal & Guide

Norfolk, Va.

BIRMINGHAM, Ala.—While a fruitless investigation designed to re[illegible]ers of A. T. Harden and Dan Pippen, Jr., was being conducted in the courthouse at Tuscaloosa by a grand jury under the direction of Attorney General Thomas E. Knight, Jr., who gained renown as prosecutor in the Scottsboro Case, further details concerning the murder of Miss Vaudine Maddox white, came to light, which cast serious doubt on the guilt of the charged trio. It was for Miss Maddox's death that the men were arrested and later lynched.

The grand jury which was assembled at the order of Judge Henry B. Foster held a two day session, discovered nothing which would aid in the disclosure of the identity of the revelers at Alabama's recent blood party and adjourned until September 2, without making any public report.

Suspicion Shifting

Meanwhile the details of the murder which was responsible for the arrest of five Negroes, the lynching of two, and the wounding of one shifts suspicion of guilt in another direction.

Journal & Guide
Sept 23
Norfolk, Va.

[illegible] murder of the 21-year-old white girl which occurred June 1[illegible] that she was evidently killed by someone [illegible] knew. This assumption is made because a [illegible] she [illegible] carrying at the time was discovered standing on a log near the ravine in which her body was found. It is supposed that had she been attacked by strangers she, in her fright would have dropped the pail on the ground and not carefully placed it on a log.

Slim, however, as may be this supposition, still other facts conspire to establish the innocence of the three youths, two of whom are dead and one of whom happens to be accidentally alive.

Other Facts In Case

A recent report states that positive proof was presented to show that Dan Pippen, Jr., was working all day in the field of Willie Jimson the day the murder is supposed to have been perpetrated. This alibi was effectively squashed, it is averred, when Dan Pippen Sr., the boy's father, was jailed when he offered it in behalf of his son, and that the arrest of Willie Jimson, the only other person able to confirm it was likewise imprisoned. The charge lodged against the older Pippen was "obstructing the investigation of the crime." The charge, if any, preferred against Jimson could not be discovered.

Clark, who escaped the fury of the lynchers with three slugs in his body, was arrested on suspicion because he was discovered near the scene of the murder. The evidence marshalled to connect Harden with the affair is said to have been suspiciously slim.

Lynchers Not Identified

None of the persons appearing before the probers, including Elmore "Honey" Clark, who owes his life to poor markmanship or the grace of God, could identify a single member of the lynching party. Armed deputies, who were accompanying the prisoners for protection, and who are reported to have neglected to fire in defense of their charges, explained that the lynchers were masked and that the license plates on their two cars were inverted making the reading of them impossible.

What, however, is the prize of all stories explaining reasons for the inability of the grand jury to uncover the lynchers is the one which has to do with the exhumed bodies of the two lynched Negroes. Their disinterment was ordered shortly after the probers met. The slugs were to be turned over to ballistics experts.

When the exhumed bodies were submitted to examination, however it was discovered, according to reports, that the shells had been "taken as souvenirs." By whom, the report fails to say. It is hard to conceive of a frenzied mob, pausing after having pumped 25 or more slugs into the bodies of two victims, to reclaim them for souvenirs.

I. L. D. Disturbed

The I. L. D. according to its own reports is quite disturbed over the complete ignorance of its demands that the responsible judge, sheriff and deputies be placed under arrest.

William L. Patterson, national secretary of the organization, sent a telegram to the governor of Alabama immediately after the lynching demanding arrests and stating that he could produce evidence to prove their guilt. Ironically, these very persons were conspicuous figures in the fruitless investigation.

Protest meetings were held in all parts of the country following the Alabama outrage. August 22 was designated in Philadelphia as Scottsboro-Bacco-Vanzetti Day and was devoted to protesting the recent Tuscaloosa blood party.

With the closing of the grand jury probe, there is little hope of a further investigation into the details of the lynching unless the move is forced by the articulate public opinion of Alabama and the South.

Birmingham, Ala., News
August 31, 1933

PROSECUTION OF LYNCHERS URGED

Birmingham Women Protest Slaying Of Negroes In Letter To Miller

A letter calling for vigorous prosecution of those responsible for the recent deaths of two Negroes who were taken from Tuscaloosa County deputies has been addressed to Gov. Miller by a group of Birmingham women. Their letter states:

"We, the undersigned women citizens of the state of Alabama, have been shocked and horrified over the recent outrage against decency, law and order, committed by a masked mob of unknown persons on the border of Jefferson County, in taking from the hands of deputy sheriffs of Tuscaloosa County three Negro prisoners, shooting and killing two, and seriously wounding the third.

"At the very time that our president and the nation as a whole are waging war against crime rampant, for the majesty of the law to be so shamefully outraged within our beloved commonwealth is not only shocking, but a matter of profound humiliation to every law abiding citizen of intelligence. We have had a proper pride in Alabama's awakened conscience on suppression of mob violence, and had hoped the end of mob hoodlumism was in sight. The only way in which the shame of this recent outrage against law can be blotted out is an early and prompt apprehension of the lawless mob that committed the crime.

"We, therefore, the undersigned women citizens of the state of Alabama, call upon you, our chief executive to exercise to the limit your constitutional authority in bringing to trial the persons who committed this crime, and we do pledge to you our loyal support in any and all efforts you may make to uphold the law, and to mete out speedy punishment to all violators."

Those signing the letter were Mrs. J. H. McCoy, Mrs. Edward H. Smith, Mrs. H. T. McGee, Mrs. Louise Charlton, Mrs. C. C. Adams, Mrs. J. K. Shook, Mrs. James Bowron, Mrs. C. P. Orr, Mrs. Milton Fies, Mrs. Peyton Eubank, Mrs. Louis Saks, Mrs. Norvell W. Cullom and Mrs. Isaac Morris.

Montgomery, Ala., Advertiser
September 1, 1933

13 WOMEN DEMAND TRIAL OF LYNCHERS

Birmingham Group Calls Upon Governor To Go Limit To 'Blot Out' Shame

In an "open letter" signed by 13 prominent Birmingham women, which was received yesterday at the executive department, Gov. Miller is requested to exercise his constitutional power "to the limit" in bringing to trial members of the masked mob that on the morning of Aug. 13, held up Tuscaloosa County officers and forced them to surrender three negro prisoners, two of whom the mob later lynched.

The signers of the communication stated they were "shocked and horrified over the recent outrage against decency, law and order, committed by a masked mob of unknown persons on the border of Jefferson County, in taking from the hands of deputy sheriffs of Tuscaloosa County three negro prisoners, shooting and killing two, and seriously wounding the third."

At the very time the President and the Nation as a whole are waging war against crime, the letter states, "for the majesty of the law to be so shamefully outraged within our beloved commonwealth is not only shocking, but a matter of profound humiliation to every law-abiding citizen of intelligence." The only way in which the "shame of this recent outrage against law can be blotted out," it is declared, is an "early and prompt apprehension of the lawless mob that committed the crime."

Calling upon the chief executive to exercise to the limit his constitutional authority in bringing the guilty persons to justice, the letter concludes by pledging the loyal support of the senders to any and all efforts he may make "to uphold the law and mete out speedy punishment to all violators."

The names of the thirteen signers follow: Mrs. J. H. McCoy, Mrs. Edward H. Smith, Mrs. H. T. McGee, Mrs. Louise O. Charlton, Mrs. C. C. Adams, Mrs. J. K. Shook, Mrs. James Bowron, Mrs. C. P. Orr, Mrs. Milton Fies, Mrs. Peyton Eubank, Mrs. Louis Saks, Mrs. Norvell W. Sullom and Mrs. Isaac Morris.

The three negroes taken by the mob from the Tuscaloosa officers were A. T. Harden, Dan Pippen, Jr., and Elmore Clark. Harden and Pippen were shot to death. Clark who was shot five times, is now recovering from his wounds in the Kilby Prison hospital. All three negroes were under indictment for attacking and killing a young white woman, and were being transferred from Tuscaloosa to Birmingham pending their trials, when the mob seized them.

A special Tuscaloosa County grand jury, convened to investigate the lynching, is now in recess, but will reconvene Sept. 6.

Montgomery, Ala. Journal
September 1, 1933

Leading Magic City Women Seek Miller Action on Lynching

Thirteen leading women of Birming have called up on Gov. B. M. Miller to do everything in his power to arrest and convict the persons responsible for the lynching August 13 of two negroes, who were being removed from Tuscaloosa to Birmingham for safekeeping pending their trial on charges of attacking and killing a white girl.

In an open letter to the chief executive, the women stated they were "shocked and horrified" and declared that "the only way in which the shame of this outrage against law can be blotted out is an early and prompt apprehension of the lawless mob that committed the crime."

The letter was signed by Mesdames J. H. McCoy, Edward H. Smith, H. T. McGee, Louis Charlton, C. C. Adams, J. K. Shook, James Bowron, C. P. Orr, Milton Fies, Peyton Eubanks, Louis Saks, Norvell W. Cullom and Isaac Morris.

The negroes killed were Dan Pippen, Jr., and A. T. Harden. Their companion, Elmore Clark, was seriously wounded and is now in Kilby prison hospital here for treatment.

Deputies said their car was blocked on a lonely road and the negroes taken by force by a mob of masked men.

Tuscaloosa, Ala., News
September 5, 1933

LYNCHING INQUIRY RESUMED, 2-DAY SESSION IS LIKELY

Five Birmingham, Bessemer Deputies Questioned, Jury Then Adjourns Again Until Tomorrow For New Evidence

JUDGE FOSTER URGED SPEED, THOROUGHNESS

No Official Indication Given But Definite Action On Case Wednesday Thought Likely; Ballistics Report Is Expected

Grand jury investigation of the Pippen-Harden lynching case was adjourned early this afternoon, to be resumed at 10 o'clock Wednesday. The adjournment was taken after a 2-hour session in which five deputy sheriffs from Birmingham and Bessemer, Sheriff R. L. Shamblin and a negro resident near Vance, were questioned.

There has been no official indication of progress in the case by Attorney General Thomas E. Knight, Jr., and Solicitor Edward deGraffenried but it is generally believed that definite action on the part of the inquiry will develop Wednesday. They said today's adjournment was taken to prepare new evidence in convention with the case.

Today's grand jury session began at 1005 o'clock with Circui Judge Henry B. Foster urging the jurors to conduct their investigation "as thoroughly and speedily as possible under the circumstances." After this brief injunction, the jury retired to the grand jury room and the Birmingham and Bessemer officers were interrogated.

The witnesses were Jack Curran and Lige Ross, deputies from Bessemer, and J. H. Haynes, C. L. Gaines and Charles Parrish of the Birmingham sheriff's office. All of these officers took part in the search for the bodies of Pippen, Hard and Elmore Clark on Sunday morning, August 13, after the three negroes were taken from three Tuscaloosa County officers near Bucksville by a masked band of about 12 men.

Expert examination of several bullets taken from the negroes' bodies or found on the lynching sceen near Woodstock, is expected to be given the grand jury Wednesday. Jack Stuart, assistant solicitor of Jefferson County and a ballistics expert, has inspected the bullets and also several revolvers and rifles which were secured from local deputy sheriffs for routine examination.

Sheriff R. L. Shamblin was briefly questioned by the grand jury today as was Pearlie Hargrove, negro who resides in the vicinity of Vance. Hargrove was the negro who reported to the sheriff, the whereabouts of the wounded Clark negro after the latter had come to the home of a neighbor of Hargrove's, seeking aid, a day and a half after the lynching.

Today's session of the grand jury was a resumption of the investigation first began August 15, just two days after the lynching. The jury met for two days at that time. It was recessed ,then called back on Monday, August 21, and after a short inquiry, was again recessed until today.

The Clark negro, who appeared before the grand jury in its first meeting, is not expected to be brought back again at this time to act as a witness. Both the attorney-general and the solicitor have talked with Clark at the Kilby prison hospital in Montgomery.

While here August 15, Clark gave a sworn statement declaring that the three negroes were taken from the three officers by a band of masked, armed men who "had the drop" on the officers. The negro also said that he miraculously escaped death by falling under the bodies of Dan Pippen, Jr., and E. T. Harden, when the three were lined up before the masked firing squad at a spot a hundred yards inside the Bibb County line, a mile east of Woodstock.

Pippen, Harden and Clark, residents of the Big Sandy section in South Tuscaloosa County, were indicted late in June for the criminal assault and first degree murder of Vaudine Maddox, 21-year-old white girl, near her home on June 12.

Twice Tuscaloosa National Guardsmen have been called out in connection with the case. They were first called to protect three International Labor Defense lawyers who attempted to inject themselves into the defense of the negroes when Pippen's case was first called to trial. The I. L. D. lawyers were barred and escorted to Birmingham. Troops were again called as a precautionary measure August 14 and 15 when Clark was brought to jail here and appeared before the grand jury. The guardsmen escorted him to Montgomery.

Judge Henry B. Foster and Sheriff R. L. Shamblin have given no comment or notice to reports from New York that the I. L. D. would present a letter to the grand jury charging these officials and the three escorting officers with conspiracy and murder in connection with the lynching.

Tuscaloosa Jury Probes Lynching

Advertiser
9-6-33
Montgomery, Ala.

TUSCALOOSA, ALA., Sept. 5—(AP)—Without any indication of progress in its investigation of the lynching of two negroes near here Aug. 13 the Tuscaloosa County Grand Jury today recessed after a three-hour session, until tomorrow.

Atty. Gen. Thomas E. Knight, Jr. and Solicitor Edward de Graffenreid announced the action was ordered to permit prepaation of additional testimony for the Grand Jury's consideration.

Nine witnesses including Sheriff R. L. Shamblin of Tuscaloosa County, were examined today. Their testimony was kept secret, howeve by a State law which prevents making public any information given a Grand Jury.

The other witnesses included seven deputies of the neighboring County of Jefferson and a negro who reported the whereabouts of Elmore Clark, wounded by the mob which lynched Dan Pippen, Jr., and A. T. Harden.

Addressing the Grand Jury as it reconvened today following a recess of several days, Judge Henry B. Foster urged the probers to work" speedily and as thoroughly as possible under the circumstances."

The negroes, charged with murdering Miss Vaudine Maddox, 21-year-old daughter of a farmer, were taken from deputies carrying them to Birmingham fo safekeeping.

Birmingham, Ala., Age-Herald
September 1, 1933

NCHING DEPLORED

Missionary Society Calls On Gov Miller To Push Probe

In an open letter to Gov. Miller members of the Woman's Missionary Society of the Methodist Church, of which Mrs. Isaac Morris is president, deplored the lynching of two Negroes and the wounding of a third near Tuscaloosa recently.

They asked Gov. Miller "to exercise to the limit your constitutional authority in bringing to trial the persons who committed this crime."

Lynching Probe Is Resumed By Tuscaloosa Jury

Advertiser
9-5-33
Montgomery, Ala.

TUSCALOOSA, ALA., Aug. 4.—(AP)—Evidence gathered during a recess investigation today was prepared for presentation tomorrow to the Tuscaloosa County grand jury as it resumes its probe of the lynching of two negroes near here on Aug. 13.

A report by a ballistic expert on bullets removed from the bodies of the victims, Dan Pippen, Jr., and A. T. Harden, was expected to be ready for the jury along with the results of an investigation directed by Atty. Gen. Thomas E. Knight, Jr.

Meanwhile, Sheriff R. L. Shamblin and Judge Henry B. Foster greeted with silence an announcement from New York headquarters of the International Labor Defense that it would lay before the grand jury a letter containing charges of murder against the jurist, the sheriff and his deputies.

Also. declining to comment on the I. L. D. announcement was Gov. Miller at Montgomery.

In reply to a previous statement by the I. L. D., Sheriff Shamblin stated that he was cooperating with the grand jury and had placed before that body all evidence he had uncovered.

Pippen and Harden with Elmore Clark who was wounded, were taken from Tuscaloosa County deputies by a mob as the negroes charged with killing a white woman, were being carried to Birmingham for safekeeping.

Attorneys for the I. L. D. attempted to enter the case as counsel for Pippen when his trial was called, but were excluded by Judge Foster after the negro testified they had not been retained by him.

After the lynching Sheriff Shamblin declared the I. L. D. was "directly responsible for this violence."

Returning yesterday from Grand Rapids, Mich., where he attended the annual meetings of the American Bar Association and the National Association of Attorneys General, Atty. Gen. Knight left last night for Tuscaloosa to resume charge of the special grand jury called to investigate the lynching of Pippen and Harden, and the wounding of Elmore Clark, who escaped

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Birmingham, Ala., News
September 27, 1933

Gov. Miller's Statement On Sunday's Lynching

Gov. Miller has offered a reward for the arrest and conviction of any or all of the participants in Sunday's lynching in Tuscaloosa County. In making the announcement, he says:

"This offense on its reported face is so heinous that, without call from an official of the county, this reward of $400 is offered for the arrest and conviction of the offenders, hoping it will encourage and stimulate not only the officials, but the citizens, to double their energy and efforts to end such crimes by a speedy arrest, trial and conviction of the guilty parties.

"The law must be obeyed; if not, the guilty must be punished."

For his attitude and for the vigor with which he expresses it the governor is to be commended. The state's concern over this affair is naturally great, and Gov. Miller does well to lose no time in putting the force and authority of his office behind the cause of bringing the lynchers to justice.

The governor's declaration, more than his offer of a reward, should spur the determination of Tuscaloosa Countians, officials and citizens alike, to track down the guilty persons and see that they are properly dealt with under the law.

GOVERNOR OF ALABAMA OFFERS LYNCH REWARD

9-27-33

MONTGOMERY, [illegible] Sept. 26.—(AP)—Insisting that "the guilty must be punished," Governor B. M. Miller tonight offered a $400 reward for the arrest and conviction of all or any of the persons who lynched Dennis Cross, negro, at Tuscaloosa Sunday.

Cross, free under $300 bond on charges of attempting to [illegible] a white woman, was called from his home by men who said they were officers. His bullet-riddled body was found hours later.

"This offense on its reported face is so heinous," Governor Miller said, "that without call from an official of the county, this reward of $400 is offered for the arrest and conviction of the offenders, hoping it will encourage and stimulate not only the officials, but the citizens to double their energy and efforts to end such crime by speedy arrest, trial and conviction of the guilty parties. . . ."

Lynchings-1933 I
6
Legal Punishment of Lynchers.

Alabama

4104

Scottsboro, Ala., Age
September 28, 1933

Lynchers of Negro Sought By Officers

Tricked Suspect is Taken From Home and Shot At Tuscaloosa

With three pistol bullets and tracks made by an automobile as their clues city and county officers in Tuscaloosa Monday were seeking the identity of a group of lynchers who posing as officers, lured a negro from his home early yesterday and shot him to death.

The negro, Dennis Cross, about 50, was under $300 bond on a charge of accosting a young white woman. The woman had not been attacked, officers said.

According to reports to the Sheriffs office, a group of six or seven white men went to the negro's home about 2 a. m. Sunday told him they were officers and that he would have to accompany them to the sheriff's office to post a larger bond.

Officers found Cross' body, bearing three bullet wounds, near Tuscaloosa Country club about three miles from his home.

The lynching was the third in this section in less than two months. Officers are still investigating the mob killing August 13 of Dan Pippen and A. T. Hardin, negroes accused in the Vaudine Maddox murder case.

No Bills Found In Lynch Probe

Advertiser

(4)

10-3-33

TUSCALOOSA, ALA., Oct. 3.—(AP)—A special Grand Jury that met four times in six weeks to investigate the lynching of two young negroes today reported that it had not found sufficient evidence on which to base an indictment.

The Grand Jury was convened on Aug. 15 to investigate the lynching of Dan Pippen, Jr., and A. T. Harden, both negroes, who were under indictments charging attack and murder of Miss Vaudine Maddox, 21-year-old white girl near the Hale County line.

In making its report, the Grand Jury expressed confidence in Sheriff R. L. Shamblin, adding that nothing in the investigation reflected on his ability or integrity as a law enforcement officer.

Support of officers by all citizens in enforcement of laws was urged by the Grand Jury in its report to Judge Henry L. Foster, who empaneled the body on Aug. 15 and urged that every effort be made to bring the lynchers before the bar of the court.

Atty. Gen. Thomas E. Knight, Jr., at the request of local officials, conducted the investigation which was spread over a long period to permit a thorough search for evidence.

The two negroes, and Elmore Clark, who was wounded by the mob, were taken from officers by a masked band just over the Jefferson County line early Sunday Aug. 13.

After ordering the three deputies sheriff who were moving the negroes to the Jefferson County jail at Birmingham to prevent violence, to continue up the road the masked band of 10 or 12 men took the negroes to near Woodstock, in Bibb County, where they were shot to death.

Montgomery

Birmingham, Ala., Age-Herald
October 4, 1933

TO MANY people, we can imagine, Young Stribling crippled for life would have been an even more tragic picture than Young Stribling dead. Dying, he is spared the long days of adjustment to a pitifully changed way of life and to a loss which had disqualified him for the battle glories and excitements to which his soul had been set these many years. He wanted to go on living, of course, crippled or not. But death at this time admits him, as death a score or more of limping years from now would not, to the valhalla of warriors who go down in their prime.

* * *

It may be that it really is impossible to find any of the men who lynched Pippen and Harden, or any of those who lynched Cross. It may be that a statewide denunciation of the lynchers and demand for their punishment is as far as Alabama is able to go in the matters. If this is true, it is a pity for Alabama's good name in the nation. With so many men involved in the lynchings and so many acquaintances who must have some knowledge or suspicion of the affairs, it is not possible to persuade national opinion that Alabama couldn't find and punish a few lynchers if it honestly wanted to do so. That lynchers should escape sometimes is understandable. That they should escape always is hard to understand. Until we do actually catch and make an example of some lynch participants, all our protests and hands-in-horror are going to seem hypocritical.

Montgomery, Ala., Advertiser
September 27, 1933

Miller Volunteers Reward Of $400 For Newest Tuscaloosa Lynchers

Voluntarily authorizing a reward of $400 for the arrest and conviction of the person or persons or any of them, who representing themselves as officers, spirited Dennis Cross, negro, away from his home near Tuscaloosa and shot him to death early Sunday morning, Gov. Miller in a statement issued yesterday declared he hoped the reward would stimulate officials and citizens to redouble their efforts to "end such crimes by a speedy arrest, trial and conviction of the guilty parties."

The Chief Executive said that the crime as reported, was "so henious" that he had issued the reward order without a request to do so from any county official. Following is the text of his statement:

"A reward of $400 is hereby offered for the arrest and conviction of the unknown person or persons, or of any one of them, who on or about the 25th day of September, 1933, in Tuscaloosa County, Alabama, murdered a negro by the name of Dennis Cross.

"It appears from press reports that men, in the false guise of officials, went to his home, called him out in the night under the pretense of requiring him to make a larger bond for a bailable offense and then murdered him.

"This offense on its reported face is so heinous, that without the call from an official of the county, this reward of $400 is offered for the arrest and conviction of the offenders, hoping this will encourage and stimulate not only the officials but citizens to double their energy and efforts to end such crimes by a speedy arrest, trial and conviction of the guilty parties.

"The laws must be obeyed, if not the guilty must be punished."

About two weeks ago, Dennis was arrested following a report by a young white woman that she had been seized by a negro near the Tuscaloosa Country Club, and later was identified by the young woman as her assailant. After being held in jail for about a week on a charge of assault, Dennis was admitted to bail of $300, which was furnished by the owner of the farm where the negro lived.

According to information from Tuscaloosa, a group of six or seven men went to the negro's home Sunday morning around 2 o'clock, and telling him they were officers, said he would have to go to the sheriff's office and make a bigger bond. Taking Dennis with them, they then drove away. Neighbors of Dennis reported the occurrence to the office of Sheriff R. L. Shamblin. The Sheriff immediately ordered an investigation, after he found no city officers had been detailed to bring Dennis in.

Deputies were dispatched to the negro's home, but no trace of him was found, until daybreak, when his body was discovered near the Country Club. He had been shot three times. Nearby the prints of automobile tires, and several bullets were found. So far as is known, there is no clue to the identity of the slayers.

According to Sheriff Shamblin, the young woman seized was not attacked.

The slaying of Dennis is the third of its kind that has taken place in Tuscaloosa County within the past six weeks. On the morning of Aug. 13, while sheriff's deputies were removing to Birmingham for safekeeping, Dan Pippen, Jr., A. T. Harden and Elmore Clark, negroes, all under indictment for criminally assaulting and murdering a young white girl, a mob forced the officers to surrender the negroes. Pippen and Harden were shot to death. Clark, with a number of bullet wounds in his body, escaped, and was later located by Tuscaloosa County authorities.

An order was issued yesterday by Circuit Judge Henry B. Foster, for the reconvening on Oct. 2 of the Tuscaloosa County Grand Jury, to resume its investigation of the lynching of Pippen and Harden.

GRAND JURY OPENS PROBE OF LYNCHING

Advertiser

Tuscaloosa Judge Calls For Investigation Of Slaying Of Negro

10-10-33

TUSCALOOSA, ALA., Oct. 9.—(AP)—A new Tuscaloosa County Grand Jury today opened an investigation into the lynching of Dennis Cross, negro by a band of men posing as officers, after Judge Henry B. Foster had charged them on the crime.

In his charge, Judge Foster told the Grand Jury that it, or any subsequent Grand Jury could delve into the lynchings of Dan Pippen, Jr., and A. T. Harden, young negroes, last Aug. 13.

"There is no statute of limitations preventing the prosecution of a guilty person for murder," Judge Foster said.

The jurist condemned lynching as murder and called upon the citizens of the city and county to bring it to an end.

Montgomery

Cross was at liberty under $300 bond on charges of attempting to attack a white woman, when lynched. The group of men, six or seven in number, called at his home early on the morning of Sept. 24, and told him he had to go to jail to increase his bond.

The body of the negro was found several hours later by Sheriff R. L. Shamblin and deputies, near the Tuscaloosa Country Club. The negro had been shot to death.

Only last Monday a special Grand Jury, convened on Aug. 15, to investigate the lynching of Pippen and Harden reported it was unable to find sufficient evidence to return a true bill in the case.

Pippen and Harden were under indictment for attacking and slaying Miss Vaudine Maddox, 21-year-old white girl, in rural Tuscaloosa County.

Montgomery, Ala., Advertiser
October 10, 1933

GRAND JURY OPENS PROBE OF LYNCHING

Tuscaloosa Judge Calls For Investigation Of Slaying Of Negro

TUSCALOOSA, ALA., Oct. 9.—(AP)—A new Tuscaloosa County Grand Jury today opened an investigation into the lynching of Dennis Cross, negro by a band of men posing as officers, after Judge Henry B. Foster had charged them on the crime.

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Indictments Lacking In Alabama Lynching

10-15-33

TUSCALOOSA, Ala., Oct. 14.—(AP) Reporting that it had been unable to obtain evidence sufficient for an indictment, the Tuscaloosa county grand jury today failed to bring charges in the lynching of Dennis Cross, negro.

The grand jury investigated 119 cases and returned 70 indictments.

Dothan, Ala. Eagle
October 3, 1933

JURORS FAIL TO INDICT LYNCHERS

Evidence Not Sufficient to Find True Bills, Report of Jury Asserts

TUSCALOOSA, Ala., Oct. 3 (AP) —A special Grand Jury that met four times in six weeks to investigate the lynching of two young Negroes Monday reported that it had not found sufficient evidence on which to base an indictment.

The Grand Jury was convened on Aug. 15 to investigate the lynching of Dan Pippen, Jr., and A. T. Harden, both Negroes, who were under indictment charging attack and murder of Miss Vaudine Maddo, 21-year-old white girl near the Hale County line.

In making its report, the Grand Jury expressed confidence in Sheriff R. L. Shamblin, adding that nothing in the investigation reflected on his integrity or abiltiy as a law enforcement officer.

Support of Law Urged

Support of all citizens of officers in the enforcement of the laws was urged by the Grand Jury in its report to Judge Henry L. Foster who emphannelled the body on Aug. 15 and urged that every effort be made to bring the lynchers before the bar of the court.

Atty. Gen. Thomas E. Knight, Jr. at the request of local officials, conducted the investigation which was spread over a long period to permit a thorough search for evidence.

The two Negroes, and Elmore Clark who was wounded by the mob, were taken from officers by a masked band just over the Jefferson County line early Sunday, Aug. 13.

After ordering the three deputies sheriff who were moving the Negroes to the Jefferson County Jail at Birmingham to prevent violence, to continue up the road, the masked band of 10 or 12 men took the Negroes to near Woodstock in Bibb County where they were shot to death.

One Escapes Death

Harden and Pippen fell pierced by a dozen bullets, but Clark was struck only three times and seriously wounded. After the mob had left him for dead, Clark freed himself from manacles and made his way to the home of a friend. Medical aid was summoned and the Negro was surrendered to officers.

Clark appeared before the Grand Jury. He at present is in Kilby Prison where he has been under treatment for his wounds.

Officers blamed the unexpected development of violence against the Negroes on activity of the International Labor Defense in attempting to intercede in the case. Pippen and his parents denied that they had asked the I. L. D. to supply counsel and Judge Foster ruled the attorney retained by the organization out of the case.

The attorneys, Irvin Schwab, Allen Taub, both of New York, and Frank Irwin, of Birmingham, were given a military escort from the city after the jurist's decision

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To Probe Murder of Tuscaloosa Negroes

Daily Worker
11-2-33

Southerners in Group Going to Alabama This Week

New York, N.Y.

NEW YORK.—A delegation of prominent Northern and Southern writers and educators will go to Tuscaloosa, Ala., this week, to investigate three recent lynchings in that town, including the double lynching of Dan Dipper, Jr., and A. T. Harden, Negro youths. The Southern members of the delegation include Bruce Crawford, Norton, Virginia, Editor of Crawford's Weekly; Vann Woodward, formerly professor at the Georgia School of Technology; Grace Lumpkin novelist, of South Carolina, and author of "To Make My Bread," and Howard Kester, of Nashville, Tenn., Southern Secretary of the Fellowship of Reconciliation.

The Northern members of the delegation, who will leave this city today, are Jessica Henderson, Boston; Hollace Ransdel of Pennsylvania, investigator for the American Civil Liberties Union; Alfred Hirsh, Secretary of the National Committee for the Defense of Political Prisoners, which organized the delegation.

The delegation will arrive in Alabama on Monday. It's first move will be to call on Governor Miller of Alabama to protest the terror against Negroes and demand an answer to the charges of the National Committee for the Defense of Political Prisoners that Alabama officials are implicated in the lynchings of Dippen and Harden and the attacks on I.L.D. attorneys. Miller has promised he would answer these charges by Nov. 1.

Eastern Committee To 'Look Into' Lynching

BIRMINGHAM, ALA., Nov. 3—(AP)—The News today said it has been informed a committee from the National committee for the Defense of Political Prisoners is en route from New York to Tuscaloosa to conduct its own investigation into the lynching of Dan Pippen, Jr., and A.T. Harden, negroes, on Aug. 13.

The delegation comprises mostly Southern men and women, who are Howard Kesters, Southern secretary of the Fellowship of Reconciliation; Van Wood-

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COMMITTEE HERE ON WAY TO PROBE ALABAMA KILLINGS

Constitution
11-7-33
Atlanta, Ga.

Seven men and women acting as a group from the National Committee for the Defense of Political Prisoners stopped in Atlanta Monday night en route to Tuscaloosa, Ala., and other points in that state. Leaders of the group said that "specific cases will be investigated," and that during their visit in the south, they will interview the governor and attorney general of Alabama.

Moved by "the startling increase of lynchings in the south," the group was organized several weeks ago. The committee will be in Alabama for only a few days, they said.

Members of the party said they would specifically investigate the cases of two negroes, Dan Pippen, Jr. and A. T. Harden, who, while being transferred from one jail to another were seized by a mob and shot. The third defendant, Elmore Clarke, with five bullets in his body, was left for dead, it was said. Dennis Cross was another victim of violence whose case will be investigated, the group announced.

Spokesmen for the party said that four of the group are women, all southerners or of southern extraction. Among them are Miss Barbara Alexander, Miss Grace Lumpkin, novelist, both of Georgia; Miss Hollace Ransdell, of Kentucky. Mrs. Jessica Henderson, of Massachusetts, is also on the committee. Others are Bruce Crawford, of Virginia; Howard Kester, of Tennessee, and Alfred H. Hirsch, of New York.

The group planned to leave Atlanta late today or early Wednesday for Tuscaloosa where they will "proceed with their investigations."

Knight Threatens to Jail Witnesses In Lynching Probe

Daily Worker
11-11-33

Ku Klux Klan Parades In Effort to Scare Negroes

New York

BIRMINGHAM, Ala., Nov. 10.—Prosecution in the courts of "any person" who aids the National Committee for the Defense of Political Prisoners delegation in its investigation of Tuscalosa lynchings was threatened yesterday by Attorney General Knight. Knight not only has refused permission to the delegation to examine Grand Jury proceedings against the murdered Negroes, but declared yesterday:

"If any person allows you to see these records or gives any information concerning them, it will be my duty to prosecute them."

The threat followed Knight's brazen approval of lynchings contained in his statement that the lynchings of Pippen and Harden were justified because Knight is "thoroughly convinced the defendants were guilty." Knight is leading the prosecution of the Scottsboro boys who face a new lynch trial on Nov. 27 in the lynch-infested town of Decatur.

While Knight issued his threats against the investigating committees and its witnesses in an attempt to stifle an expose of lynch condiions, terror, fed by the Alabama press continued to grow in Tuscaloosa.

In that city the arrival of the National Committee inevstigators was preceded by a Ku Klu Klan parade th Negro districts. One hundred of these terrorists, masked and in full regalia, rode through the streets of Tuscaloosa as a "warning" to Negroes.

The American Legion in Alabama, meeting at Florence, passed an inflammory resolution 'condemning the practice of organizations from outside the State sending foreign lawyers into the State of Alabama."

Knight Declines Aid In Outsiders' Lynching Probe

Advertiser
11-9-33
Montgomery, Ala.

Committee For Defense Of Political Prisoners On Its Way To Tuscaloosa

Escort Is Refused

Attorney General Informs Visitors Alabama Does Not Need Their Help

Declining to cooperate with a committee sponsored by the National Committee for the Defense of Political Prisoners that has come to Alabama to investigate the lynching of three negroes in Tuscaloosa County during the past Summer, Atty. Gen. Knight told members of that committee who called on him in his office at the capitol yesterday, that the people of Alabama resent the injection of outside influences into the administration of justice in this State.

He further told them that while these outside influences and the interference and meddling on the part of organized groups among which he named specifically the International Labor Defense, did not in any sense excuse the lynchings, they did, in his opinion, constitute a sinister and powerful influence toward the commission of these crimes.

Denouncing the methods of the I. L. D. and its "scurrilous criticism" of Alabama and its citizens, Mr. Knight declared that the conduct of the people who have come here from other sections of the country representing the "influences" referred to, possibly aided by sympathizers in Alabama, was in his judgment, responsible in a large degree for the mob violence in Tuscaloosa County.

"The people of Alabama," he said, "will not tolerate deliberate efforts to stir up race hatred and class strife in this State and neither will I."

Call On Governor

Before going to see the Attorney General, the committee called on Gov. Miller to ask his cooperation in their proposed investigation and request that he send an official representative along. The Chief Executive advised the callers they were at liberty to make any investigation of the lynchings they chose, but declined to send a representative. He did not regard this as necessary, he said, recalling that the State's investigation was being conducted through the Attorney General, the circuit solicitor and the county Grand Jury.

Lynchings-1933

II.

Alabama

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Legal Punishment of Lynchers.

KNIGHT DECLINES AID IN OUTSIDERS' LYNCHING PROBE

(Continued From Page 1)

were charged with criminally assaulting a white woman.

The interview between the visitors and Gov. Miller was brief, lasting five minutes or less. Their talk with Mr. Knight, however, was of considerably longer duration.

Condemning lynching and deploring the lynchings in Tuscaloosa County and their reflection upon the State, Atty. Gen. Knight at the same time declared he did not regard a person charged with rape as a "political prisoner" though such a person was, of course, entitled to the same protection of law as all other prisoners.

11-9-33

As to the requested permission to study records of the proceedings of the Tuscaloosa County Grand Jury in its investigation of the lynching of Pippin and Harden, Mr. Knight advised members of the committee that if any person permitted them to see those records or gives any information concerning the records, it would be his duty to prosecute the one doing so. In this connection the fact was brought out that it was a violation of the law in Alabama to reveal to the public at large any information as to what occurred in a Grand Jury room.

"Alabama Needs No Help"

Alabama, the Attorney General informed the committee, did not need any help in enforcing its laws. He had no suggestion to offer to the visitors, he said, adding: "I cannot and will not cooperate with you. I do not question your motive in coming here to make any investigation you choose. It may be a worthy and conscientious one. I do not know, nor am I interested in knowing, but I cannot cooperate with any group of people coming here from another section of the country who may, for all I know, go back and scurrilously criticise the State of Alabama and its people, when no criticism is justified."

Declaring the trip of the visitors to Tuscaloosa and its announced purpose were their affair, Mr. Knight advised them that if, while there, they conducted themselves as they would if they were citizens of this state, they would be treated with every courtesy.

His office in conjunction with that of the Solicitor of Tuscaloosa County, was investigating the lynchings, Mr. Knight said, with the same orderly procedure as other crimes were investigated. "We know we are doing our duty," he declared, "and we will continue to do so. What those in other States think about the manner in which we are proceeding and have proceeded, is not of the slightest interest or consequence to me, neither is any investigation they may wish to undertake. The investigation that is being made by the duly constituted authorities of Alabama is the only one regarding which I am concerned."

Asked if it did not appear to him that the presence of the women members of the committee did not indicate that in their opinion, the charges against the three men lynched, were unfounded, the Attorney General inquired what was the source of their knowledge of the facts in the respective cases. His question was countered by one as to what his belief was concerning the guilt of the negroes. He replied that his official knowledge regarding the Cross case was limited, but as to Pippin and Harden, it was his personal opinion that both were guilty.

Mr. Knight was personally in charge of investigation by a special Tuscaloosa County Grand Jury, of the lynching of Pippin and Harden.

Members of the investigating committee include four women, all but one of whom, it was announced was of Southern extraction, all qualified to membership in the D. A. R., while the ancestors of three fought on the side of the South in the War Between the States. Their names and the respective State each was originally from, were given as follows: Miss Grace Lumpkin of Columbia, S. C.; Miss Hollace Ransdell, of Kentucky; Miss Barbara Alexander originally of Georgia, now of New York, and Miss Jessica Henderson, of Massachusetts.

Other members of the committee were Howard Kester, Nashville, Tenn.; Bruce Crawford, Norton, Va., and Alfred H. Hirsch of New York.

The investigating body presumably left Montgomery yesterday afternoon for Tuscaloosa to begin its lynching inquiry.

DECLARES INNOCENCE OF ONE MOB VICTIM

Amsterdam

ATLANTA, Nov. 8.—Of the four Negroes recently shot by lynching mobs in the vicinity of Tuscaloosa, Ala., three of them fatally, one was undoubtedly innocent and all the other three possibly so, according to a report made public Friday by the Southern Commission on the Study of Lynching, after a careful investigation of the whole situation. No convincing proof of guilt was found in either case.

11-8-33

County officers, charged with the protection of these men, either connived with the mob, says the commission, or else "exhibited inexcusable inefficiency and stupidity." It is suggested that certain of these officers should be impeached by the Supreme Court of Alabama and removed from office by the governor, if found guilty of either charge.

INVESTIGATORS OR CASE-MAKERS?

Advertiser

Seven men and women, several of whom are Southerners, are in Alabama to investigate the lynchings of three Negroes near Tuscaloosa last August.

These men and women, it is to be assumed, have come to Alabama with open minds to try to learn how and why the three Negroes were lynched.

It is to be assumed that these men and women will be content to investigate even though it be at the sacrifice of case-making.

11-9-33

The members of this committee are Bruce Crawford, editor of Crawford's Weekly, Norton, Va.; Howard Kester, of the Fellowship of Reconciliation, Nashville, Tenn.; Vann Woodward, former professor at the Georgia School of Technology; Grace Lumpkin, Georgia novelist; Jessica Henderson, former Boston suffrage leader; Hollace Ransdell, investigator for the American Civil Liberties Union; Alfred H. Hirsch, secretary of the National Committee for the Defense of Political Prisoners.

Montgomery, Ala.

It was reported in New York that the investigators would ask Governor Miller and Attorney General Knight for "protection" while in Alabama.

The ladies and gentlemen, we believe are handicapping open-mindedness by assuming that they will not be safe in the land of the barbaric Alabamians.

We do not think that it is necessary for the Governor of Alabama or the Attorney General of Alabama to provide a bodyguard for ladies and gentlemen no matter what their mission may be in this State.

If any member of this investigation committee receives the slightest discourtesy while attempting to learn the truth about the lynchings, The Advertiser should like to know of it. If any member of this committee receives direct or indirect threats of bodily harm we are certain that the police authorities and the Governor and the Attorney General should like to know of it.

The Negroes were lynched. There is no question of that. No excuses can be offered for the lynchings by Alabama or Alabamians.

But it is to be hoped that the investigators will seek to learn the truth as they find it in Alabama and not attempt to indict the people of a community on prejudice formed even before coming into the State.

It is to be hoped that case-makers, propagandists and maudlin sentamentalists are not among them.

It is to be hoped that they will move quietly, investigate without bitterness and return to their respective homes to make an unbiased and courageous report.

A Private Investigation of A Lynching

Journal and Guide

TWO TUSCALOOSA COUNTY grand juries investigated the lynching in this ALABAMA county of four men, accused of crime, without fixing the blame on anybody. A private investigation of this lynching has just been completed by the SOUTHERN COMMISSION FOR THE STUDY OF LYNCHING, and the report is published on another page of this issue of the JOURNAL AND GUIDE. It makes interesting reading.

11-11-33

The chairman of the SOUTHERN COMMISSION FOR THE STUDY OF LYNCHING is GEORGE FORT MILTON, of Chattanooga, Tenn. It is a Southern organization in all of its ramifications. To start with, this report says:

> "One of the four mob victims was undoubtedly, two others probably, the fourth possibly innocent."

Norfolk, Va.

That is the sober judgment of trained investigators, directed by Southern white men. They have gone to the bottom of things in and around TUSCALOOSA. They have conducted, as far as possible, an ex-parte trial of the cases. Their verdict is before the world.

The result of this investigation is the average findings on lynchings by the SOUTHERN COMMISSION FOR THE STUDY OF LYNCHING during recent years. The COMMISSION early this year issued a 499 page book, entitled *The Tragedy of Lynching*, which is a resume of the investigation of 21 lynchings in 1930, and of the lynching problem as a whole. After studying these findings, arrived at by competent and fair investigators, one is shocked beyond description, by the inescapable conviction that lynchers are not at all particular about whether they get the right man, or whether the man they lynch is innocent or guilty. All that is necessary to produce a lynching is to have a Negro accused. The mob then is interested primarily in venting its madness upon the race of the accused man.

An intersting phase of the findings of the COMMISSION in connection with the TUSCALOOSA horrors is the absolute confirmation that Southern law officers dare not punish lynchers, and that the majority of them openly sympathize with the mobs, participate in them, and have no intention of doing anything about a lynching after one occurs. That is the lynching situation today.

Selma, Ala. Times
November 10, 1933

LYNCHING PROBE AT TUSCALOOSA

Political Defense League Continues Inquiry

TUSCALOOSA, Nov. 10.—A committee of five from the League for Defense of Political Prisoners today was continuing its investigation into the lynching of three negroes here recently.

The committee came here late yesterday and discussed the lynchings with County Solicitor William J. Foster, Sheriff R. L. Shamblin and Chief Deputy Sheriff Festus M. Shamblin.

Officials interviewed said the committee sought information on the lynchings, general conditions, voting privileges and other affairs of negroes. The officials described the grand jury investigation of the lynchings which resulted in no true bills for lack of evidence and were informed that the investigation was continuing under county authorities.

The committee sought to confer with Circuit Judge Henry B. Foster and Circuit Solicitor Edward de Graffenreid, but both were busy in circuit court.

After the conference here the committee left with the announcement that it would return today apparently returning to Birmingham for the night.

The committee sought information on the lynching of Dan Pippen, Jr., and A. T. Harden who were under indictment for murder and attacking Miss Viola Maddox, young white girl, and a third negro, several weeks later, who was charged with an attempted attack on a white woman.

Lynch Investigators Get Scant Courtesy from Alabama Officials

Afro American

MONTGOMERY, Ala.—A liberal group of five Southerners and three Northerners, all white, visiting lynch locales to gather data, were bruskly treated by Thomas E. Knight, attorney-general, here last Wednesday.

"I wish you would mind your own business," he is reported as having told the group, grimly warning it that local sentiment is against outsiders interferring in the Tuscaloosa lynching investigation.

Two youths, A. T. Harden and Dan Pippen, Jr., were lynched there August 13, with a suspect leader asserting that the sheriff willingly handed over the keys to the prison.

The delegation will visit other lynch scenes, including Princess Anne, Maryland.

Those in the group are: Jessica Henderson of Boston; Hollace Ransdell and Alfred H. Hirsch, of New York; Bruce Crawford, editor of Norton, Va.; Vann Woodward, former professor of Georgia School of Technology; Grace Lumpkin, of South Carolina, writer; Barbara Alexander, of Georgia; Howard Kester, of Nashville, Tenn., southern secretary of the Fellowship of Reconciliation.

OFFICIALS DECLINE TO DISCUSS LYNCHING

TUSCALOOSA, Ala., Nov. 11.—(AP) The "Tuscaloosa delegation" of the national committee for the defense of political prisoners today said Deputy Sheriff Murray Pate, W. L. Huff and H. W. Holman declined to be interviewed by them [illegible] the lynching of Dan Pippen Jr. and A. T. Harden, negroes.

"We are not going to make any statements except in court," the committee quoted Deputy Pate as replying to Alafred H. Hirsch, secretary of the national committee.

Lawyer Gets Verdict For I. L. D. Telegram

Advertiser

TUSCALOOSA, ALA., Nov. 14—(AP)—A Tuscaloosa County Circuit Court jury today awarded $1,499 damages to Jack McGuire, attorney for three negroes seized by a mob in a suit against the Postal Telegraph Company involving transmission of a telegram from an International Labor Defense official to Judge Henry B. Foster.

11-15-33

The telegram demanded that Judge Foster discharge the "lynch lawyers" in the case. McGuire, one of the attorneys, sued for $2,90[illegible] like suit by Charles LaFrance, another attorney in the case,, is pending.

LaFrance and McGuire represented A. T. Harden, Dan Pippen, Jr., and Elmore Clark, charged with murder in the death of Miss Vaudine Maddox.

The negroes were taken from deputies by a mob and Pippen and Harden lynched. Clark was wounded but is recovering.

Lynchings-1933
Legal Punishment of Lynchers.

Alabama.

4105

AFFIDAVIT NAMES 31 IN DECATUR WHO TRIED TO LYNCH NEGRO WORKER

Daily Worker

11-14-33

Exposure of Alabama Lynch Terror to Be Presented at Baltimore Conference—State Officials Refuse to Act

The Daily Worker today continues its series of exclusive exposures of preparations of the Alabama ruling class to lynch the nine innocent Scottsboro boys, and of lynch terror and oppression of Negroes throughout the country.

New York

Today the "Daily" reveals the names of 31 Decatur, Ala., men named in affidavits obtained by the International Labor Defense as the men who attempted to lynch Thomas Brown, framed Negro worker, in Decatur last August.

The background of the recent lynching of George Armwood, Negro worker, in Princess Anne, on the Eastern Shore of Maryland, as given in a report by a Daily Worker investigator, working in co-operation with the League of Struggle for Negro Rights, into the social and economic conditions of white and Negro workers there, will be published in the Daily Worker tomorrow.

* * *

The names of 31 residents of Decatur charged with attempting to lynch Thomas Brown, Negro charged with "rape" in a crude frame-up last August, are given in an affidavit by an investigator, made public yesterday by the International Labor Defense, the League of Struggle for Negro Rights, and the Daily Worker. The affidavit is made by an investigator for the I.L.D., who went through Decatur shortly after the lynching, collecting evidence of lynch-incitement against the Scottsboro boys.

The same men, affidavits definitely intimate, are responsible for the lynching, on the same day, August 23, of James Royal, a Negro boy.

The sworn affidavit, signed by John Williams, states:

"A. J. Banbee, 108 W. Cherry St., said that he was the one who had rounded up the boys in the neighborhood to try to lynch Thomas Brown, a Negro who was being held by the sheriff, accused of an alleged crime of rape against a white woman. He further said:

"'The time to break this raping up is when it is like a young tree, because a tree is easy to pull up when it's young, and when the raping first starts is the time to lynch them right then.'

Gives Names

"He gave the names of those who were with him when they attempted to lynch Thomas Brown. They are as follows:

"A. B. Phillips, John Shirley, C. F. Scoggins, Dan James, Tom Sloan, Thomas Gang, Pick Rooper, E. G. Sanches, Sam E. Lewis, C. M. Gilliam, P. S. Patterson, W. G. Farmer, S. E. Elymore, J. G. Phillips, L. P. Stover, C. W. Selby, David A. Smith, C. G. Simmons, Charles Richardson, J. D. Woodall, S. J. Hazel, W. W. Kincaid, G. M. Southand, B. T. Roberts, F. B. Curry, G. O. Smith, Elanor Woodall, B. D. Mix, W. B. Dil, M. W. Holland.

"All of the above live in Decatur."

The addresses of all these people, omitted here, are in the possession of the I.L.D. The affidavit continues:

"Deponent spoke with many of those last-named and it was the opinion of every one that 'niggers like those (Scottsboro defendants) should be taken out and swung from a limb.' That it was a waste of money trying the Scottsboro Negroes in court. They said: 'It should be handled like it's always been handled—take them out and finish the job.' That 'we will get that nigger Brown when he'll be brought up for a preliminary hearing here in Decatur.' . . .

"Lynch Leibowitz, Bates"

"Your deponent heard many of the last above-named say in substance and effect: 'If that New York lawyer, Leibowitz, ever puts his foot in this place again, there will be a lynching.' Speaking of the Tuscaloosa lynchings . . . they said: 'That's the way the Scottsboro niggers should have been handled.'

"They said also: 'Ruby Bates ought to be swung up herself, just like those niggers. She was bought over with Jew money.'"

The intensive lynch-incitement by the white landlord press of Alabama, whose directors are fearful of losing their prey through the tremendous mass movement for the lives and freedom of the Scottsboro boys, is directly responsible for this spirit of murder abroad in Alabama and throughout the country.

Behind this press are Attorney-General Thomas E. Knight of Alabama, Judge W. W. Callahan, Ku Klux Klaner appointed by Chief Justice Anderson of the Alabama State Supreme Court to "try" the Scottsboro cases, beginning Nov. 27, and to hear the arraignments of the nine innocent defendants Nov. 20, in the lynch-ridden town of Decatur.

Other affidavits now in the possession of the Daily Worker quote more than 500 persons in Decatur and Morgan County as in favor of lynching the Scottsboro boys. Through other sources information has been received of definite plans to stage the lynching, including the importation of lynchers from other states.

All this material the Daily Worker will publish from day to day, and it will be presented to the Baltimore Anti-Lynch Conference Commission of Inquiry Into Lynchings, Saturday. The conference is called by the L.S.N.R. and the I.L.D., and will be held Sunday. More than 400 delegates from the Atlantic seaboard are expected to participate in its work.

LYNCHING PROBE ON

Committee Quizzes Solicitor And Sheriff At Tuscaloosa

11-10-33

Birmingham

TUSCALOOSA—(AP)—A committee of five from the League for Defense of Political Prisoners Friday was continuing its investigation into the lynching of three Negroes here recently.

The committee came here late Thursday and discussed the lynchings with County Solicitor Foster, Sheriff Shamblin and Chief Deputy Shamblin.

The officials interviewed said the committee sought information on the lynchings, general conditions, voting privileges and other affairs of Negroes. The officials described the Grand Jury investigation of the lynchings which resulted in no true bills for lack of evidence and were informed that the investigation was continuing under county authorities.

The committee sought information on the lynching of Dan Pippen, Jr., and A. T. Harden who were under indictment for murder and attacking Miss Viola Maddox, young white girl, and a third Negro, several weeks later, who was charged with an attempted attack on a white woman.

Ala. Pushes Investigation of Lynchings

8-19-33

Birmingham

Ala.

TUSCALOOSA, Ala., Aug. 17—(Special). That the state of Alabama is serious about its intention of probing to its depths the lynching that claimed the lives of two Negroes and resulted in the wounding of another was shown in the action of state and Tuscaloosa county authorities as the Tuscaloosa county grand jury continued its hearings into the incident which is regarded as one of the most disgraceful blots on the name of the state.

"Lynching by mobs is murder," Judge Foster, veteran presiding jurist and Baptist deacon, told the special grand jurors, as they started their work, "I want you to make a thorough investigation to ascertain the persons who participated in any way, directly or indirectly, in the lynching."

Dan Pippen, jr., 16, and A. T. Harden, 18, were shot and killed and Elmore Clark, 28, wounded, early Sunday when the trio were taken from a squad of deputies conducting them to Birmingham for safekeeping. Clark managed to make his getaway, and, although at first believed dead, was found many hours later close to the scene of the lynching, several bullet wounds in his body. Pippen and Harden were killed.

The holdup of the deputies and their prisoners, who were accused of killing a young white woman, took place nearly half way between this town and Birmingham. They were under indictment for the crime at the time and a previous trial of young Pippen had been postponed by Judge Foster following a clash between appointed lawyers and I.L.D. lawyers over the right to represent the three young men. At that time Judge Foster ruled that the appointed local lawyers should handle the case and the I.L.D. lawyers were escorted out of the town by national guardsmen. The jurist said that there was no feeling against the Negroes but that there was a high feeling against the I.L.D. coming into the case. Negro ministers had protested against the presence of the I.L.D. while Mrs. Pippen, mother of the lad, denied signing an affadavit asking the I.L.D. to assume control of the case, and said that she was satisfied with the local white lawyer given for the defense of her son.

The testimony of Elmore Clark, who managed to escape the full fury of the mob, was heard Wednesday behind closed doors as national guardsmen patrolled the area around the courthouse and county jail. According to information leaking out he said that he dodged the bullets of the lynchers when he fell under the bodies of his two comrades as a volley was fired by the lynchers. He is also said to [illegible] much about the mobbers as they were all masked. Following his testimony, he was rushed to Birmingham to the Jefferson county jail for safekeeping.

It is expected that the three deputies, who were assigned to guard the prisoners, will also be called before the grand jury before its investigation is complete.

8-19-33

Birmingham

Ala.

POST $400 DOLLARS TO STIMULATE INTEREST IN BRINGING ABOUT SPEEDY ARREST

Advocate 10-14-33

IMPERSONATE OFFICERS OF LAW TO LURE MAN FROM HIS HOME

MONTGOMERY, Ala., Oct. 10—(ANP) The governor of Alabama, B. M. Miller, is moved. Irked by the mob murder of Dennis Gross at Tuscaloosa, the third lynching there in a month, Governor Miller offered a reward of $400 for the arrest and conviction of the slayers of Gross. Seven men went to his home, posed as officers, and took him away. He was later found shot to death.

Portland, Oregon

"This offense on its reported face is so heinous," Goevrnor Miller said, "that without call from an official of the county, this reward of $400 is effered for the arrest and conviction of the offenders, hoping it will encourage and stimulate not only the officials, but the citizens to double their energy and efforts to end such crime by speedy arrest, trial and conviction of the guilty parties."

Gross had been arrested for an alleged attempted attack on a white woman, but the very fact that he was released under $300 bond, indicated the flimsiness of the evidence against him.

N. Y. EVENING POST

NOV 14 1933

Lynching Inquiry Plans Are Mapped

National Defense Committee to Lay Findings Before Alabama Governor

ATLANTA, Nov. 13 .(AP)—Bent on making a "thorough investigation" of Alabama lynchings, seven members of the National Committee for the Defense of Political Prisoners converged here to draft plans for their campaign that will be taken to Governor B. M. Miller.

The lynching of three Negroes in the vicinity of Tuscaloosa concerns them immediately, but they have their eyes open for evidence concerning any other instances of mob violence.

Alfred M. Hirsch of New York, secretary of the committee, said the delegation would question county authorities at Tuscaloosa and anybody else who might know about the lynching. Having accomplished that, the investigators intend to proceed to Montgomery, the capital, and lay their evidence before Governor Miller.

They are armed with voluminous memoranda of mob violence that brought death to Dan Pippen Jr. and A. T. Harden on a highway between Tuscaloosa and Birmingham August 12, and also the slaying of Dennis Cross September 24.

Pippen, Harden and Elmore Clarke were accused of killing a white girl and the sheriff was en route with them to the Birmingham jail for safekeeping. A band of men took the Negroes from him, however, and riddled them with bullets. Pippen and Harden were killed but Clarke recovered.

In the other case, Cross, fifty-year-old farmer, was arrested for a reputed attack on a white woman. Men posing as officers spirited him away and killed him.

The committee's memoranda said there was no evidence against Pippen, Harden and Clarke.

The memoranda further quoted the Montgomery Advertiser as saying authorities had determined Cross did not attack the woman, although she was accosted.

Alabama

Lynchings-1933

Legal Punishment of Lynchers.

4107

Lynching Inquiry Resumes Monday

Advertiser 8-18-33 Montgomery Ala.

TUSCALOOSA, ALA., Aug. 17.—(AP)—The markings on a leaden slug removed from the body of one of the victim's was studied today as science was called in to help trace [illegible] members of the band [illegible] lynched two negroes and wounded another, near here last Sunday.

With the bullet taken from the body of Dan Pippen, Jr., in the hands of a ballistis expert, Judge Henry B. Foster ordered the special Tuscaloosa County Grand Jury to cut short a recess called last night and return Monday to complete its investigation.

Declaring that the situation demanded "prompt and decisive action" Judge Foster said he believed the recess until Sept. 4 was too long and directed the investigators to re-assemble next week and press their efforts to bring members of the mob to justice.

Atty. Gen. Thomas E. Knight, Jr., who was placed in charge of the special grand jury investigation said he would be unable to return here Monday because of another engagement. County authorities requested him to change his plans if possible and return to continue the probe.

No report or indictment had been returned when the recess was taken last night and there was no indication that such action was probable.

Lynched with Pippen was A. T. Harden. Another negro, Elmore Clark, under indictment with them on a charge of murdering a white woman, was wounded and is being held in prison at Montgomery for safekeeping.

U.S. Prosecution Asked In Alabama Lynching

Constitution 8-25-33

WASHINGTON, Aug. 24.—(AP)—Federal prosecution of Sheriff R. L. Shamblin of Tuscaloosa county, Ala., was asked of Attorney General Cummings today by a group of attorneys who charge the officer with gross negligence or collusion in the lynching of two negroes while in his care.

Mr. Cummings assured the group of his sympathy, told them their plea would be given every consideration and said he was sure they recognized the legal difficulties involved.

Telegram

AUG 17 1933

LYNCHING JURY RECESSES

Alabama Grand Jurors to Resume Inquiry on September 4.

By the Associated Press.

TUSCALOOSA, Ala., Aug. 17.—The special Tuscaloosa County Grand Jury investigating the lynching early Sunday of two Negroes recessed yesterday until September 4 without returning any indictments. No report was made pending further inquiry.

During the day a bullet was removed from the body of Dan Pippen, Jr., one of the victims, and will be examined by a ballistic expert in an effort to identify the owner of the weapon from which it was fired. The bullet, of .39 calibre was the only one of a dozen slugs that struck the Negro and failed to pass through his body.

NEW YORK TIMES

AUG 20 1933

ALABAMA CONDEMNS LYNCHING OF NEGROES

'Blood on the Great Seal of the State' Through Killing of Two Men.

BETTER ELEMENT SHOCKED

Disposition Seen to Place the Blame on International Labor Defense as 'Instigators.'

By JOHN TEMPLE GRAVES.

Editorial Correspondence, THE NEW YORK TIMES.

BIRMINGHAM, Ala., Aug. 16.—The lawyer whose own witness testifies unexpectedly against him in court is in a position not half so unhappy as that in which Alabama finds itself this week as a result of the lynching by a group of masked men last Sunday morning of two Negroes accused of the rape and murder of a white girl near Tuscaloosa.

Alabamians who have hotly defended the State against hostile criticism resulting from the Scottsboro case are tongue-tied at this indefensible turn, and those who have contemplated the Scottsboro case with patriotic misgivings are saddened beyond words. The civilized majority here is joined in utter condemnation of the crime and of the shame that has been visited upon this State. Since 1892, when, there were twenty-four lynchings in Alabama, mob murders here have declined. In the last ten and a half years there have been only four, and in six of those years there were none at all. The lynching last Sunday was the first since Aug. 5, 1931.

Press Condemns Act.

Reaction to this outrage against Alabama's name and law is bitter in all the press comment that has come to this writer's eye. "There is blood on the great seal of Alabama," declares The Montgomery Advertiser. "Because this group of armed zealots, inflamed with hatred and fear—hatred of influences which invited hate, fear that the machinery of justice was to be clogged by sinister efforts—seized the three prisoners and shot two of them to death, Alabama must suffer shamefully in the eyes of the world." "It is an afront to the better citizenship of Alabama," says The Birmingham Post. "We commend Governor Miller and Judge Foster for their promptness in beginning the investigation of the crime and urge that it be prosecuted relentlessly until the guilty persons are properly punished. Doubtless the activities of the international labor defense attorneys and agitators influenced the lynching, but that fact cannot condone the crime nor serve to absolve the officers whose duty is was to protect the prisoners. Lynching will not solve the problem which Alabama faces."

"A State Disgraced."

The Birmingham News believes that "Alabama stands disgraced in the eyes of the civilized world. Shame of the blackest dye has been brought on this State. * * * People elsewhere will not understand that the atrocity was the act of a few hotheads, a small band of barbarians. Most Alabamians doubt that this crime would have taken place had it not been for the unwarranted interference in the case on the part of the International Labor Defense. To say that is not to condone it in the least. On the contrary, the crime deserves to be condemned only the more strongly on that ground. But the I. L. D. did encourage a few hotheads to the point of violence. To that extent the blood of the victims be on the hands of the I. L. D."

"A stain has been placed upon the records of Alabama," says The Anniston Star. "This newspaper," says The Tuscaloosa News, "in common with all thoughtful people, deplores the spirit of mob violence. We thought it had gone from our midst forever. May God forgive the carpetbaggers of today who have returned this foul thing to our midst—human hearts cannot."

I. L. D. Is Blamed.

The indicated tendency to blame the International Labor Defense arises from the attempt last month of attorneys for this organization to act as counsel for the accused Negroes. The Negroes refused their services, and when the attorneys left Tuscaloosa there were demonstrations against them hostile enough to require National Guardsmen for their protection. The hostility derives largely from the Scottsboro case and from the conviction of nearly all Alabamians that the I. L. D. is exploiting the case for communistic propaganda among the Negroes. But, inasmuch as the Negroes at Tuscaloosa had refused to accept I. L. D. lawyers for their counsel, the crime of the lynchers was as stupid and impolitic as it was vicious. It may be that it would not have been committed if the radical troublemakers had not attempted to interfere, but the disgrace that Alabama feels today is not covered by any alibi, and there are some who feel that those who stress the excuse while scoring the crime are robbing the State of the left-handed dignity that can go with unamended shame. The Huntsville Times think the "excuse that the I. L. D. lawyers caused the lynching is just a screen to cover up cowardice and official delinquency."

The same day that brought to Alabama news of this lynching brought reports of the State's exceptionally fine record in "doing its part" for the NRA appeal. With more Blue Eagles than any other Southern State save Texas, Alabama is forced now to blush before each eagle and to find a very particular and important part woefully undone by a little group of hidden faced men.

Montgomery, Ala., Advertiser
August 16, 1933

Court Launches Lynching Probe

Tuscaloosa County Grand Jury Starts Deliberation; Negro Describes Attack

Elmore Clark, 28-year-old negro who suvived the fusillade of an infuriated mob near Tuscaloosa Sunday morning, arrived here from Birmingham at 12:18 a.m. today, guarded by 12 Tuscaloosa National Guardsmen.

The negro, clad in blue overhalls and jumper, and with his wounded left arm in a sling, was immediately taken to a cell on the second floor of the jail.

Capt. W. A. Dominick and First Lieut. J. H. Johnson, who were in charge of the detail, said the journey to Montgomery by train was without incident. The party occupied a special compartment aboard the Pan-American which left Birmingham at 10:09 p.m.

Clark previously had been taken to the Jefferson County Jail at Birmingham for safe-keeping following his appearance before a special Grand Jury at Tuscaloosa yesterday.

TUSCALOOSA, ALA., Aug. 15—(AP)—Behind closed doors of the Grand Jury, Elmore Clark, 28-year-old negro, today related his experiences in the hands of a mob which wounded him and lynched two other negroes under indictment on a charge of killing a white woman.

As National Guardsmen paced the area about the court house and the county jail nearby, Clark went before the Grand Jury which had been called into special session and charged by Judge Henry B. Foster earlier in the day to make a determined effort to bring the lynchers to justice.

After completing his testimony Clark was placed aboard a train, accompanied by a escort of National Guardsmen, and carried to Birmingham, where he was placed in the Jefferson County Jail. He left Birmingham late tonight, being taken to Montgomery by National Guardsmen.

Three deputies from whom the masked band seized Clark, A. T. Harden, 16 and Dan Pippen, Jr., 18, as the three were being transferred to Birmingham, early Sunday also were expected to be called before the Grand Jury before it completes its work. Harden and Pippen were the negroes lynched.

In charging the Grand Jury, Judge Foster declared that "lynching by mobs is murder" and directed the inquisitors to make a thorough effort to ascertain the persons who participated in anyway, directly or indirectly in the lynching"

"No modern community can afford to tolerate lynchings. No fair-minded and law-abiding community, bent on protecting its citizens will permit such a crime to go unchallenged. No sovereign State can allow such a violation of its peace and dignity to go unpunished."

Upon completion of the judge's charge the Grand Jury began its investigation under the direction of Atty. Gen. Thomas E. Knight, Jr., and Circuit Solicitor Edward de Graffenreid.

In an interview reported to have been had from Clark by a reliable authority an account of the lynching was published by The Tuscaloosa News.

The paper said the negro corroborated statements of the three officers that two carloads of men overpowered them at the point of guns and pistols and took the prisoners.

Placing them in one of the automobiles, in which the band was traveling Clark said he and the other two negroes handcuffed together were driven several miles to a woods where they were lined up and shot.

Before opening fire Clark said a spokesman for the group asked Harden who was responsible for the killing for which the trio were indicted and that he replied by pointing toward Pippen.

As the group directed a fusillade of shots at them, Clark said he fell beneath the bodies of Harden and Pippen with bullet wounds in his left upper arm, left shoulder and right hip. He said he lay still until the men left then "prayed to the Lord to tell me what to do."

Clark said he found a rock and knocked the handcuff from his withered left arm "as the Lord told me to" and wandered until he came upon the home of a negro near Vance, where he was found by officers last night. His wounds, not considered serious, were dressed there before the officers were notified of his whereabouts.

As each member of the lynching party was masked, Clark said he would be unable to identify any of them.

International Labor Defense attorneys who attempted to enter the case as counsel for Pippen when his trial was called several days ago were declared by Sheriff Shamblin to be "directly responsible for this violence." The ILD attorneys were barred from the case at the request of Pippen.

The negroes were under indictment in the slaying of Miss Vaudine Maddox, 21-year-old daughter of a farmer who was attacked and brutally murdered near her home in rural Tuscaloosa Counties last June.

Russians, Chinese And Other I. L. D. Members Protest

Either for the purpose of comprehensiveness, or economy, or possibly both, telegrams received yesterday at Gov. Miller's office from points north and east, denouncing the lynching by a mob of Dan Pippin, Jr., and A. T. Harden, negroes, and the wounding of a third negro, Elmore Clark, all charged with assaulting and murdering a young white girl in Tuscaloosa County, repeatedly made reference to the "Scottsboro boys" in "demands" made as to action by the Chief Executive. One of these "demands" was for the arrest of Circuit Judge Henry B. Foster and Sheriff R. L. Shamblin, of Tuscaloosa.

The Novy Mir, a Russian weekly published in New York, wired: "We express our protest and indignation at the bestial lynching of Dan Pippin, Jr., Elmore Clark and A. Harden. We demand the arrest of Judge Foster and Sheriff Shamblin of Tuscaloosa as responsible for the lynching. We demand the death of all lynchers. Hold you responsible for safety of Willie Jimmeson and Dan Pippin, Sr. Demand their immediate safe release, likewise immediate, unconditional release of Scottsboro boys." Willie Jimmeson is one of the negroes arrested in connection with the interracial clashes last Winter in Tallapoosa County. Dan Pippin, Sr., is presumably the father of one of the two negroes slain by the mob.

Another Russian organization, in Philadelphia, Penn., telegraphed: "Protest lynching of negro youths, Pippin, Harden, Clark. Demand arrest death penalty of lynchers. Hold you responsible for safety remaining two and Scottsboro boys. Demand their release." This message like the preceding one was obviously dispatched before news reached Philadelphia of the finding of Clark wounded, but alive. It is not clear who the "remaining two" referred to are. The Philadelphia wire was signed, "Russian National Mutual Aid Society of America, Daniel Kasustchik, Secretary."

A telegram from the Ohio District of the International Labor Defense, forwarded from Cleveland, stated: "In name of thousands of members in Ohio we vigorously protest against lynching of three negroes in Tuscaloosa. We hold Judge Foster, Sheriff Shamblin responsible for these lynchings. We demand their immediate arrest and prosecution. We hold you directly responsible for safety of Scottsboro boys. We pledge ourselves to arouse mobilize all workers against lynchings and terror."

The New York District of the International Labor Defense sent the following message: "Strongest protests against lynching Tuscaloosa frameup victims. Judge Foster, Sheriff Shamblin directly responsible. Demand immediate arrest death penalty. Lynching directly planned and executed for terrorism negro masses. Greatest danger now threatens Scottsboro boys. Hold you responsible safety two remaining Tuscaloosa and nine Scottsboro defendants. We demand their immediate release."

Secretary C. Chen, of the Chinese Branch of the International Labor Defense, in New York, sent a telegram recommending that Judge Foster and Sheriff Shamblin be arrested and prosecuted "for complicity in the murder," and the arrest of Judge Foster and the Sheriff was also recommended in a message from New York, signed by C. Young, secretary of the Chinese Anti-Imperialist Alliance, New York Branch.

A message from the United Council of the Working Class Women, of Newark, N. J., after vigorously protesting against the lynching of the "three negro boys at Tuscaloosa," added: "We hold you responsible for the lives of the nine Scottsboro boys who are also in danger of being lynched and we demand the release of the nine Scottsboro boys and other class war prisoners."

In addition to the telegrams, a letter was also received from the American Civil Liberties Union, in New York, stating that organization was in receipt of a copy of a threatening letter, postmarked Coffeeville, Ala., which was sent by a number of citizens of Mitchem beat, "whose names, amazingly, are signed." The letter was addressed to the International Labor Defense or their attorneys who endeavored recently to represent some negroes in Tuscaloosa, it was stated.

It is understood the communication said, that a copy of the letter has been sent to the Governor by the International Labor Defense, and it is added that: "While we have no connection with that organization, we are interested in any issue of the civil rights of any citizen."

The Governor was requested to either make a statement to discourage "the threatened mob violence conveyed by the letter" or refer it to the proper officials "for such attention as can be given it." The Civil Liberties Union was advising the International Labor Defense, it was stated, "that the evidence should be put before Postoffice Department officials for such action as they may take under the law."

Women Ask Action In Lynching Affair

9-1-33

MONTGOMERY, Ala., Aug. 31 (AP) Thirteen leading women of Birmingham today called upon Governor S. M. Miller to do everything in his power to arrest and convict the persons responsible for the lynching Aug. 13 of two Negroes who were being removed from Tuscaloosa to Birmingham for safekeeping pending trial on charges of attacking and killing a white girl.

In an open letter to the chief executive, the women stated they were "shocked and horrified" and declared that "the only way in which the shame of this outrage against law can be blotted out is an early and prompt apprehension of the lawless mob that committed the crime."

Another Group Demands Prosecution Of Shamblin

Advertiser
8-28-33

WASHINGTON, Aug. 27.—(AP)—The American Civil Liberties Union announced today it has written Atty. Gen. Cummings, adding its voice to the plea of other organizations for Federal action in the lynching of two Alabama negroes Aug. 13.

Montgomery Ala

The union endorsed a plea made last week to the Attorney General that Sheriff R. L. Shamblin, of Tuscaloosa, Ala., be prosecuted for giving up to a mob Dan Pippen, Jr., A. T. Harden and Elmore Clarke, three negroes charged with killing a white woman. Pippen and Harden were killed and Clarke was wounded.

OMINOUS WINGS OVER ALABAMA

Advertiser
9-6-33
Montgomery
Ala

The belled buzzards have returned to Tuscaloosa.

With blood not yet cold on their beaks and talons they return to tear wounds of hatred and bigotry, to taunt the people and anger the courts.

The intruders would make children of Alabamians. They should like nothing better than to cause the State to slap back in anger.

That the belled buzzards should try to push themselves into a case in which already they had caused hatred and suffering—and death—was to be expected.

The Tuscaloosa County Grand Jury should continue its investigation of the lynchings of the two Negroes as if the unscrupulous agitators were not in existence.

Judge Foster and officials of Tuscaloosa County did well to refrain from commenting on the latest entry of the belled buzzards into the inquiry.

The investigation must be handled thoroughly and diligently without thought of outside interference into the case.

DELEGATION ASKS SHERIFF BE PROSECUTED

Afro-American

Both Races Join in a Demand That U. S. Handle Ala. Sheriff.

9-2-33

RECEIVED LITTLE ENCOURAGEMENT

Baltimore Md.

Taub, I.L.D. Lawyer, Present.

WASHINGTON—(CNS)—Federal prosecution of Sheriff R. L. Shamblin, of Tuscaloosa County, Alabama, on charges of criminal negligence and complicity in permitting two prisoners in his care to be lynched on August 13, while en route from Tuscaloose to Birmingham, was demanded of Attorney General Cummings by an interracial delegation of more than twenty leaders here Thursday.

Mr. Cummings and his assistant gave the delegation headed by Chas. H. Houston, of the Howard Law School, and Allan Taub one of the I. L. D. attorneys. slight encouragement as they presented the charges to the legal representatives of the Department of Justice.

Waited Three Hours

Scheduled for an interview with Assistant Attorney General William Stanley at 12 o'clock noon the delegation dis not gain admission to his presence until 3:30. Mr. Houston presented the delegation to Assistant Attorney General Stanley and Allan Taub, one of the I.L.D. Attorneys, who was driven out of Tuscaloosa by a mob for attempting to defend the two victims, presented a brief setting forth the charges against the sheriff and outlining his personal experiences in the southern town, and especially the hostile attitude taken by the people of the town| both citizens and officials.

After a full presentation of the case to the Assistant Attorney General, the delegation also called on Mr. Cummings, the Attorney General.

Among the delegation who called on the Attorney General and his assistant were: Charles H. Houston, Allan Taub, Carol W. King, secretary of the International Judicial Association, New York City; Augustus W. Gray, President of the Washington Bar Association; James G. Tyson, Washington; Edward P. Lovett, Washington; Charles E. Mullen and John G. White of Philadelphia; Edward Kuntz, Max Posner and Samuel Goldberge, attorneys for the I.L.D., of New York City; Bishop E. D. W. Jones of the A.M.E. Zion Church, Southeastern Diocese; B. V. Lawson, D. K. Nichols, Benard Ades, of the famous Euel Lee Case; Mr. Levins, Miss A. M. Detzer, of the International League for Peace and Freedom; F. W. Adams, Regional Director of the National Bar Association, Nathan Dobbins and Mrs. Posner.

Nashville, Tenn. Banner
September 25, 1933

Orders Investigation Of Second Lynching

Negro Charged With Attack Shot to Death

Tuscaloosa, Ala., Sept. 25—(AP)—The second lynching in Tuscaloosa County within the past six weeks was under investigation by the Sheriff's department today.

Sheriff R. L. Shamblin ordered the inquiry Sunday after the body of Dennis Cross, Negro under bond on a charge of assaulting a white woman was taken from his home by men posing as officers and shot to death.

The Sheriff said he was told the group of six or seven men appeared at the Negro's home and told Dennis it was necessary for him to go to Tuscaloosa and post a bond larger than that required when he was released on bail a week ago.

The visit of the group was reported to Shamblin by neighbors of Dennis and a search was started which resulted in the finding of the Negro's body near the Tuscaloosa Country Club Sunday at daybreak. Dennis had been struck three times by pistol bullets.

Shamblin said the charge against Dennis was a bailable offense as the victim of the alleged assault had not been attacked. The woman had identified the Negro as her assailant.

The slaying of Dennis followed by six weeks to the day the lynching of Dan Pippen, Jr., and A. T. Harden, Negros under indictment on a charge of murdering the daughter of a Tuscaloosa County farmer. Pippen and Harden were killed and Elmore Clark, another Negro, was wounded by a group of masked men who seized the prisoners from Tuscaloosa County officers hurrying them to Birmingham for safekeeping.

An investigation into the lynching of Pippen and Harden, ordered by Judge H. B. Foster of Tuscaloosa County is in recess pending the recovery of Attorney-General Thomas E. Knight, Jr., who was wounded by the accidental discharge of a rifle while the grand jury's investigation was under way several days ago.

Alabama

4108

Lynchings-1933

Legal Punishment of Lynchers.

4108

I. L. D. Demands the Arrest of Tuscaloosa Judge and Sheriff

Daily Worker
8-15-33
New York, N.Y.

BIRMINGHAM, Ala.—A report today said the body of Elmore Clarke, third victim of the Tuscaloosa lynchings, was found tied to a tree, riddled with bullets, near Woodstock, Ala.

* * *

NEW YORK.—Demand for the arrest of Judge Henry B. Foster and [illegible] L. [illegible] of Tuscaloosa, Alabama, for the lynching of three Negro boys framed and indicted on murder charges, was made yesterday in a wire to Governor Miller by the ILD. The wire demanded guarantee of safety, and the immediate release, of the two defendants still held in Tuscaloosa. Other wires to Foster and Shamblin charged them with direct responsibility for the murder, and held them responsible for the safety of the other two.

The three Negroes lynched were Dan Pippen, Jr., 18, A. T. Harden, 15, and Elmore Clarke, 28. Still held in Tuscaloosa are Willie Jimison, held for investigation, and Dan Pippen, Sr., charged with "obstructing the investigation."

Meanwhile, dispatches from Tuscaloosa disclosed that during the day a fourth Negro, whose name authorities did not reveal, was murdered by police officers in the town [illegible] Sunday. The excuse was put forward that he "attempted to resist arrest."

The ILD raised the question of how Dan Pippen, Jr., was in Tuscaloosa, Saturday night, when a court order was made August 2, that he be taken to Kilby Prison, Montgomery, Ala., until the trial was resumed. In the answer to this question, the ILD asserted, will be further proof, if any were needed, of the direct complicity of Judge Foster and Sheriff Shamblin in the case.

Reports that Governor Miller and Judge Foster had ordered investigation into the lynching was characterized by the ILD as nothing more than a maneuver to cover up the track of the lynchers.

"The first thing to do if such an investigation were sincere would be to arrest Foster and Shamblin and proceed with murder charges against them," Frank Spector, assistant national secretary of the ILD, said. "Both have admitted that they knew of the lynchers' intention in advance. Shamblin is not even reported as pretending that he made any resistance to the gang that took their victims from his hands. He has brazenly admitted that he sent back his convoy of deputies, and when the time came, simply turned over his prisoners to a gang of armed men. The question of whether such a gang even existed, arises here. Or did the sheriff himself, and the two deputies with him, constitute the gang which turned the three over to themselves and proceeded to murder them?"

Daily Worker
8-15-33
N.Y. N.Y.

TUSCALOOSA, Ala., Aug. 14.—The official version of the lynching of Dan Pippen, Jr., A. T. Harden, and Elmore Clarke, full of discrepancies, holes, and contradictions, as given out by Sheriff R. L. Shamblin, is as follows:

Pippen (who was supposed to be in Kilby Prison, Montgomery, according to a court order made on Aug. 2), Harden, and Clarke, were threatened with lynching in the Tuscaloosa lock-up.

The sheriff therefore took them out, selected an unfrequented road to Birmingham, and set out there with them to put them into the Jefferson County jail. He and two deputies were in a car with the defendants. Another car loaded with deputies followed as a convoy.

Dismisses Convoy

Twenty miles out of Tuscaloosa, he dismissed his convoy.

About twenty miles further, just inside the Jefferson County line, 23 miles from Birmingham, Sheriff Shamblin said, two cars, loaded with a dozen armed and masked men, stopped him and demanded that he turn over the prisoners he had in his custody to them.

He turned them over without any pretense of resistance, and returned to Tuscaloosa to report the "incident." Later, searching parties found the bodies of Pippen and Harden near Woodstock, in Bibb County, handcuffed together, by the side of the road, with more than twenty-five bullet wounds in them. The body of Clarke has not been found. The sheriff, without even pretending to give a source for this information said he believed Clarke has been turned loose.

No explanation of how any gang of men could have discovered the trail taken by the sheriff and waylaid them, without being informed by the sheriff or Judge Foster, was made

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N. Y. SUN

AUG 15 1933

TROOPS GUARDING ALABAMA COURT

Barbed Wire Surrounds Jail as Lynch Inquiry Begins.

TUSCALOOSA, Ala., Aug. 15 (A. P.).—National guardsmen patroled the courthouse block behind barbed wire barricades today as the Tuscaloosa county Grand Jury was convened in a special session to investigate the lynching of two Negroes and the wounding of a third, all of whom were under indictment on a charge of killing a white woman.

The troops went on duty early today and the area was blocked off after the wounded Negro, Elmore Clark, 28 years old, was found near the scene of the lynching and brought to the county jail, adjacent to the courthouse.

A holiday was declared for all offices in the courthouse and no persons were permitted to enter except by special permission. The only activity in evidence was in the Grand Jury room and the Circuit Court room as members of the jury began to assemble.

Opening of the Grand Jury session was delayed pending the arrival of Attorney-General Thomas E. Knight from Montgomery, who was en route here to take charge of the investigation.

Clark, who suffered injuries to his left shoulder, left upper arm and right thigh, was not considered seriously wounded and at the jail it was said that he was expected to be called before the Grand Jury. Sheriff R. L. Shamblin said, however, that the Negro had made no statement, other than that he could not recognize any member of the lynching party as each was masked.

The Negro was wounded by a band of men who halted a group of county deputies carrying Clark, Tom Pippen, 18, and A. T. Harden, 16, to Birmingham for safe keeping, after reports were circulated that a plot was under way Saturday night to storm the jail here. Pippen and Harden were killed.

Meanwhile, the city was quiet and but for a few curiosity seekers who peered through the barbed wire entanglements set up by the guardsmen, there was little evidence of interest in the case.

NEW YORK TIMES

AUG 15 1933

ASKS STATE TO SIFT ALABAMA LYNCHING

Tuscaloosa Prosecutor Calls on Attorney General to Direct Grand Jury's Inquiry.

WOULD CONVICT LYNCHERS

He Also Wires Governor for Aid—Search Is Pressed for Third Negro Prisoner.

TUSCALOOSA, Ala., Aug. 14 (AP).—The legal arm of the State today was called upon to take charge of the investigation into the lynching of two Negroes accused of killing a white woman and the disappearance of another Negro, after they were taken from Tuscaloosa county officers by a band of armed men.

In telegrams to Governor B. M. Miller and Attorney General Thomas E. Knight Jr., at Montgomery, Circuit Solicitor Edward de Graffenreid requested that the Attorney General come here and personally direct the grand jury ordered for tomorrow.

"I am deeply anxious that everything possible be done to ascertain the personnel of the lynchers and convict them," the solicitor stated.

The special grand jury session was called by Judge Henry B. Foster, while Sheriff's deputies spread their search for Elmore Clark, 28, the missing prisoner, whose fate was unknown. Clark was taken from the officers yesterday along with Dan Pippen, 18, and A. T. Harden, 16, whose bodies were found later, bearing bullet wounds.

Judge Foster and Sheriff R. L. Shamblin, the latter declaring activities of attorneys for the International Labor Defense in the case were "directly responsible for this violence," today received telegrams from I. L. D. headquarters at Birmingham and New York, demanding "the death penalty for lynchers."

When Pippen's trial was called lawyers for the International Labor Defense sought to serve as his counsel, but were ruled out.

ILD Wires Demand to Roosevelt for Arrest of Foster

Daily Worker
8-14-33
New York City
New York

Federal Guarantee of Safety for Three Also Demanded

NEW YORK, Aug. [illegible].—Demand for direct action by President Roosevelt, to safeguard the lives of three Negro prisoners held in Tuscaloosa county jail and threatened with lynching, and federal arrest of Judge Henry B. Foster and Sheriff R. L. Shamblin, on the basis of the complete breakdown of law and law enforcement in Alabama, was made today in a wire to the president by Frank Spector, assistant national secretary of the International Labor Defense.

The three in Tuscaloosa county jail are Elmore Clark, who escaped death at the hands of the small gang which lynched Dan Pippen, Jr., and A. T. Harden, Sunday, and was found wounded by pistol shots late Monday; Willie Jimison and Dan Pippen, Sr., held in connection with the same murder for which Pippen and Harden were indicted. The I.L.D. has charged and offered to prove that the cases were "the crudest frame-up perpetrated in years."

Failure of Governor Miller to arrest Judge Foster and Sheriff Shamblin for Sunday's lynchings, and his permitting them to conduct the "Investigation" of lynchings in which they themselves have been charged with direct responsibility, as well as the new threats today against the lives of the Negroes in Tuscaloosa prison were the basis of the I.L.D. demand to President Roosevelt.

An immediate answer as to what steps the president was taking was demanded in the wire.

Governor Asks Lynching Probe

Tuscaloosa Judge Issues Call For Grand Jury To Find Negroes' Slayers

As a result of an exchange of telegrams between Gov. B. M. Miller and Judge Henry B. Foster, of the Sixteenth Judicial Circuit, which includes Tuscaloosa County, a Grand Jury will be empanelled in Tuscaloosa and will begin a thorough probe into the lynching of three negroes somewhere near the place where three county lines, Bibb, Tuscaloosa and Jefferson corner.

Gov. Miller wired Judge Foster Sunday morning that he had information from Sheriff Chamblin of Tuscaloosa that fearing mob violence if the negroes were kept in the Tuscaloosa County Jail Sheriff Chamblin, acting under orders from Judge Foster, removed the negroes from the jail and started with them to the Jefferson County Jail in Birmingham.

Judge Foster in answering Gov. Miller's wire assured the Governor that the best citizens of Tuscaloosa were outraged by the lynching and that every effort would be made to bring the guilty parties to account for the "horrible crime."

Gov. Miller's telegram to Judge Foster was as follows:

"Sheriff Chamblin of your County wired me today as follows: 'Suspicioned mob was going to take prisoners and the Judge ordered Pippen, Clarke and Harden, negroes, transferred to the Jefferson County Jail for safe-keeping. The prisoners were started under heavy guard and were met at the county line by a mob and overpowered and the prisoners taken.'"

"He fails to state the county in which the offense was committed. This crime should be thoroughly investigated by a Grand Jury of county having jurisdiction under a special charge and instructions from the court and the guilty parties indicted and tried. You will appreciate fully its gravity and heniousness and see that the law as to the duty of the sheriff and the offense of the mob are made known to the Grand Jury if the offense was committed within the jurisdiction of your court.

(Signed) "B. M. MILLER,
"Governor."

Judge Henry B. Foster, of the Tuscaloosa Circuit, replied to Gov. Miller's telegram as follows:

"Best citizens here outraged and distressed on account of the horrible crime. My information from the sheriff's office is that the seizure of prisoners occurred a mile or more in Jefferson County. Two bodies discovered near Woodstock, in Bibb County, but probably in a quarter of a mile of Tuscaloosa County. The body of Clark is not yet found. I announced immediately this morning a special session of the Grand Jury will be drawn and summoned tomorrow and empanelled on Tuesday. The Grand Jury will be fully charged as to the duty of the sheriff and offense of the mob. We will leave no stone unturned to make the investigation thorough and completed.

(Signed) "HENRY B. FOSTER,
"Judge Sixth Judicial Circuit."

Advertiser
8-14-33
Montgomery
Ala

Mobile, Ala., Press
August 18, 1933

MOB BULLETS STUDIED BY BIRMINGHAM EXPERT

BIRMINGHAM, Ala., Aug. 18.—(U.P.)—Bullets removed from the bodies of two negro murder suspects who were lynched last Sunday when seized from officers who were bringing them here from Tuscaloosa for safekeeping today were turned over to George R. Stuart, ballistics expert.

Stuart will attempt to determine from what calibre weapon they were fired.

At Montgomery, Attorney General Thomas E. Knight, Jr., announced today he will return to Tuscaloosa Monday to resume the investigation. He and Circuit Solicitor Edward De Graffenreid are directing the inquiry.

I. L. D. Demands Arrest Of Sheriff, Judge, And Mob

NEW YORK, Aug. 13.—(AP)—The International Labor Defense announced tonight it had sent the following telegram to Gov. B. M. Miller, of Alabama, in connection with the slaying of two negroes, Dan Pippen, Jr., and A. T. Harden, and the seizure of a third, Elmore Clark, near Tuscaloosa:

"Hold Judge Foster and Sheriff Shamblin, Tuscaloosa, directly responsible organization lynch mob which murdered Pippen, Harden, Clark. Demand immediate arrest of them and of all deputies and private persons concerned, and immediate prosecution and enforcemnet death penalty. Can prove mob incitement by officials."

The telegram was signed by William L. Patterson, national secretary of the I. L. D.

At the same time, Frank Spector, assistant national secretary, issued a statement saying, in part:

"A lynch spirit has been whipped up in Tuscaloosa for weeks, ever since it was announced that the I. L. D. had been asked to enter the case. These boys were being railroaded in one of the crudest lynch frameups ever perpetrated. This was part of a program of terror against the negroes of Tuscaloosa, who have been bearing the full weight of the losses of the cotton plow-under program and in whom resentment against robbery by their landlords was rising high.

"As soon as it was learned that the I. L. D. was to come into the case, a program of terrorization was begun, to prevent the exposure of the frameup which was becoming inevitable......Finally, the courtroom was packed with a lynch mob and under this pressure, Pippen and his parents were forced to say they did not want the I. L. D., but wanted local lawyers."

Advertiser
8-14-33
Montgomery
Ala

Lawyers In Capital Demand Negro Rights

NEW YORK, Aug. 23.—A committee of seven lawyers, including Samuel Liebowitz, Scottsboro attorney and Allan Taub, organized under the joint auspices of the International Labor Defense, the National Committee for the Defense of Political Prisoners, and the American Civil Liberties Union, left New York for Washington Wednesday, to demand of Attorney-General Homer S. Cummings that the federal government enforce the 13th, 14th and 15th amendments in Alabama, it was announced today.

The delegation was formed as a result of the lynching of Dan Pippen, Jr., and A. T. Harden, Negroes, in Tuscaloosa, Alabama, on Aug. 13.

Daily Worker
8-24-33

Court Launches Lynching Probe

Tuscaloosa County Grand Jury Starts Deliberation; Negro Describes Attack

Elmore Clark, 28-year-old negro who survived the fusillade of an infuriated mob near Tuscaloosa Sunday morning, arrived here from Birmingham at 12:18 a.m. today, guarded by 12 Tuscaloosa National Guardsmen.

The negro, clad in blue overhalls and jumper, and with his wounded left arm in a sling, was immediately taken to a cell on the second floor of the jail.

Capt. W. A. Dominick and First Lieut. J. H. Johnson, who were in charge of the detail, said the journey to Montgomery by train was without incident. The party occupied a special compartment aboard the Pan-American which left Birmingham at 10:09 p.m.

Clark previously had been taken to the Jefferson County Jail at Birmingham for safe-keeping following his appearance before a special Grand Jury at Tuscaloosa yesterday.

TUSCALOOSA, ALA., Aug. 15—(AP)—Behind closed doors of the Grand Jury, Elmore Clark, 28-year-old negro, today related his experiences in the hands of a mob which wounded him and lynched two other negroes under indictment on a charge of killing a white woman.

As National Guardsmen paced the area about the court house and the county jail nearby, Clark went before the Grand Jury which had been called into special session and charged by Judge Henry B. Foster earlier in the day to make a determined effort to bring the lynchers to justice.

After completing his testimony Clark was placed aboard a train, accompanied by a escort of National Guardsmen, and carried to Birmingham, where he was placed in the Jefferson County Jail. He left Birmingham late tonight, being taken to Montgomery by National Guardsmen.

Three deputies from whom the masked band seized Clark, A. T. Harden, 16 and Dan Pippen, Jr., 18, as the three were being transferred to Birmingham, early Sunday also were expected to be called before the Grand Jury before it completes its work. Harden and Pippen were the negroes lynched.

In charging the Grand Jury, Judge Foster declared that "lynching by mobs is murder" and directed the inquisitors to make a thorough effort to ascertain the persons who participated in anyway, directly or indirectly in the lynching."

"No modern community can afford to tolerate lynchings. No fair-minded and law-abiding community, bent on protecting its citizens will permit such a crime to go unchallenged. No sovereign State can allow such a violation of its peace and dignity to go unpunished."

Upon completion of the judge's charge the Grand Jury began its investigation under the direction of Atty. Gen. Thomas E. Knight, Jr., and Circuit Solicitor Edward de Graffenreid.

In an interview reported to have been had from Clark by a reliable authority an account of the lynching was published by The Tuscaloosa News.

The paper said the negro corroborated statements of the three officers that two carloads of men overpowered them at the point of guns and pistols and took the prisoners.

Placing them in one of the automobiles, in which the band was traveling Clark said he and the other two negroes handcuffed together were driven several miles to a woods where they were lined up and shot.

Before opening fire Clark said a spokesman for the group asked Harden who was responsible for the killing for which the trio were indicted and that he replied by pointing toward Pippen.

As the group directed a fusillade of shots at them, Clark said he fell beneath the bodies of Harden and Pippen with bullet wounds in his left upper arm, left shoulder and right hip. He said he lay still until the men left then "prayed to the Lord to tell me what to do."

Clark said he found a rock and knocked the handcuff from his withered left arm "as the Lord told me to" and wandered until he came upon the home of a negro near Vance, where he was found by officers last night. His wounds, not considered serious, were dressed there before the officers were notified of his whereabouts.

As each member of the lynching party was masked, Clark said he would be unable to identify any of them.

International Labor Defense attorneys who attempted to enter the case as counsel for Pippen when his trial was called several days ago were declared by Sheriff Shamblin to be "directly responsible for this violence." The ILD attorneys were barred from the case at the request of Pippen.

The negroes were under indictment in the slaying of Miss Vaudine Maddox, 21-year-old daughter of a farmer who was attacked and brutally murdered near her home in rural Tuscaloosa Counties last June.

Advertiser
8-16-33
Montgomery
Ala

Tuscaloosa, Ala., News
September 28, 1933

LIVINGSTON TO HEAR 'LYNCH LAWYER' SUIT

Lawyer Appointed Acting Judge For Trial November 13

J. Ed Livingston, Tuscaloosa attorney, has been appointed acting judge for non-jury trial of the two $2,999 "lynch lawyer" damage suits against the Postal Telegraph Company, set for November 13 in circuit court. The suits were filed several weeks ago in behalf of Jack McGuire and Charles LaFrance, young attorneys who were counsel for Dan Pippen, Jr., and A. T. Harden, negroes accused in the Maddox murder case.

The damages are asked from the telegraph company for its transmission of a telegram from the International Labor Defense in New York to Circuit Judge Henry B. Foster here, in which the counsel for the negroes were termed as "local lynch lawyers."

Talladega, Ala., Home
September 27, 1933

Governor Miller is to be commended for his quick action and interest in the latest Tuscaloosa county lynching. Without request from the county the Governor offered a reward of $400 for the arrest and conviction of the parties guilty of this heinous offense. In posting the reward the governor declared "the law must be obeyed, if not, the guilty must be punished." With his known determination and ability as a fighter, it is to be hoped the Governor will keep in close touch with this and other similar cases, and press action, seeing that official interest in apprehending the guilty does not lag.

Alabama

Lynchings-1933

Legal Punishment of Lynchers.

4109

II ↑ cont.

DELEGATION SEES ATTORNEY GENERAL

9-9-33

Houston Charges Federal Law Violation By Sheriff.

WASHINGTON, D. C., Sept. [illegible]—At the instance of a dispatch from Rodger Baldwin of the American Civil Liberties Union of New York, Dr. Mordecai W. Johnson, president of Howard University, selected Dean Charles H. Houston, of the Howard University School of Law, to head a delegation of outstanding lawyers and civic workers to see Attorney General Homer S. Cummings last Thursday. The delegation was charged with the responsibility of protesting the lynching of 18-year-old Dan Pippen, Jr., and 15-year-old A. T. Hardin on Sunday, August 13, near Birmingham, Ala.

Earlier efforts by Dean Houston in an attempt to see President Roosevelt before his recent departure to his Hyde Park "summer White House," were to no avail. White House officials stated that the President was too busy with the N. R. A. codes to see the delegation. It was further stated that the President would not be available until after Labor Day.

Attorney General Seen

Both Assistant Attorney General Carusi and William Stanley, executive assistant to Attorney General Cummings, were interviewed by Dean Houston before the delegation appeared before the Department of Justice head.

During an interview, Dean Houston claimed that because of their "seeming indifference," he was forced to explain to both Mr. Carusi and Mr. Stanley that the delegation was not composed of "persons picked from off the streets." Dean Houston stated further that Mr. Stanley "evidently overlooked the appointment," scheduled for noon last Thursday. Realizing the importance of their mission, the entire committee waited several hours for Mr. Stanley.

Among those composing the delegation headed by Dean Charles H. Houston, were: Bishop Edward D. W. Jones of the A. M. E. Zion Church; Attorney Augustus W. Gray, president of the Washington Bar Association; Attorney Nathan Dobbins, ex-president of the Howard University Law Alumni; Miss Dorothy Detzer of the Women's International League for Peace and Freedom; former Assistant District Attorney Frank Adams; Attorneys Schwab and Allen Taub, both of New York, who with Frank Irvin of Birmingham, were "run out of Alabama" for attempting to defend the lynched youths; Bernard Ades of Baltimore, Md., Harry I. Levin of Washington, Edward Lovett, Peter Tyson, William H. Hastie, George Jefferson, Nelson Nicholas and Arthur James (a citizen).

This entire body appeared before Attorney General Cummings to seek Federal intervention which would indict Sheriff R. L. Shamblin of Tuscaloosa county for allowing the mob to seize and lynch the Alabama youths.

Federal Action Asked

Dean Houston, speaking for the delegation, told the Attorney General that Sheriff Shamblin's actions were in violation of Section 52, Title 18, of the United States Code. This section was passed in the Reconstruction Legislation to prevent intimidation by State officers against freed colored persons in the United States.

Attorney General Homer S. Cummings requested that the delegation submit a brief which would show a violation of the Federal Code in Sheriff Shamlin's case.

Earlier, Miss Dorothy Detzer charged that the crime of lynching, which is committed against the poorer classes, should have the same Federal action for its curbing as the crime of kidnapping which is perpetrated against the wealthy classes. Miss Detzer's stand came as a blow to the Department of Justice officials.

At one point, during the delegation's audience with the Attorney General Dean Houston and the Justice Department chief argued the committee's charges that the case of the Tuscaloosa County sheriff constituted a violation of the United States Code. Matters of actual proof were involved.

Vann Praised By Attorney General

Through its leader, the delegation charged that the aim of the crime of lynching is to terrorize and intimidate persons who are in the weaker brackets of the American social pattern. As an officer of the law, Sheriff Shamblin was acting in violation of Section 52, Title 18, of the Unitcd States Code, by being a party to the crime which resulted in the lynching of Dan Pippen and A. T. Hardin of the State of Alabama.

During the conference with Attorney General Cummings, the Department of Justice head took the occasion to highly compliment the work of the Honorable Robert L. Vann, special Assistant to the Attorney General of the United States. The Justice Department chief added that he was glad to have Mr. Vann associated with him in the work in the Department.

The double-lynching protest delegation was busily engaged this week in the preparation of the brief which is aimed to lead to an indictment of Sheriff R. L. Shamblin of Tuscaloosa County, Ala.

4109

See Way to Punish Lynch Sheriff in Alabama Case

Defender 9-9-33

WASHINGTON, D. C., Sept. 8.—Two little used sections of the federal laws were dug up and made the basis of a request of the department of justice for prosecution of Sheriff R. L. Shamblin of Tuscaloosa, Ala., as the result of the lynching of two prisoners by an Alabama mob recently.

A delegation headed by Charles H. Houston, vice dean of the Howard law school and a member of the district board of education, and Allen Traube (white) of the International Labor Defense, brought the two statutes to the attention of Attorney General Homer S. Cummings last Thursday.

To Study Brief

The attorney general asked that briefs be submitted to him and said that if he should be convinced of his authority to proceed under the law he would do so.

The statutes were enacted in 1909, d though little [illegible] there have n various [illegible] under m. Incidentally, they were on the tute books during all the time ere was agitation for enactment of federal antilynching law. If held pplicable to such a case as the one in labama, in which Dan Pippen, 18; A. T. Harden, 16, and Elmore Clark, 28, were turned over to a mob by Sheriff Shamblin and the next day the bodies of two of them were found underneath a tree, handcuffed together, riddled with bullets, and a day later the third was found in hiding, wounded, it can be generally applied to cases of mob violence.

The two laws are sections 19 and 20 of the act of March 4, 1909, codifying, revising and amending the penal laws of the United States. They come under the subdivision dealing with offenses against the elective franchise and civil rights of citizens.

Section 19 is as follows:

"If two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than 10 years, and shall, moreover, be thereafter ineligible to any office or place of honor, profit or trust created by the Constitution or laws of the United States."

Covers States

Section 20 is as follows:

"Whoever, under color of any law, statute, ordinance, regulation or custom, willfully subjects, or causes to be subjected, any inhabitant of any state, territory or district to the deprivation of any rights, privileges or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

The Blame For a Lynching

THE INTERNATIONAL LABOR DEFENSE, a legal organization founded and supported by the Communist party, is held responsible for the recent double lynching at Tuscaloosa, Alabama, by leading Alabama citizens, newspapers and law authorities, because lawyers representing the I. L. D. essayed to defend the three men charged with the crime which brought the I. L. D. lawyers into the picture.

9-9-33

A paper so consistently sound and fair-minded as *The Birmingham Age-Herald* even takes the position that if the I. L. D. lawyers had not come into the case there would have been no lynching, and, without condoning the lynching, or any lynching, implies that unless Alabama is left to handle Negroes' prosecution and defense in the customary way there will be other lynchings like the one at Tuscaloosa.

Norfolk Va.

In view of this new slant of public opinion in Alabama, sanctioned generally throughout the South—if newspaper commentators are to be taken as a true indication of the drift of public opinion—it would seem to be reasonable to inquire what prompted the lynching of 296 Negroes in Alabama before the International Labor Defense was formed. It might also have some pertinent bearing to ask how local custom and legal machinery permitted 46 white persons to be lynched in Alabama between 1882 and 1930. Then, how would Alabama account for the lynching at Decatur since the Tuscaloosa affair?

Up to the induction of the present Governor Miller in office Alabama had a State Law Enforcement Department which empowered the governor to deal directly with mob activities. He could dispatch the militia or deputize State police to take charge of a situation without consulting or waiting for the consent of local authorities. Governor Miller's predecessor, Governor Bibb Graves, made effective use of this authority several times during his term of office. But the circumvention of Alabama mobs by a State legal set-up irked Alabamans, and the State Law Enforcement Department became an issue in the political campaign of 1930, when Governor Miller was elected, on a platform which promised the abolition of the Department. True to promise, as soon as Governor Miller was seated, he abolished the State Law Enforcement Department.

It would appear, therefore, that Alabama not only resents the interference with mob action from the outside — if the International Labor Defense is considered in that light—but from the inside as well, or Alabamans would not have dismantled the only machinery that has been set up for preventing lynchings and other forms of mob violence.

Whatever may be said in Alabama or elsewhere against the legal interference of the I. L. D., its lawyers finally convinced the trial judge in the Scottsboro case that the defendants were given a death sentence contrary to the law and the evidence. Had it not been for the I. L. D. lawyers one of the complaining witnesses would not have had time to recant and go on the witness stand and swear that she perjured the men she was prosecuting. Alabama has been scotched in the Scottsboro case by an Alabama court, through the intercession of the I. L. D. lawyers, and the state has been spared the shame of executing eight boys in a manner that would have amounted to a legal lynching. Of course, the Scottsboro case is not yet settled, and if public opinion in Alabama continues in its present course it is doubtful if the defendants will be saved from another conviction, despite the fact that the two complaining witnesses flatly contradict each other.

EUFAULA, ALA.
TRIBUNE
SEP 1 1933

Women ask Action In Lynching Affair

MONTGOMERY, Sept. 1—Thirteen leading women of Birmingham yesterday called upon Governor B. M. Miller to do everything in his power to arrest and convict the persons responsible for the lynching Aug. 13 of two negroes who were being removed from Tuscaloosa to Birmingham for safekeeping pending trial on charges of attacking and killing a white girl.

In an open letter to the chief executive, the women stated they were "shocked and horrified" and declared that "the only way in which the shame of this outrage against law can be blotted out is an early and prompt apprehension of the lawless mob that committed the crime."

Daily
Statesville N. C.
AUG 31 1933

More From Alabama.

Greensboro News.

It is with keen delight that the Daily News chronicles the more or less unusual circumstance of an Alabama sheriff who thwarted not one mob but two in their efforts to obtain a prisoner, an alleged negro attacker, who looked to him for that protection which the forces of law and order are supposed to accord.

Twice during the course of the same day armed groups appeared at the Huntsville jail and demanded Thomas Brown. As the Associated Press puts it, "The answer of Sheriff Ben Giles was a command that all his deputies stand guard and swing into action at the first sign of violence. The officers were armed with shotguns, pistols and tear gas bombs." There is likewise revelation that, as a precautionary measure, "national guardsmen were told to stand by."

Sheriff Giles' action, while winning the praise due any officer who performs his sworn duty, especially in Alabama and under the circumstances which obtain there, is further and more convincing evidence that mobs are as cowardly as they are bestial, that a show of resistance can generally be counted upon to deter their mobbery and that responsibility for safety of prisoners lies largely in the will of the officer to whose custody they are intrusted. Thwarting of these Huntsville mobs makes all the more odious conduct of fellow officers who less than a fortnight ago yielded two negro prisoners to two automobile loads of mobsters, obviously not over 10 or 12, who halted them near Tuscaloosa, without even so much as a single shot or a word of protest; that is, if dispatches from Tuscaloosa did justice to the minions of the law.

The congratulations to one Alabama sheriff rebound, on that basis, to bring more severe indictment of others who not only disregarded their oath of office and brought the law into disrepute but manifested a downright sympathetic attitude for acts and spirit of the mobsters themselves.

X3

Miller Volunteers Reward Of $400 For Newest Tuscaloosa Lynchers

Advertiser
9-27-33
Montgomery, Ala.

Voluntarily authorizing a reward of $400 for the arrest and conviction of the person or persons or any of them, who representing themselves as officers, spirited Dennis Cross, negro, away from his home near Tuscaloosa and shot him to death early Sunday morning, Gov. Miller in a statement issued yesterday declared he hoped the reward would stimulate officials and citizens to redouble their efforts to "end such crimes by a speedy arrest, trial and conviction of the guilty parties."

The Chief Executive said that the crime as reported, was "so henious" that he had issued the reward order without a request to do so from any county official. Following is the text of his statement:

"A reward of $400 is hereby offered for the arrest and conviction of the unknown person or persons, or of any one of them, who on or about the 25th day of September, 1933, in Tuscaloosa County, Alabama, murdered a negro by the name of Dennis Cross.

"It appears from press reports that men, in the false guise of officials, went to his home, called him out in the night under the pretense of requiring him to make a larger bond for a bailable offense and then murdered him.

"This offense on its reported face is so heinous, that without the call from an official of the county, this reward of $400 is offered for the arrest and conviction of the offenders, hoping this will encourage and stimulate not only the officials but citizens to double their energy and efforts to end such crimes by a speedy arrest, trial and conviction of the guilty parties.

"The laws must be obeyed, if not the guilty must be punished."

About two weeks ago, Dennis was arrested following a report by a young white woman that she had been seized by a negro near the Tuscaloosa Country Club, and later was identified by the young woman as her assailant. After being held in jail for about a week on a charge of assault, Dennis was admitted to bail of $300, which was furnished by the owner of the farm where the negro lived.

According to information from Tuscaloosa, a group of six or seven men went to the negro's home Sunday morning around 2 o'clock, and telling him they were officers, said he would have to go to the sheriff's office and make a bigger bond. Taking Dennis with them, they then drove away. Neighbors of Dennis reported the occurrence to the office of Sheriff R. L. Shamblin. The Sheriff immediately ordered an investigation, after he found no city officers had been detailed to bring Dennis in.

Deputies were dispatched to the negro's home, but no trace of him was found, until daybreak, when his body was discovered near the Country Club. He had been shot three times. Nearby the prints of automobile tires, and several bullets were found. So far as is known, there is no clue to the identity of the slayers.

According to Sheriff Shamblin, the young woman seized was not attacked.

The slaying of Dennis is the third of its kind that has taken place in Tuscaloosa County within the past six weeks. On the morning of Aug. 13, while sheriff's deputies were removing to Birmingham for safekeeping, Dan Pippen, Jr., A. T. Harden and Elmore Clark, negroes, all under indictment for criminally assaulting and murdering a young white girl, a mob forced the officers to surrender the negroes. Pippen and Harden were shot to death. Clark, with a number of bullet wounds in his body, escaped, and was later located by Tuscaloosa County authorities.

An order was issued yesterday by Circuit Judge Henry B. Foster, for the reconvening on Oct. 2 of the Tuscaloosa County Grand Jury, to resume its investigation of the lynching of Pippen and Harden.

Knight To Resume Lynching Inquiry

Advertiser
10-1-33
Montgomery, Ala.

Though the wound in his right foot, caused by the accidental discharge of a rifle belonging to a deputy in attendance at the last session of the Tuscaloosa County Grand Jury, has not yet healed, and he is able to get about only very slowly, with the use of crutches, Atty. Gen. Thomas E. Knight, Jr., will leave for Tuscaloosa today for the reconvening of the county inquisitorial body there tomorrow morning.

The Attorney General will resume charge of the Grand Jury's investigation of the lynching on Aug. 13 of two negroes and the serious wounding of a third, after they were seized by a mob that overpowered the officers who had them in charge and were transferring them to Birmingham from Tuscaloosa, for safekeeping, pending their trials. All three negroes were under indictment for criminally assaulting and murdering a young Tuscaloosa County white girl.

Lynchings-1933

Legal Punishment of Lynchers.

Alabama

4110

Birmingham, Ala., News
August 20, 1933

FROM MR. DE GRAFFENREID

To the Editor The News:

I noticed in Friday morning's Age-Herald an editorial in regard to the grand jury of Tuscaloosa County now investigating the lynching which recently occurred.

I have always found your paper to be eminently fair, and for that reason address this letter to you with the request that you publish it in the "Voice of the People" column. For the grand jury, for the attorney general and for myself, I wish to state that we are doing everything in our power to ascertain the parties guilty of this heinous crime. We realize deeply the disgrace which has been cast upon the entire state and feel that the only way it may be lessened is by ascertaining the guilty parties and bringing them before the bars of justice.

It is true that we did not examine the three deputies. We are by no means suspicious of these men in regard to the crime, but at the same time as a matter of caution, we deemed it wise not to use them as witnesses, because if we were later to find out they were implicated in the crime, they could not be prosecuted if they had testified as witnesses before the grand jury. We knew that they were unable to identify the members of the alleged masked band, and therefore did not take a chance of calling them before the grand jury.

We recessed until Sept. 4 for the reason that we thought it might be that the Negro would become calmer in that space of time ~~and~~ would possibly throw additional light on the matter after getting over his fright and pain, and further, we wished to make an investigation independent of the grand jury in regard to the caliber of bullets fired into the bodies of the Negroes and then try to find the pistols which fired the same. We did not believe that we would have time to do this before Sept. 4, and we are inclined to think that, not having any additional material testimony to present to the grand jury at this time, it may be useless to call them together.

Sometimes facts leak out after the lapse of a few days in regard to a crime which are not known at first. People talk and this talk gradually spreads through a community until it reaches the ears of investigators.

As a servant of the people of Tuscaloosa County and the state of Alabama, I wish to assure you that I am deeply conscious of the great wrong which has been done our state on account of this hot-headed crime, and I am not using any I. L. D. interference as an excuse, or any other excuse, and am doing and will continue to do all in my power to bring these criminals to justice.

EDWARD DE GRAFFENREID,
Solicitor of the Sixth Judicial Circuit of Alabama.
Tuscaloosa.

IT IS NOT A SHOW

News comes from Tuscaloosa that Judge Henry B. Foster has cut short the recess of the special Grand Jury called to investigate the lynchings of A. T. Harden and Dan Pippen to "prevent the appearance of putting this whole thing to sleep."

It is well that Judge Foster and other Tuscaloosa authorities realize that Tuscaloosa is in the eyes of the world and that even "appearances" msut not be allowed to cause misinterpretation of what is happening there.

Montgomery, Ala

And the only way to assure the outside world that Alabama courts are attempting to bring the murderers of the two Negroes to justice is to conduct an investigation so relentless, so thorough, that disinterested observers cannot doubt even the appearance of the investigation.

8/22/33

Yet Alabamians do not want to conduct their courts as mere shows for the benefit of those persons ever ready to find fault. They do not want to conduct their courts just to satisfy outside critics.

They want to conduct their courts in a manner in which justice may be properly dealt for the protection of organized society and all of the people living in this State.

Montgomery Advertiser

Criticism from the outside should not be ignored. It is not. Sometimes it is repudiated. Sometimes adverse criticism is without foundation. But Alabamians are sensitive to criticism from worthy sources, whether from within or without.

It is an unhappy thought in the minds of a few Alabamians though, that our courts primarily should be so operated as to "satisfy" outside observers.

Our courts should be above suspicion. The only way to operate them so that they will be above suspicion in the minds of honest, conscientious outside observers who have no axes to grind is to operate them to the satisfaction of conscientious Alabamians who love justice.

The grand jurors called to investigate the lynchings have the power to satisfy the conscience of Alabamians.

JURY POSTPONES PROBE OF LYNCHING

Advertiser 8-22-33

TUSCALOOSA, Ala., Aug. 21.—(AP)—Meeting for a short time today, the Tuscaloosa county grand jury investigating the lynching of two negroes and the wounding of another on August 13, recessed again until September 5.

In a statement the grand jury said:

"We are awaiting results of an investigation which we know is being conducted and when that is completed the grand jury cannot consistently and decisively dispose of the matter.

"It is the disposition of the grand jury to take decisive action, but we feel that speed in this instance must be postponed for a thorough investigation that justice be obtained and the dignity of the law upheld."

Montgomery Ala

Raleigh, N. C., News & Observer
August 18, 1933

THIS CIVILIZED WORLD

Yesterday in Alabama a grand jury continued its investigation of the lynching of two Negroes last Sunday morning.

Yesterday in Havana machine gun and rifle fire broke the calm which followed the revolution and the flight of Machado.

Yesterday in Toronto Jews and Gentiles fought in the streets as a result of the display there of the swastika of Hitler.

Yesterday Prime Minister Ramsay MacDonald hurried back to London upon hearing the news that more than 600 Christian Assyrians had been killed by Irak soldiers and Kurdish irregulars on the Irak-Syria frontier.

Yesterday in Poona, India, Mahatma Gandhi began a new fast "to the death" as a final protest in his campaign against British rule over the millions of India.

This was one day in the world. But this one day indicates that whatever the economic advances may be, the world is a long way from a New Deal in the human heart.

Prosecution Of Shamblin Asked

Attorneys Accuse Sheriff Of 'Gross Negligence' In Tuscaloosa Lynchings

Advertiser 8-23-33 Montgomery Ala

WASHINGTON, Aug. 24.—(AP)—Federal prosecution of Sheriff R. L. Shamblin of Tuscaloosa County, Ala., was asked of Atty.-Gen. Cummings today by a group of attorneys who charged the officer with gross negligence or collusion in the lynching of two negroes while in his care.

Mr. Cummings assured the group of his sympathy, told them their plea would be given every consideration, and said he was sure they recognized the legal difficulties involved.

The attorneys, several of whom were negroes, contended that, under a law enacted in reconstruction days, any individual depriving a negro of rights granted by the [illegible] answerable to the Federal courts, with a maximum penalty of $1,000 fine and a year in prison.

Presenting the case to William Stanley, assistant attorney general, Allan Taub, counsel for the International Labor Defense told the circumstances of the lynching. He said that, in transferring three negroes, charged with slaying a white girl, from Tuscaloosa to Montgomery, the prisoners were placed in an automobile with Sheriff Shamblin, while a party of deputies rode in a second machine.

Some distance from Tuscaloosa, he added, the deputies turned back and Shamblin and the negroes continued, 30 miles or more farther, where, he said, two automobiles filled with masked men stopped the sheriff's car, killed two of the negroes, and wounded a third.

Taub contended that, in permitting the deputies to turn back, Shamblin was guilty of negligence or collusion.

Evidence Slows Lynching Probe

Advertiser

8-22-33

Grand Jury Will Resume Investigation On Sept. 5; Clark Negro In Hospital

Montgomery Ala.

Returning last night from Tuscaloosa following the recessing there of the grand jury of which he was in charge, Atty. Gen. Knight stated further investigation is necessary before that body takes final action.

The grand jury which reassembled yesterday morning to continue its inquiry into the lynching by a mob on the morning of Aug. 13, of two negroes and the wounding of a third, all charged with assaulting and murdering a young Tuscaloosa County white woman, recessed again yesterday afternoon until Sept. 5.

"It is the purpose of prosecuting officers," the Attorney General said, "to exhaust every resource at our command to determine the identity of the guilty parties and bring them to justice. The investigation now in progress to produce additional evidence will be pushed with the utmost vigor."

Mr. Knight's statement is in full accord with his position expressed several days ago, that it is his desire the grand jury be recessed from time to time in order that the investigation be complete and thorough, and that evidence be placed before the grand jurors from time to time, as it is developed.

Recessing, the grand jury reported yesterday afternoon to Circuit Judge Henry B. Foster there was no further evidence before them, but that the members know an investigation is being made and they did not want to adjourn, but wished to be recessed until Sept. 5, or such other time as might be suggested to the trial judge by the prosecuting officers.

Their reason for making the request, the grand jurors said, was that they did not feel they could conscientiously make a final report until the investigation which they knew was being conducted by the prosecuting officers, has been completed.

The two negroes lynched were Dan Pippen, Jr., and A. T. Harden, who with the third negro, Elmore Clark, were being transferred to Birmingham for safekeeping by Tuscaloosa sheriff's deputies when the officers were held up by the mob and forced to surrender the prisoners.

Pippen and Harden were shot to death by the mob. By a ruse, Clark escaped with five bullet wounds in his body. Brought to Montgomery and lodged in the county jail after he had appeared before the Tuscaloosa Grand Jury, Clark was transferred to the Kilby Prison hospital for treatment of his injuries, by order of Gov. Miller.

Yesterday, it was learned that though Clark's condition is satisfactory, he is not yet out of danger. He is being treated for wounds in both shoulders, the right arm, and both sides. The wound in the left side is regarded as the most serious, it is understood

Russians, Chinese And Other I. L. D. Members Protest

Advertiser

8-16-33

Either for the purpose of comprehensiveness, or economy, or possibly both, telegrams received yesterday at Gov. Miller's office from points north and east, denouncing the lynching by a mob of Dan Pippin, Jr., and A. T. Harden, negroes, and the wounding of a third negro, Elmore Clark, all charged with assaulting and murdering a young white girl in Tuscaloosa County, repeatedly made reference to the Scottsboro boys" in "demands" made as to action by the Chief Executive. One of these "demands" was for the arrest of Circuit Judge Henry B. Foster and Sheriff R. L. Shamblin of Tuscaloosa.

The Novy Mir, a Russian weekly published in New York, wired: "We express our protest and indignation at the bestial lynching of Dan Pippin, Jr., Elmore Clark and A. T. Harden. We demand the arrest of Judge Foster and Sheriff Shamblin of Tuscaloosa as responsible for the lynching. We demand the death of all lynchers. Hold you responsible for safety of Willie Jimmeson and Dan Pippin, Sr. Demand their immediate safe release, likewise immediate, unconditional release of Scottsboro boys." Willie Jimmeson is one of the negroes arrested in connection with the interracial clashes last Winter in Tallapoosa County. Dan Pippin, Sr., is presumably the father of one of the two negroes slain by the mob.

Montgomery Ala

Another Russian organization, in Philadelphia, Penn., telegraphed: "Protest lynching of negro youths, Pippin, Harden, Clark. Demand arrest death penalty of lynchers. Hold you responsible for safety remaining two and Scottsboro boys. Demand their release." This message like the preceding one was obviously dispatched before news reached Philadelphia of the finding of Clark wounded, but alive. It is not clear who the "remaining two" referred to are. The Philadelphia wire was signed, "Russian National Mutual Aid Society of America, Daniel Kasustchik, Secretary."

A telegram from the Ohio District of the International Labor Defense, forwarded from Cleveland, stated: "In name of thousands of members in Ohio we vigorously protest against lynching of three negroes in Tuscaloosa. We hold Judge Foster, Sheriff Shamblin responsible for these lynchings. We demand their immediate arrest and prosecution. We hold you directly responsible for safety of Scottsboro boys. We pledge ourselves to arouse mobilize all workers against lynchings and terror."

The New York District of the International Labor Defense sent the following message: "Strongest protests against lynching Tuscaloosa frameup victims. Judge Foster, Sheriff Shamblin directly responsible. Demand immediate arrest death penalty. Lynching directly planned and executed for terrorism negro masses. Greatest danger now threatens Scottsboro boys. Hold you responsible safety two remaining Tuscaloosa and nine Scottsboro defendants. We demand their immediate release."

Secretary C. Chen, of the Chinese Branch of the International Labor Defense, in New York, sent a telegram recommending that Judge Foster and Sheriff Shamblin be arrested and prosecuted "for complicity in the murder," and the arrest of Judge Foster and the Sheriff was also recommended in a message from New York, signed by C. Young, secretary of the Chinese Anti-Imperialist Alliance, New York Branch.

A message from the United Council of the Working Class Women, of Newark, N. J., after vigorously protesting against the lynching of the "three negro boys at Tuscaloosa," added: "We hold you responsible for the lives of the nine Scottsboro boys who are also in danger of being lynched and we demand the release of the nine Scottsboro boys and other class war prisoners."

In addition to the telegrams, a letter was also received from the American Civil Liberties Union, in New York, stating that organization was in receipt of a copy of a threatening letter, postmarked Coffeeville, Ala., which was sent by a number of citizens of Mitchem beat, "whose names, amazingly, are signed." The letter was addressed to the International Labor Defense or their attorneys who endeavored recently to represent some negroes in Tuscaloosa, it was stated.

It is understood the communication said, that a copy of the letter has been sent to the Governor by the International Labor Defense, and it is added that: "While we have no connection with that organization, we are interested in any issue of the civil rights of an citizen."

The Governor was requested to either make a statement to discourage "the threatened mob violence conveyed by the letter" or refer it to the proper officials "for such attention as can be given it." The Civil Liberties Union was advising the International Labor Defense it was stated, "that the evidence should be put before Postoffice Department officials for such action as they may take under the law."

Lynching Probe Recess Ordered

Grand Jury Adjourns Until Sept. 4 Without Report After Exhuming Bodies

Advertiser

8-17-33

TUSCALOOSA, ALA., Aug. 16.—(AP)—The special Tuscaloosa County Grand Jury investigating the lynching early Sunday of two negroes between Tuscaloosa and Birmingham, recessed today until Sept. 4 without returning any indictments in the case.

No report was made by the Grand Jury pending further inquiry slated when the body reconvenes.

During the day, a bullet was removed from the body of Dan Pippen, Jr., one of the two negroes lynched [illegible] examined by a ballistic expert in an effort to identify the owner of the weapon from which it was fired.

Montgomery Ala

The body was exhumed at the order of the Tuscaloosa County Grand Jury investigating the lynching of Pippen and A. T. Harden and the wounding of Elmore Clark, negroes indicted on a charge of killing a white woman, who were seized from deputies transferring them to Birmingham.

The bullet, of .38 calibre, was the only one of a dozen slugs that struck the negro and failed to pass through his body.

The jurors examined the .44 calibre pistols carried by the three officers from whom the negroes were taken, but had not questioned the officers.

A sworn deposition made by Clark in which he repeated an account of the lynching was released during the day by the sheriff's office. The statement was made by the negro before national guardsmen transferred him to Montgomery last night for safekeeping.

In his account of the affair the negro said the masked men occupying two automobiles blocked the highway, and that the deputies attempted to draw their guns, but that members of the band were upon them too quickly. He said there was a dozen men in the crowd and that each carried a gun.

Clark reiterated that he would be unable to identify any member of the mob.

Montgomery, Ala., Advertiser
August 14, 1933

Governor Asks Lynching Probe

Tuscaloosa Judge Issues Call For Grand Jury To Find Negroes' Slayers

As a result of an exchange of telegrams between Gov. B. M. Miller and Judge Henry B. Foster, of the Sixteenth Judicial Circuit, which includes Tuscaloosa County, a Grand Jury will be empanelled in Tuscaloosa and will begin a thorough probe into the lynching of three negroes somewhere near the place where three county lines, Bibb, Tuscaloosa and Jefferson corner.

Gov. Miller wired Judge Foster Sunday morning that he had information from Sheriff Chamblin, of Tuscaloosa that, fearing mob violence if the negroes were kept in the Tuscaloosa County Jail, Sheriff Chamblin, acting under orders from Judge Foster, removed the negroes from the jail and started with them to the Jefferson County Jail in Birmingham.

Judge Foster in answering Gov. Miller's wire assured the Governor that the best citizens of Tuscaloosa were outraged by the lynching and that every effort would be made to bring the guilty parties to account for the "horrible crime."

Gov. Miller's telegram to Judge Foster was as follows:

"Sheriff Chamblin of your County wired me today as follows: 'Suspicioned mob was going to take prisoners and the Judge ordered Pippen, Clarke and Harden, negroes, transferred to the Jefferson County Jail for safe-keeping. The prisoners were started under heavy guard and were met at the county line by a mob and overpowered and the prisoners taken.'"

"He fails to state the county in which the offense was committed. This crime should be thoroughly investigated by a Grand Jury of county having jurisdiction under a special charge and instructions from the court and the guilty parties indicted and tried. You will appreciate fully its gravity and heniousness and see that the law as to the duty of the sheriff and the offense of the mob are made known to the Grand Jury if the offense was committed within the jurisdiction of your court.

(Signed) "B. M. MILLER,
"Governor."

Judge Henry B. Foster, of the Tuscaloosa Circuit, replied to Gov. Miller's telegram as follows:

"Best citizens here outraged and distressed on account of the horrible crime. My information from the sheriff's office is that the seizure of prisoners occurred a mile or more in Jefferson County. Two bodies discovered near Woodstock, in Bibb County, but probably in a quarter of a mile of Tuscaloosa County. The body of Clark is not yet found. I announced immediately this morning a special session of the Grand Jury will be drawn and summoned tomorrow and empanelled on Tuesday. The Grand Jury will be fully charged as to the duty of the sheriff and offense of the mob. We will leave no stone unturned to make the investigation thorough and completed.

(Signed) "HENRY B. FOSTER,
"Judge Sixth Judicial Circuit."

I. L. D. Demands Arrest Of Sheriff, Judge, And Mob

NEW YORK, Aug. 13.—(AP)—The International Labor Defense announced tonight it had sent the following telegram to Gov. B. M. Miller, of Alabama, in connection with the slaying of two negroes, Dan Pippen, Jr., and A. T. Harden, and the seizure of a third, Elmore Clark, near Tuscaloosa:

"Hold Judge Foster and Sheriff Shamblin, Tuscaloosa, directly responsible organization lynch mob which murdered Pippen, Harden, Clark. Demand immediate arrest of them and of all deputies and private persons concerned, and immediate prosecution and enforcemnet death penalty. Can prove mob incitement by officials."

The telegram was signed by William L. Patterson, national secretary of the I. L. D.

At the same time, Frank Spector, assistant national secretary, issued a statement saying, in part:

"A lynch spirit has been whipped up in Tuscaloosa for weeks, ever since it was announced that the I. L. D. had been asked to enter the case. These boys were being railroaded in one of the crudest lynch frameups ever perpetrated. This was part of a program of terror against the negroes of Tuscaloosa, who have been bearing the full weight of the losses of the cotton plow-under program and in whom resentment against robbery by their landlords was rising high.

"As soon as it was learned that the I. L. D. was to come into the case, a program of terrorization was begun, to prevent the exposure of the frameup which was becoming inevitable...... Finally, the courtroom was packed with a lynch mob and under this pressure, Pippen and his parents were forced to say they did not want the I. L. D., but wanted local lawyers."

Lynch Investigating Committee Met With Threats of Attack

Daily Worker

11-8-33

TUSCALOOSA, Ala., Nov. 7. — As the delegation of eight Southerners, representing the National Committee for the Defense of Political Prisoners, crossed the boundary line of Alabama today, to begin an investigation of the lynch terror sweeping over the South, they were met with veiled and obvious threats from the leading newspapers of the town, the Age Herald.

New York

"At the risk of seeming inhospitable," the paper stated editorially, "the visitors should be guided by the logic of events and return to their homes."

Among the delegation are Grace Lumpkin, Hollace Ransdall, Barbara Alexander, Bruce Crawford, Prof. Vann Woodward and Howard Kester, all of Southern birth.

Lynchings-1933
Legal Punishment of Lynchers.

California

4370

California Lynchings

Governor James Rolph, Jr., of California says he will pardon the entire 5,000 lynchers if any of them are convicted or if any one of them is convicted of lynching the slayers of the young kidnaped Hart boy. He thinks the lynching was a fine lesson for the nation, and that it will reduce kidnaping in this country. He commends the mob for making a good job of the lynchings.

Telegraph

11-28-33

People who know what a severe strain organized society must undergo in its war against organized crime cannot agree with Governor Rolph. He's giving fine backing indeed to the fifty loyal and upright officers of the law who battled with the mob of 5,000 until resistance was no longer possible. The governor and every officer of the law is under oath to make people obey the law, and also to protect a prisoner that is brought into the custody of the law.

Macon Ga.

So far as the 5,000 members of the mob are concerned Governor Rolph has said a very politic thing. Perhaps he said it for policy's sake—but that's the kinds of politics that give anarchy a good race with organized government. This country is in a sad plight when nobody is left to defend the majesty of the law—when the governor will applaud its degradation. It is again sad when farmers against whom a court has rendered a legal decision in a mortgage case will through mob spirit take the judge and carry him out and spit on him to show their contempt of him and his court. It is a sad situation when a Maryland judge pleads with the mob to cease their efforts to lynch a Negro, telling them he knows the leaders, and then after the lynching, he finds that he does not dare remember one of the lynchers. Governor Rolph says the people created the law and they are superior to it. But did they not make it to keep any individual or set of individuals from becoming superior to it? They left no provision for lynching. If they want to lynch for certain crimes or under certain circumstances, certainly they have a right to give themselves the privilege, but under the mob plan any man or set of men may kill any other man or set of men at will, and get applause for doing so.

Organized crime is preying upon organized society. It is kidnaping and robbing and murdering at will, and society needs to pull itself together and hold itself together for self-protection, if for no better reason.

While the mob was fanning itself into a fury in California, the senate sub-committee on crime prevention was working with ex-Gov. Alfred E. Smith and others in public meetings in New York to see what the government shall do when the profits on whisky selling are supposed to be taken away from organized crime and put into other channels. Those meetings seem to agree that it is certainty of punishment that deters crime, and not the severity of punishment, and it was pointed out that the United States has already the greatest number of punishable crimes and the longest terms of punishment found in any of the leading nations, but too many criminals feel like Governor Rolph's mob feels—all who commit crime have many chances of finding a Governor Rolph or a Maryland judge.

ROLPH IS EXPELLED BY VETERANS BODY

Times

California Governor Removed From Advisory Board Over Attitude on Lynching.

New York

HIS IMPEACHMENT URGED

National Association Calls on Other Groups to Join in Censure of Executive.

12-6-33

Governor James Rolph Jr. of California has been expelled as a member of the National Advisory Board of the National War Veterans Association, on motion of D. George Paston, past national commander, who appointed Mr. Rolph. The expulsion, because of Governor Rolph's "actions and statements in connection with the San Jose lynching," occurred at a meeting of the national executive committee at the Pennsylvania Hotel Monday night.

Mr. Paston's resolution called upon the citizens of California to take steps to impeach Governor Rolph, pledged the aid of the organization in this action and requested that other organizations of veterans adopt similar resolutions. The resolution not only condemned the San Jose affair, but said: "We deplore said lynching and any and all lynchings."

In offering the resolution Mr. Paston presented a covering letter which read:

"During my term as national commander, I had the privilege and honor of appointing several distinguished persons as members of the National Advisory Board. Included among them, Governor Rolph of California accepted an appointment.

"Recently a lawless lynching took place in San Jose, Calif. The Governor of the State, the head of the executive branch of the State government, relied upon to enforce its laws and who, before assuming office, took an oath to uphold the law, instead of taking steps to prevent the carrying out of the announced intentions of the wild mob, remained idle and later condoned their acts, proved himself the real leader of those who would take the laws into their own hands.

"He thereby disqualified himself as a Governor and placed himself in a worse category than the ordinary citizen, who must obey the laws of the supposed civilized community in which he lives."

The executive committee unanimously adopted the resolution of condemnation and expulsion.

IDENTITY OF LYNCHERS SOUGHT AT SAN JOSE

Constitution

SAN JOSE, Cal., Dec. 8.—(AP)—Identification of leaders of the mob that lynched the kidnap-slayers of Brooke Hart was sought by authorities here today after District Attorney Fred L. Thomas announced he would prosecute if "proper evidence" is presented.

12-9-33

Sheriff William J. Emig, injured by the mob as it stormed the jail and seized Thomas H. Thurmond and John M. Holmes, who confessed to killing Hart in a $40,000 extortion plot, said no immediate arrests are contemplated.

California Lawyers Favor Rolph Ouster

LOS ANGELES, Dec. 7.—(AP)—The Lawyers' Club, in a heated session today, voted 19 to 12 for a resolution demanding the impeachment of Governor James Rolph Jr., and a few minutes later voted to reconsider the question and submit it by mail to all members.

The motions for reconsideration and for submission by mail were passed by a narrow margin, after opponents of the impeachment resolution charged that insufficient time had been permitted for discussion of the question. In debate, both sides charged that the other was seeking "political preferment" in favoring or opposing adoption.

Meanwhile, Governor Rolph declined again to make any comment on the remarks last night by President Roosevelt condemning lynchings.

Rolph Is Expelled From War Vet Board

12-6-33

NEW YORK, Dec. 5.—(AP)—The national executive committee of the National War Veterans Association, Inc., today made public a resolution expelling Governor Rolph of California, from its national advisory board.

The resolution was adopted yesterday. It charged "that Governor Rolph's proven gubernatorial unfitness so obviously demonstrated by his actions and statements in connection with the San Jose lynchings, has likewise made him unfit to be continued in an advisory or in any other capacity in or with this organization."

The resolution also urged "the good citizens of the state of California, in order to save their own reputations as law-abiding citizens of the fair state of California, of our beloved United States, should take immediate steps to impeach their present nominal governor."

YOUTH ARRESTED AS MOB MEMBER

Telegraph

Anthony Cataldi Held on Charges Brought After Civil Liberties Union Inquiry

12-13-33

SAN JOSE, Calif., Dec. 12. (AP)—The first step toward prosecution of the lynchers of Thomas H. Thurmond and John H. Holmes, confessed abduction killers of Brooke Hart, was taken here today when an 18-year-old youth was arrested, on information furnished by representatives of the American Civil Liberties union, and charged with being a member of the mob.

Macon Ga.

While the youth, Anthony Cataldi, was being booked on a charge of violating the new state law against lynching—a statute providing penalties of one to 20 years imprisonment—Governor James Rolph, Jr., whose celebrated condonation of the mob hanging here November 26 stirred the nation, asserted in San Francisco he had not changed his views "one iota" as to his promise to pardon anyone convicted of participation.

Young Cataldi was named in a warrant sworn out by District Attorney Fred Thomas after A. L. Wirin and Ellis O. Jones, representatives of the Civil Liberties union, had pressed his efforts toward prosecution.

Telegraph

Sheriff William J. Emig, who directed the defense of the county jail while the mob smashed down its doors with battering rams, routed the officers and seized Thurmond and Holmes, said the arrest were merely a move to hold Cataldi pending presentation of the case to the county grand jury. He said several other alleged leaders of the mob probably would be arrested.

12-13

The warrant was issued after Wirin and Jones had worked several days gathering alleged evidence in the form of photographs and statements. Young Cataldi, subsequent to the lynching, had been quoted by some newspapers as saying he obtained the rope and helped to round up the crowd which smashed its way into the jail to seize and hang the accused men.

On being arrested the youth declined to talk. Bond was set at $5,000 cash.

Youth Arrested For San Jose Lynching

Advertiser
12-13-33

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Lynchings - 1933

Legal Punishment of Lynchers.

General

4111

SAN ANTONIO, TEX.
NEWS

DEC 21 1933

ROLPH AND McALISTER

TAKING AN ATTITUDE sharply contrasting to that held by Governor Rolph of California, who promised a blanket pardon for the San Jose lynchers, Governor McAlister of Tennessee has posted $1,000 reward for the arrest of men in the Columbia mob. The California executive praised those who stormed the jail and hanged the two confessed kidnapers, as having given all the Nation a lesson. The Tennessee Governor denounced the lynching of a negro who had been no-billed by the grand jury, as "a disgrace to the State." Probably Governor Rolph would endorse that assertion, holding—as he did with regard to the recent Missouri lynching—that the circumstances were different. Anyhow, from his viewpoint it would be easier to see that Tennessee, rather than California, stood shamed before the world by a mob's act.

What Governor Rolph evidently did not see and persists in refusing to see, is that the principles involved in the three cases—and in all such crimes—are identical. The circumstances do not affect those principles. Whether the mob's victim be accused of a horrible crime or a relatively minor offense, or even whether he be guilty or innocent, properly should not enter into consideration at all. In one case or the other the law has been flouted, public authority defied and justice outraged. Under no circumstances can lynch "law" be condoned.

Lynchings-1933
Legal Punishment of Lynchers.

Georgia
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4112

LYNCHING PROBE BRINGS THREATS

~~Constitution~~

NEWTON, Ga., June 27.—(AP)—Sheriff Jud Griffin, of Baker county, investigating the lynching of two negroes near here two weeks ago, said tonight he wasn't worried much about threats made against his life "but my wife is upset a little bit." 6-28-33

The sheriff has been investigating the lynching of T. J. Thomas, negro, who was killed by a mob after a fight between some white boys and negroes. A white boy was killed in the fight.

The fight occurred more than two weeks ago, and the night of June 12 a mob called at the negro's house, forced him into woods nearby and lynched him.

Five days later, Richard Marshall, negro, also was lynched not far from where Thomas was killed.

Sheriff Griffin said tonight he believed the fight between the white boys and negroes led to the lynching of Thomas, "but I don't know why they killed Marshall."

His investigations, he said, brought threats that he would be killed if he got "too nosey."

"But I'm not afraid of them," the south Georgian said tonight. "They haven't got the nerve to shoot me in the day time, but they may try to bushwhack me at night."

Bushwack means ambush down here.

"Anyhow," said Sheriff Griffin," I'm going to keep investigating."

Arlington, Ga., Courier
June 30, 1933

DOUBLE LYNCHING BEING PROBED IN BAKER COUNTY

Sheriff Jack Griffin, of Baker county, investigating the lynching of two negroes in Baker county three weeks ago, said he wasn't worried much about threats made against his life "but my wife is upset a little bit."

The sheriff has been investigating the lynching of T. J. Thomas, who was killed by a mob after a fight between some white boys and negroes in which a white boy was killed.ffl

The fight occurred more than three weeks ago, and the night of June 12 a mob called at the negroe's house, forced him into woods nearby and lynched him.

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"Anyhow," said Sheriff Griffin, "I'm going to keep investigating."

Atlanta, Ga. Journal
June 28, 1933

Sheriff Threatened As Lynching Inquiry Continues at Newton

NEWTON, Ga., June 28.—(AP)—A persistent investigation of two reported lynchings within five days of one another, have brought threats of death against Sheriff Jud Griffin, of Baker County, but he says his inquiry will continue.

The sheriff said a negro named T J. Thomas was killed after a fight between a group of white boys and negroes about two weeks ago. A white boy died in the fight. Five days later, the sheriff said, Richard Marshall, another negro, was slain not far from where Thomas was killed.

Sheriff Griffin said he blamed the fight between the negroes and whites for the lynching of Thomas, but was unable to say why Marshall should have been killed. His investigations, he said, had brought threats of death if he got "too nosey," but that he was unworried and would push the inquiry.

Bristol, Va., Herald-Courier
June 30, 1933

Insolence Of a Mob.

A dispatch from Newton, Georgia, states that Sheriff Judd Griffin's life has been threatened because of his persistent investigation of two lynchings that have occurred near that town within the last few days. A Negro was taken from his home and killed by a mob after a fight between a group of white boys and Negroes in which a white boy died. A few days later another Negro was lynched near where the first was killed. The Sheriff reports that his investigation of these lynchings has brought threats of death if he became "too nosey," but declares he will push the inquiry.

Possibly both lynchings were perpetrated by the same parties, who not only flouted constituted authority and committed two murders but are insolent enough to attempt to intimidate the Sheriff whose sworn duty it is to apprehend the lynchers and bring them into court. It is to be hoped Sheriff Griffin is in earnest in his search for the members of the mob or mobs, that he has the courage to continue the search regardless of any personal danger that he may face, and that he will find the guilty men.

In this connection it is in order to inquire what has becom[illegible] of a recent double lynching [illegible] nnessee. The Sheriff of that county declared his determination to hunt down the members of the mob that took two white men from jail and brutally killed them, but some weeks have passed without any further word from him. Evidently he has not found the lynchers, else the fact would have been reported. It would be encouraging to know that at least he is still looking for them.

Macon-Ga. News

28-6-33

GEORGIA SHERIFF PROBING LYNCHING

Baker County Officer Receives Threats but Will Continue His Investigation

NEWTON, Ga., June 28. (AP)—A persistent investigation of two lynchings that occurred within five days of one another near here have brought threats of death against Sheriff Jud Griffin of Baker county but he says his inquiry will continue.

The sheriff said a Negro named T. J. Thomas was killed by a mob after a fight between a group of white boys and Negroes about two weeks ago. A white boy died in the fight. Five days later, the sheriff said, Richard Marshall, another Negro, was lynched not far from where Thomas was killed.

Sheriff Griffin said he blamed the fight between the Negroes and whites for the lynching of Thomas but was unable to say why Marshall should have been killed. His investigations, he said, had brought threats of death if he got "too nosey" but that he was unworried and would push the inquiry.

Atlanta, Ga. Constitution
June 28, 1933

LYNCHING PROBE BRINGS THREATS

NEWTON, Ga., June 27.—(AP)—Sheriff Jud Griffin, of Baker county, investigating the lynching of two negroes near here two weeks ago, said tonight he wasn't worried much about threats made against his life "but my wife is upset a little bit."

The sheriff has been investigating the lynching of T. J. Thomas, negro, who was killed by a mob after a fight between some white boys and negroes. A white boy was killed in the fight.

The fight occurred more than two weeks ago, and the night of June 12 a mob called at the negro's house, forced him into woods nearby and lynched him.

Five days later, Richard Marshall, negro, also was lynched not far from where Thomas was killed.

Sheriff Griffin said tonight he believed the fight between the white boys and negroes led to the lynching of Thomas, "but I don't know why they killed Marshall."

His investigations, he said, brought threats that he would be killed if he got "too nosey."

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DOUBLE LYNCHING IS BEING PROBED

Telegraph

Sheriff Griffin of Baker County Not Afraid of Threats, Continues Inquiry

6-28-33

NEWTON, Ga., June 27. (AP)—Sheriff Jud Griffin of Baker county, investigating the lynching of two Negroes near here two weeks ago, said tonight he wasn't worried much about threats made against his life "but my wife is upset a little bit."

The sheriff has been investigating the lynching of T. J. Thomas, Negro, who was killed by a mob after a fight between some white boys and Negroes. A white boy was killed in the fight.

Macon Ga.

The fight occurred more than two weeks ago, and the night of June 12 a mob called at the Negro's house, forced him into woods nearby and lynched him.

Second Negro Lynched

Five days later, Richard Marshall, Negro, also was lynched not far from where Thomas was killed.

Sheriff Griffin said tonight he believed the fight between the white boys and Negroes led to the lynching of Thomas "but I don't know why they killed Marshall."

His investigations, he said, brought threats that he would be killed if he got "too nosey."

"But I'm not afraid of them," the south Georgian said tonight. "They haven't got the nerve to shoot me in the day time, but they may try to bushwhack me at night."

"Anyhow," said Sheriff Griffin, "I'm going to keep investigating."

Alleged Mob Leader Paroled by Governor

Constitution

Major Brown, who in 1925 pleaded guilty to a charge of murder after he is alleged to have led a mob which lynched a white man accused of murdering a woman and a child, Wednesday was paroled by Governor Eugene Talmadge.

11-9-33

The paroling of Brown, who had served more than eight years in prison, ends one of the most noted cases in Georgia's history. With a group of other men, Brown, it was charged, took the alleged murderer, Dave Wright, from the Coffee county jail and lynched him after he had been indicted for the murders.

Atlanta Ga

All members of the mob were indicted for murder, but only Brown pleaded guilty. Twelve others went to trial and agreed to a consent verdict convicting them of mob violence. They were given terms of from one to three years and have long since completed their sentences.

Brown is said to be one of the few men ever given a life term as the result of a lynching.

Convicted Lyncher Is Granted Parole

Telegraph

X

ATLANTA, Nov. 8 (AP) — Major Brown, serving a life sentence for taking part in the lynching of a white man in Coffee county in 1925, was paroled today by Governor Talmadge.

11-9-33

Dave Wright was taken from the county jail and lynched after being indicted for the murder of a woman, the record of his clemency application showed.

Macon Ga.

All others convicted in the case already have been freed.

Lynchings - 1933

Legal Punishment for Lynchers.

Honolulu, Hawaii.

4113

Massie Case Suspect Admits Third Assault

Constitution

HONOLULU, Feb. 4.—(AP)—Henry Chang, one of four men awaiting a second trial on a charge of assaulting Mrs. Thomas H. Massie, pleaded guilty today to a charge involving a sex crime and faced the possibility of being made to serve a 15-year sentence for a third similar offense for which he was paroled. 2-5-33

Although territorial and Honolulu officials declined to comment, it was learned authorities planned to nolle prosse the Massie case against the four defendants today.

Atlanta Ga.

Chang, a Chinese, admitted improper relations with a girl under 16 years old. District Judge Francis Brooks fixed Chang's bond at $50 and deferred sentence until February 11. He said he would refer the case to the parole board.

Chang was one of a group of youths convicted in 1928 of criminally assaulting a Chinese girl of the Kaluwela school. For this he was sentenced to the maximum term of 15 years. He still is under parole for this offense and the board of paroles may order him to serve the entire term.

Lynch 'Em; Then Try 'Em

Joseph Kahahawai, hapless victim of the Thomas H. Massie "honor killing," might have looked down from some spirit world with a good deal of interest last week when a Honolulu circuit court found that all the evidence upon which he was violently wiped off this mundane sphere, was wrong.

Even Public Prosecutor John C. Kelley recommended his dismissal on the grounds that there was no substantiation of the testimony given by Mrs. Massie upon which her husband and mother took the law into their own hands and shot Kahahawai to death. But the Honolulu court's decision won't start the blood to flowing in the Hawaiian's body nor give him the God-given right to live again.

With the determination on the part of Mrs. Massie to keep herself "vindicated," the truth about that mysterious night when she left her husband and a party in the Honolulu night club to stroll down a lonely street, may never come to light. News dispatches quote her as saying now that the recent decision was the result of a "deal" she made with the authorities to leave the island and drop the prosecution.

That a woman could make a "deal" which involved a record on her honor and which would vindicate the men she said attacked her leaves a lot of room for thinking as to whether the evidence with which she fired the Southern justice of her husband, was not also something in the nature of a "deal" and a raw one at that.

END OF MASSIE CASE.

Relatives and friends of Mrs. Thomas H. Massie, central figure in a series of scandals in Honolulu, should advise her that the less she says the better, relative to the dropping of charges against the surviving four of five men whom she accused of criminally assaulting her in September, 1931.

Age

2-25-33

New York

Mrs. Massie's statement that she made a deal with the authorities to leave the islands and drop the prosecution in order to save her mother, Mrs. Granville Fortescue, and her husband, Lieut. Thomas H. Massie of the U. S. Navy, from jail for the slaying of Joseph Kakahawai, one of the five natives implicated in the cordid affair, is not convincing when it is recalled that she precipitately left Honolulu, aided by Navy men, who did all in their power to thwart the civil officials in serving papers on her and compelling her to prosecute the men under indictment. If Mrs. Massie had made a deal with the prosecution why did she make so spectacular and undignified an exit?

Prosecutor John C. Kelley, who distinguished himself by doing his sworn duty and refusing to be bulldozed and influenced by the Navy clique, refers to Mrs. Massie's statement as "bunk," and says she hurriedly left Honolulu on the advice of her lawyer, Clarence Darrow. Attorney General Harry Hewitt emphatically denies knowledge of any such "deal."

The fair-minded section of the public is more apt to believe Messrs. Kelley and Hewitt. Certainly it cannot be said that Mrs. Massie has made an enviable reputation for veracity, much of what she has said by way of explanation having failed of substantiation. The report of J. C. Frazier, a Pinkerton operator, upon which Mr. Kelley based his reason for moving to nolle prosse the four indictments, referred to the fact that at the time the complaining witness alleged she was assaulted she was wearing a green evening gown of frail material and evening slippers. Yet a careful examination of this dress and other articles of apparel worn by her failed to show any evidence of an attack, such as she described, the garments being in perfect condition, neither rumpled nor torn.

The Pinkerton operator concluded his report by saying:

> "Our investigation embraced a careful examination of the alibi of the accused, and we failed to discover any important circumstances disproving in any manner any portion of the statement which they (the defendants) made immediately upon their arrest. In other words, the movements of the accused on the night of the alleged assault remain precisely as they were originally accounted for.
>
> "The testimony of Mrs. Massie at the trial of the accused with respect to her opportunities to see and identify them while in their control and the apparent close and careful observation which she took of these details in view of her lack of knowledge of these same important details when interviewed by numerous persons immediately after the alleged assault, must of necessity give rise to grave doubt as to the accuracy of any of her statements with reference to the accused."

Ben Ahakuelo, Henry Chang, Horace Ida and David Takai have been exonerated and freed. Mrs. Massie's reputation for truth and veracity has been badly damaged. Joseph Kakahawaii is dead. Lieutenant Massie, Mrs. Fortescue and the two enlisted men charged with murdering him are enjoying their liberty, having been convicted and freed after an hour's imprisonment. Though officially branded as a murderer, Lieutenant Massie is still in the service. For the honor of the Navy and white womanhood must be upheld at any cost.

AN ECHO OF THE MASSIE CASE

Courier 6-3-33

Pittsburgh Pa

EVER since the celebrated Massie lynch-murder case in Honolulu, which offered our leading white people and their press an enviable opportunity to vent their race prejudice, a [illegible] has been afoot to appoint a governor for the territory from the Mainland. The officers of the army and navy, and certain hypocritical politicians, have been behind the movement, their ultimate object being to deprive the residents of Hawaii of territorial status. The vast majority of these American citizens are brown and yellow people; less than 20,000 are white. Each year the darker peoples are assuming a larger control of the government. During the Massie case the Ku Klux interests in this country were distressed because the majority of the Massie jurors were not white, while officials there were disposed to consider the evidence in the case rather than white supremacy.

It is regrettable that President Roosevelt has apparently yielded to the importunities of these sinister interests and in a brief special message asked for "suitable legislation temporarily suspending that part of the law which requires the Governor of Hawaii to be an actual resident of the islands," on the ground that it is "particularly necessary to select . . . a man of experience and vision who will be regarded by all citizens of the islands as one who will be absolutely impartial in his decisions on matters as to which there may be a difference of local opinion."

Ever since Hawaii became an American territory, the Governors have all been Hawaiian residents and perfectly satisfactory to the people of Hawaii and the various Presidents. If suitable Governors could be found in the past, why is it supposed difficulty will be experienced in the future? Although the present Governor leaned over backwards in whitewashing the Massie murder gang, it is apparent that the enemies of Hawaii are not satisfied. They evidently want to be sure future governors will see eye to eye with the majority opinion on the mainland regardless of justice.

Hawaii is the one place under the Stars and Stripes where there is no discernible color prejudice. This is due to its traditions, its overwhelming colored population and the fact that the leading white families are intermarried with the natives. A governor selected from among the residents is far more likely to reflect the opinion of his neighbors than that of Mississippi, Texas and Georgia.

We have supported every progressive act of the President and have urged Congress to do likewise, but we hope that in this case it will not pass the requested legislation.

MASSIE CASE NOT DEAD, BUT JUDD PREFERS SILENCE

Courier 9-2-33

Pittsburgh Pa.

By LANGSTON HUGHES
(The Famous Poet for ANP)

HONOLULU, August 24—Governor Lawrence M. Judd, when I interviewed him at the Palace last week for the Associated Negro Press, refused point blank to discuss the recent Massie case that last year held the front pages of the American papers. Gov. Judd said, "Young man, I do not discuss the Massie case. It is dead and buried, as far as I am concerned. I do not want to be a factor in disinterring the bones."

When I called the governor's attention to the great interest which this case held for thousands of readers of Negro papers I represented, Gov. Judd interposed, "No good purpose can be done either Hawaii or the Union by discussing it any further." The subject was closed.

It will be recalled that Governor Judd, although Mr. Massie and his friends in spite of Clarence Darrow's eloquence had been convicted of the murder of a Hawaiian youth, granted them a pardon within an hour after sentence had been passed. The room in which I interviewed the governor adjoined the chamber where the Massies had chatted with friends and reporters while waiting for the pardon which they were certain had been prepared for them.

Before the Massie case the Hawaiian Islands were considered by many observers as an excellent example of practical inter-racial harmony and good will. Natives, orientals and whites lived side by side without friction. Neighborliness and peace were prevalent. Now this state of friendliness is sadly altered. The Massie case brought sharply to the fore all the domineering characteristics of the whites, creating a violent gulf between them and the darker residents of the Islands that will take years, if ever, to mend. The whites—only some 45,000 in a population of 380,000 are determined to exercise pronounced domination over Hawaii. To that end they have recently, among other steps, begun to "Nordicize" the police department. The Hawaiian chief and other native officials have lately been replaced by whites for the first time in the history of the islands.

Sensible and leading citizens of Hawaii, of all races greatly regret the Massie incident. But most residents of prominence, white or colored, are extremely reticent in speaking of the case to strangers. An opinion, one way or the other, might prove dangerous to one's personal and political well-being today. It is not difficult to sense, however, behind their non-committal silence newly awakened hatreds and fears that had once been almost put to sleep in thes eislands where for generations Hawaiians, Japanese, Chinese, Negroes, Portugese and whites have lived as friends. It took a crude and lying little Southern white woman to awaken the sleeping dogs of race-hatred that, now, even the Nordics wish she had let lie.

The Massie case may be dead and buried, as the governor says, but the bones still stink—even under ground. One has only to step ashore at Honolulu to smell them.

Lynchings-1933
Legal Punishment of Lynchers.

Honolulu, Hawaii.

4114

Pinkerton Detective Report Discredits Woman's Story

Defender 2-18-33
Chicago, Ill.

HONOLULU, Hawaii, Feb. 17.—The notorious Massie case has come to a close. It ended officially Monday when Circuit Judge Charles Davis signed the papers releasing from custody four Hawaiians who had been held for more than a year, charged with having assaulted Mrs. Thalia Massie, wife of Lieut. Thomas H. Massie of the United States navy.

Judge Davis' action was based upon a recommendation made to him by John C. Kelly, public prosecutor, and Mr. Kelly was moved to this act by a report submitted by the Pinkerton Detective agency in which it was pointed out that there was too many discrepancies in Mrs. Massie's statements to warrant further prosecution of the Hawaiians.

The Massie case has been one of the sensations of the past two years. It has carried along in its sweep an assault, an alleged rape, a lynching, two court trials, all sorts of appeals to race prejudice and numerous inflammatory articles in American newspapers and periodicals against Hawaii. It started in the fall of 1931 when Mrs. Massie, after a hilarious night at Ala Wai inn near Honolulu, stumbled into her home with a fractured jaw and reported that she had been beaten and raped by some Hawaiians.

Whites Indignant

Immediately the indignation of white Americans in Honolulu was aroused and a clamor went up for revenge. Mrs. Massie's word was taken on its face value, and little if any effort was made to ascertain the truth of all her charges. In the course of a few days, five men, Hawaiians, one Chinese and two Japanese, were arrested. Mrs. Massie identified them as the ones who had attacked her, but the jury, after deliberating 97 hours in the case of Joseph Kahahawai, a Hawaiian, and the first one tried, disagreed. Kahahawai and the other defendants, Ben Ahakuelo, Henry Chang, Horace Ida and David Takai, were freed on bail.

Early in 1932 Mrs. Granville Fortescue, mother of Mrs. Massie and wife of a major in the United States army, journeyed to Hawaii and very shortly thereafter took an active part in a lynch party in which Kahahawai was the victim. The Hawaiian's body was discovered in an automobile in which were riding Mrs. Fortescue, Massie and two naval enlisted men. They were charged with manslaughter and tried by the Hawaiian court. Prosecutor Kelly, a Harvard graduate, acted for the government while Clarence Darrow, noted Chicago criminal lawyer, journeyed to this city to defend the white people, using a plea to race hatred for his defense.

Massie Found Guilty

After a stormy trial, in which the press of America joined, urging that the defendants be acquitted, the jury returned its verdict of guilty and the defendants were sentenced to 10 years in prison. But Governor Judd commuted their sentences to one hour and allowed them to serve this as his guests. In the meantime, the four other men were awaiting their second trial on Mrs. Massie's charge.

It was in answer to the criticisms of American white people and the American press that Governor Judd called the Pinkerton detectives into the case. For several months they investigated secretly, checking up on Mrs. Massie's statement and on the statements brought out at the trial. Their findings, which have resulted in the dismissal of the charges against the four men, are substantially:

1. That there is no evidence that Mrs. Massie ever was raped.
2. That, if she was raped, there never was a complete identification of the men charged with the crime.
3. That, although Mrs. Massie was known to have been in a drinking party at the inn out from Honolulu on the night of the alleged attack, there are no witnesses to the alleged rape, or was there anyone to check up on her movements between the hours she was last seen at the inn and the time she appeared at her home.
4. That Mrs. Massie, unintentionally or deliberately failed to tell all she knew about the assault when she first reported the case to her husband and to the police.

Prosecutor Kelly, in summing up his report to the judge said: "The evidence adduced at the criminal assault trial was such that it is not surprising that a verdict of conviction was not obtained, and in view of the fact that the subsequent investigations have uncovered no additional evidence, there is certainly no more likelihood that a conviction can be obtained at another trial."

Lieutenant Massie still has his commission in the United States navy, in spite of his conviction, and is attached to the battleship New Mexico which is now in the Philadelphia navy yard.

CHARGES DROPPED IN MASSIE ATTACK

Four Defendants Freed in Honolulu Assault on American's Wife.

Constitution
2-14-33
Atlanta, Ga.

By WILLIAM H. EWING.

HONOLULU, Feb. 13.—(AP)—The finale of a case which shook Hawaii to its social and governmental foundations was written today when charges against four men of mixed blood accused of criminally attacking Mrs. Thalia Massie, bride of a naval officer, were dropped at the request of the prosecution.

A nolle prosequi, or discontinuance, was noted in the case, freeing the four men who had been held under bond more than a year and clearing, so far as the prosecution is concerned, the name of another, Joseph Kahahawai, who was kidnaped and slain.

Abducted by Mrs. Massie's mother, Mrs. Granville Fortescue, her husband, Lieutenant Thomas H. Massie, and two enlisted men of the navy, Kahahawai was shot to death by Massie.

In requesting dismissal of the charges, John C. Kelley, public prosecutor, whose fiery work led to the conviction of Mrs. Fortescue and the three navy men on charges of manslaughter, made public the report of a private detective agency saying an investigation had failed to substantiate Mrs. Massie's identification of Kahahawai and the others as her assailants.

The investigation was made at the instance of Governor Lawrence M. Judd and other authorities.

Three minutes in court put an end to the case which had been pending since September, 1931.

Circuit Judge Charles Davis stopped proceedings in another trial, glanced at a typewritten brief which Kelley handed him and ordered the discharge of the living defendants, Ben Ahakuelo, Henry Chang, Horace Ida and David Takai.

The territorial board is considering charges of another sex crime against Chang to decide whether he shall serve the remainder of a 15-year sentence for criminal assault imposed in 1929 and from which he was paroled after serving six months.

In the brief which Kelley submitted in support of dismissal he said an analysis revealed several weaknesses in the prosecution's case against the men accused by Mrs. Massie.

Defender
2-4-33
Chicago

And so Mrs. Thomas H. Massie, wife of a lieutenant in the United States navy, was not raped at all! More than a year after four men were arrested in Hawaii, tried for rape and assault, freed when a jury could not agree on a verdict, rearrested and thrown in jail—more than a year after Lieutenant Massie, Mrs. Granville Fortescue, his wife's mother, and a naval enlisted man took the law into their hands and conducted a private lynching party in Honolulu in the approved Dixie fashion—more than a year after they were arrested, tried for the crime of murder, sentenced to 10 years and freed after an hour—more than a year after all this has happened, authorities in Hawaii make public a report of the Pinkerton Detective agency which routs the story told by Mrs. Massie that she had been raped!

More than a year after all these things happened, the four defendants who had been in jail were freed and the charges against them dropped.

So the question now arises, What will the United States navy do about Massie? Even if his wife had been raped by native Hawaiians he was not justified in lynching a human being. He was especially wrong in taking the law into his hands while wearing the uniform of a naval officer. But American newspapers—American opinion—American bunk about the sanctity of womanhood (white womanhood)—all these contributed to the Massies and Mrs. Fortescue's return to America as national heroes and heroines after their lynching and their trial in Hawaii.

It didn't matter that one law had been violated by an officer of the navy—he had done it to avenge the honor of his wife—a white woman. Now it comes to light that there was more to the case than ever came out in court. Mrs. Massie, it appears in the report of the Pinkerton Detective agency, had been to some sort of night club near Honolulu and had engaged in a drinking spree. Where she went between the time she was last seen by friends and the time she turned up with a fractured jaw there was only her word to say. Yet on her word five men were arrested and tried, and one was lynched.

What, we ask again, is the United States navy going to do about Massie? We say he ought to be kicked out in disgrace! He ought to be ordered to turn in his uniform and get in line with the other members of the army of unemployed. He has no right to wear

THE END OF THE MASSIE CASE

THE infamous Massie case is closed. The surviving four of the five men accused of raping Mrs. Massie have been freed after the report of the Pinkerton detective agency discredited Mrs. Massie. It is unlikely that any of the professional advocates of white supremacy and Nordic morality will ask for a reopening of the case.

Courier 2-25-33

Pittsburgh Pa

One innocent Hawaiian has been murdered callously, cruelly, coldly. His four white murderers, their guilt established beyond doubt, have been pardoned in obedience to the orders of our government officials, which has thus placed the seal of official approval upon lynching. Lieutenant Massie, who admitted firing the fatal shot that ended the earthly existence of an innocent man, is still an "officer and a gentleman" in the United States Navy, with full citizenship restored. The Honolulu police and Hawaiian justice have been vindicated. The American ruling and governing class and its journalistic spokesman, who cried like Georgia crackers for execution of the alleged rapists and clemency for the four white lynchers, stand discredited and disgraced. Believers in justice, tolerance and the orderly, unbiased administration of law and order everywhere will rejoice.

In connection with the Massie case, the most tragic figure is Clarence Darrow. Old, his fortune probably wrecked by the slump, and his law practice none too lucrative, the noted advocate of tolerance, cosmopolitanism and unfettered thinking, turned about face and, with pathetic eagerness, seized the opportunity to recoup his fortune by defending four lynchers of an innocent young man.

Clarence Darrow could offer no adequate defense, because there was none. He pulled out all of the stops on the emotions and pumped for all he was worth, but nothing came forth except an insignificant squeak. He was glad when it was all over, because he knew he was on the wrong side. It was uncomfortable, because he had always before been on the right side. His recent article on the Massie case in Scribner's Magazine was a pathetically weak apologia based on unwarranted assumptions that would have shamed a fledgling law student.

Poor old Darrow! And yet we must not forget the mighty blows he has struck for human freedom. We must not forget his valient defense in the Sweet case and his wonderful victory. Although we cannot forget his defense of Kahahawai's murderers, we must not hide the fact that he has fought well at times for us.

And the next time a Nordic lady cries "Rape!" and accuses four men, we would advise her to tear more clothing than one stocking and to at least rumple her evening dress. the uniform and the badge of authority in the service of this country! And we want to know what is going to be done about him.

Our navy is not the democratic institution it should be—all of us know that. It is far from representative of the people who support it. But heretofore it has at least made a pretense of being honorable, just and fair. Heretofore we could not with certainty point to the navy and say it harbors one who has disgraced the flag. We might suspect it, but we could not say it. About Massie, we say it openly. He has disgraced the flag of this country by his lynch activities in Hawaii. Now that there is no shred of justification for his conduct we call upon the authorities to take action in his case!

Kentucky.

4115

X

Lynchings-1933
Legal Punishment of Lynchers.

KENTUCKY JAILER REMOVED

Would that the governor of every state had the stamina and legal backing of Governor Ruby Laffoon of Kentucky who removed a jailer because he permitted a mob to remove a prisoner from the jail and lynch him. Such summary punishment would cause sheriffs and others to lend more protection to prisoners and not fall so easily (?) when they are appealed to by a mob. The account states:

Curt Jones, Caldwell county jailer, today was removed from office by Governor Ruby Laffoon on grounds that he permitted a mob to remove a prisoner from the jail. Walter Merrick, 48, farmer, was lynched a year ago by a mob. Lynching of any prisoner, declared Gov. Laffoon, is prima facie evidence under Kentucky law of neglect of duty on the part of the jailer. Citizens of Caldwell county and the American Civil Liberties Union had petitioned for Jones' dismissal.

LOUISVILLE, KY.
COURIER JOURNAL
MAY 19 1933

AT LAST THE GOVERNOR ACTS

Within two weeks of the first anniversary of the lynching and after attracting nation-wide attention, Governor Laffoon, by removing the jailer of Caldwell County, has complied with the statute requiring him to oust a peace officer from whom a mob has taken a prisoner. On June 1, 1932, a man, charged neither with murder nor rape, was taken from the jail at Princeton and lynched. Governor Laffoon had knowledge of the affair; for he announced that he would not investigate but abide by the action of the Grand Jury. The Grand Jury took no action, neither did the Governor.

The Courier-Journal last August referred to the mandatory character of the statute. The American Civil Liberties Union heeded the statement, if the Governor did not. Its headquarters in New York asked for the number of the section referred to and engaged an attorney to present the case before Governor Laffoon. Then he acted.

Meanwhile, of course, the National anti-lynching organization and the Tuskegee statistician had this Kentucky lynching listed as one in which the State authorities refrained from acting. Yet this statute is a direct mandate of the people of Kentucky. It was enacted at the first session following the adoption of a constitutional amendment designed to prevent lynchings. The purpose was to throw the burden of proof on an officer whose prisoner is taken from him to show that he couldn't prevent it. The statute pre-supposes that an officer will defend his prisoner with his life. It permits one excuse for surrendering a prisoner, literally being over-powered by physical force, not merely intimidated.

Having forced Executive action, it would not be like the American Civil Liberties Union to forget the incident. It can be depended upon to stand by and produce all the facts of the lynching. The Governor is the judge of the valor with which the officer defended his prisoner. He already has put Kentucky in a bad light, contrary to the will of Kentuckians as expressed in their Constitution. He is going to perform this Executive function in view of the whole Nation.

YOUNGSTOWN, O.
VINDICATOR
MAY 22 1933

Loss of Office for Neglect

Governor Laffoon of Kentucky has exercised the authority given him by a statute and removed from office a jailer from whom a prisoner was taken a year ago and lynched. Jailers in that state are elected by popular vote, and their office is different from that of sheriff.

There is no explanation of the delay of a year in enforcing a statute which provides that any jailer whose prisoner is taken from him and lynched shall be promptly removed from office, but the removal of the Caldwell County jailer will serve as notice in all the counties that letting a prisoner be taken from custody and lynched is proof on the face of neglect of duty.

Some states in the South, where lynchings were of common occurance, provided for removal of officers from whom prisoners were taken by lynching mobs. Since then there has been shown on some occasions remarkable courage upon the part of officers to face determined mobs and protect prisoners. It is no longer presumed to be politically perilous to resist a mob to the injury of any member.

An Ohio paper, commenting upon the action of the Kentucky Governor, suggests that "laws making the taxpayers of counties in which lynchings occur, liable for damages to dependents of persons lynched might tip the scales of public opinion, meanwhile, in favor of the lawful way of dealing with accused men." Thirty years or more ago, a lynching in the southwestern part of the state was followed by such legislation at Columbus. It was some years after the law became effective that a county faced a demand for damages. Making the counties liable had the desired effect, for since then care has been taken to let laws take their course.

LOUISVILLE, KY.
COURIER JOURNAL
MAY 14 1933

THE GOVERNOR AND THE MERRICK LYNCHING

To the Editor of The Courier-Journal.

Former Justice Holmes of the United States Supreme Court, in his lectures on the common law, says that the law must express the prevailing sentiment of the community. The sentiment in Kentucky is against lynching and for the removal of any officer who permits a mob to take a prisoner from their custody and lynch him, as indicated by the people voting an amendment to the Constitution in 1919 authorizing the Legislature to enact a law providing for the removal of such delinquent officials. Fourteen years after the people of Kentucky voted this amendment to the Constitution, Governor Laffoon introduces resolutions at a meeting of the Kentucky branch, Association of Southern Women for the Prevention of Lynching, in Louisville, "calling upon our public officials, Sheriffs, the people of the State, the church, the press, social and civic groups so to aid us in building up public opinion that Kentucky in the future may stand guiltless in the eyes of the other States and the Nations of the world."

I was so in sympathy with Governor Laffoon's resolutions and efforts to build up public opinion against lynching, that I obtained the necessary affidavits that are required by law showing reasons why he should remove the Caldwell County jailer from office for permitting a mob to take Walter Merrick from his jail and lynching him June 1, 1932, and the American Civil Liberties Union prepared and presented a petition to Governor Laffoon based on the facts of these affidavits and requested him to remove the local jailer. I feel that I have complied with the law by backing these charges with facts, and now it remains for Governor Laffoon to give practical expression to his desire "that Kentucky follow legal procedure."

I heartily agree with Governor Laffoon when he says, "a community where the mob spirit rules is uneasy." The citizens of this county do feel uneasy since mob murder is taken so lightly by the law-enforcing officers, and the Governor has completely ignored the law in the face of facts and permits the Caldwell County jailer to remain in office. Governor Laffoon's resolutions sound good on paper to those who are not acquainted with the facts of the lynching of Merrick, but we who know the facts of conditions consider it a very pitiful gesture towards "covering up" and an inadequate substitute for official action.

In his resolutions he said: "The right of trial by jury is our greatest heritage under the constitution. There is no greater crime against society than removal of that right." I wish to call his attention to the fact that Merrick was denied his constitutional and civil rights when a mob took him from the Princeton jail without any resistance whatever being offered by the jailer and law enforcing officers, yet no arrests have been made and neither has the Governor made an official public inquiry of the jailer's conduct. Since the local authorities have been unable to find a single clue that would enable them to solve the mystery of the Merrick lynching, it appears that it was a phantom mob that committed the crime. The court records show that the Caldwell County Jail has been visited four times by phantom mobs since 1890. The first was October 2, 1890; the second was October 15, 1894; the third, June 4, 1915, and the fourth was Walter Merrick, June 1, 1932. All of these mobs completely vanished immediately after lynching their victims, leaving no clues whatever and no one has ever been arrested for participating in these outrages.

"Of course, mob violence is a serious thing, but no more serious than violation of any other law." For the action of the Caldwell County authorities indicates that it is a more serious violation of law to bomb a strong politician's general merchandise store, for Merrick was arrested, indicted and sent to his death cell on this charge because he could not execute a $5,000 bond. The same court that held Merrick in jail in default of a $5,000 bond offered to release a first-degree murderer since then on a $2,000 bond. The local authorities, according to the financial report of Caldwell County, published in the Caldwell County Times, January 28, 1933, found it necessary to spend $161.52 on the investigation of the bombing of the storehouse; the arrest and indictment of Merrick, while nothing was listed as being spent upon the investigation of the lynching of Merrick. The actions of the officers in these cases is consistent with the theory of Locke, one of the greatest philosophers, who once said, "Where there is no property, there is no injustice."

Merrick was indicted for "willfully

exploding an explosive substance under a house," and one of the attorneys that prosecuted Merrick in his examining trial on March 24, 1932, filed suit for P'Pool, the owner of the store, against the Home Insurance Company for $2,700 January 13, 1933, claiming that the store was completely destroyed by fire. If the store was destroyed by fire, as P'Pool claims it was in his petition filed with the Caldwell County Circuit Court Clerk, then Merrick was falsely indicted. It is assumed that P'Pool should know what occurred, for he was in the store at the time it was destroyed and the "fire" fractured his skull and leg.

Governor Laffoon knows these facts, yet he calls upon the people of the State and the press to help build up public opinion against lynching. Since Governor Laffoon has asked the press to help build up public opinion, I am sure that The Courier-Journal is willing to assist him, for I am backing these statements with affidavits and court records. It is my opinion that the next time the Kentucky Branch, Association of Southern Women for the Prevention of Lynching, has a meeting in Louisville, Governor Laffoon won't see fit to dominate it and introduce the resolutions condemning lynching, but will remain in Frankfort and "let George do it." If Governor Laffoon doesn't see fit to oust the local jailer on the charges preferred against him, it is quite possible that he can be prevailed upon to add the Caldwell County jailer to his staff of Colonels. JOHN W. TAYLOR.

Princeton, Ky.

Louisiana.

4116

Lynchings-1933

Legal Punishment of Lynchers.

Parish Officials Probe Lynching

Advertiser

2-21-33

Montgomery, Ala.

RINGGOLD, LA., Feb. 20.—(AP)—Parish officials investigating the lynching of Nelson Nash, 24-year-old Leesville negro, following the slaying of a bank cashier and an attempted assault on the cashier's wife, said today a thorough inquiry was being made but no arrests had been ordered.

Coroner J. L. Wade of Arcadia, and Sheriff Henderson Jordan of Bienville Parish, came here today to conduct an inquest and to question local residents.

The negro was alleged to have confessed before he was taken from officers by several score citizens that he had abducted J. P. Bachelor, 50, cashier of the Ringgold bank, and Mrs. Bachelor, and had forced them in their night clothing to accompany him to the bank, where he planned to rifle the vault.

When Bachelor said he could not open the vault, the couple were taken into the suburbs where Bachelor was beaten to death while trying to prevent an assault on his wife. Nash was arrested several hours later and then seized by citizens who hanged him to a tree and riddled his body with with pistol shot.

Mrs. Bachelor was reported in a state of collapse today.

Lynchings-1933
&
Legal Punishment of Lynchers.

Maryland

4117

BALTIMORE, MD.
MORNING SUN

JAN 1 1933

WHAT ABOUT LYNCHINGS?

It is more than a year since a Wicomico county mob lynched a Negro on the Court House green at Salisbury and cremated his body in the presence of thousands of onlookers. Nothing has been done in the intervening months to redress that heinous crime. There have been no indictments, no prosecutions.

Indictments and prosecutions have been lacking because the machinery of law enforcement broke down. Local prosecuting officers worked on the case. Governor Ritchie designated Attorney-General Lane to assist. There was an investigation before the Wicomico grand jury. Yet at the end of all the effort the grand jury was forced to report that it found "absolutely no evidence that can remotely connect anyone with the instigation or perpetration of the murder." This report represented a confession of legal helplessness, an admission that the law could do nothing in the presence of the most bestial crime of its character in the recent history of Maryland.

The collapse of the machinery of law enforcement ought to be a matter of the most serious concern during the session of the Legislature to begin this week. One of the first duties of the session ought to be a careful appraisal of the disabilities under which State and local officers, particularly the former, labor in the presence of the crime of lynching. One of the first objectives ought to be the consideration of measures to relieve those disabilities and to equip the authorities to deal with emergencies such as that which confronted the State in December, 1931.

Other States have pointed a way in this direction which Maryland might appropriately follow. Virginia, the pioneer Southern State, enacted an anti-lynching law in 1928, which made all participants in a lynching guilty of murder and which placed responsibility for the investigation and prosecution of lynching cases on the State's Attorney-General. Nebraska passed a law in 1927 which makes a county liable in the sum of $1,000 to the legal representative of any mob victim, and authorized the county to recover such sum from the members of the mob itself. The adaptability of these measures to the Maryland constitutional system needs to be thoroughly and sympathetically explored.

Consideration might also be wisely extended to some provision for the compulsory removal to another jurisdiction of all Negro prisoners accused of capital offenses against white persons, in order that the danger of mob violence might be reduced at the very inception of a difficult case. The propriety of empowering the Governor to offer a reward for evidence leading to the apprehension or conviction of members of a mob would also seem to require the most careful study. Had it been possible to offer a reward in the Salisbury case the State might have surmounted the serious obstacles in the way of securing evidence.

The first line of defense against a repetition of the Salisbury disgrace is, of course, an aroused public opinion. But legal remedies against the perpetrators of mob violence would serve to offset shortcomings in that quarter. A strengthening of the quite evident weaknesses in the present law would place weapons in the hands of officials who are now without power to act. A heavy obligation rests on Governor Ritchie and all members of the Legislature in this critical matter. It is for them to say whether Maryland shall be authorized to redress a disgraceful crime and redeem its own good name from the blots which a few irresponsible citizens may now create.

Ask Carolina Governor To Punish Lynchers

[illegible]

NEW YORK, Oct.—A request that Governor Ibra C. Blackwood of South Carolina and his attorney general aid the officials of Greenwood county in punishing the men accused of lynching Bennie Thompson at Ninety-Six, S. C., October 8, was sent Monday by the National Association for the Advancement of Colored People. The letter said:

"The lynching at Ninety-Six has the distinction of being the first one on record in many years where one of the accused lynchers makes a plain public statement that the chief of police assisted the lynching party by leaving the jail door open so they could get the victim."

Judge Who Railroaded Euel Lee Appointed to 'Investigate' Lynching

10-23-33

BALTIMORE, Md., Oct. 23.—Governor Albert C. Ritchie indicated today he would appoint Judge Robert F. Duer, one of the main lynchers of George Armwood, to head the "investigation" into the lynching. He declared Judge Duer is the proper person to direct an investigation" of the lynching last Wednesday at Princess Anne "if he will do it."

Ritchie's proposal has evoked opposition even in the boss press, which considers it too crude to deceive the masses. The Baltimore Evening Sun states in an editorial "Not Judge Duer:"

"A judge who sits quietly in his home while the law is being trampled into the mud right outside his door is obviously not the judge to investigate the occurrence, since his own conduct is questionable."

It was Judge Duer who helped to railroad Euel Lee to a death sentence, denying him his constitutional right to a change of venue and the right to choose his own attorneys, until mass protest organized by the International Labor Defense compelled the removal.

Judge Duer is up for re-election.

RITCHIE IS BLAMED IN NEGRO'S DEATH

Telegraph

Investigation of Maryland Lynching Launched as Socialists Attack Officials

10-20-33

BALTIMORE, Oct. 19 (AP)—While investigations were launched today into last night's lynching in Princess Anne, a demand was made here for the impeachment of Gov. Albert C. Ritchie.

Macon, Ga

The demand came from the state committee of the Socialist party of Maryland in a special meeting. Ritchie was charged with "criminal neglect of duty."

The committee also asked for removal from office of Judge Robert F. Duer and State's Attorney John B. Robins, of Somerset county, and called for their prosecution "on charges of second degree manslaughter."

Removal Criticized

The governor was criticised for having permitted the removal to Princess Anne from Baltimore of George Armwood, a Negro, held for assaulting an 81-year-old white farm woman.

"Apparently few people understand the governor's authority in such matters," said Ritchie when informed of the Socialists' resolution and the general criticism. "So I have asked the attorney general to set them straight.'

"Governor Ritchie had no authority in the matter," said Attorney General William Preston Lane, Jr., "as a matter of fact, under the Maryland law neither did the judge nor the state's attorney. There is just one individual responsible for the custody of a prisoner, just one individual that can order his removal, and that's the sheriff.

Governor Powerless

"All Governor Ritchie could do, in fact all anybody except Sheriff Luther Dougherty could do, was to advise the sheriff. And when Sheriff Dougherty came to Baltimore to get that prisoner, he was acting within his rights and neither the governor nor anyone else could stop him. The Maryland law does not give the governor as much authority as some other states.' '

Armwood was lynched by a mob that stormed the jail and overpowered state police. He was hung to a tree after being dragged behind an automobile through the town's main streets, and his gasoline-saturated nude body was burned in front of the court house.

The Negro was arrested Monday after the woman was attacked near her home in lower Somerset county. Police said Armwood confessed.

He was brought to Baltimore immediately after his arrest but after spending Tuesday in jail here was taken back to Princess Anne.

Assurance Given

In placing the blame on Judge Duer and State's Attorney Robins for the lynching, Ritchie said the state's attorney had insisted that Armwood be returned to Somerset county and Judge Duer had assured him the Negro would be safe.

Neither Judge Duer or the state's attorney would comment on the governor's statement today.

At the same time the Socialists adopted their resolutions, Bernard Ades, attorney here for the Communistic International Labor Defense, said "if Governor Ritchie is sincere in his statement that responsibility rests not on him but on Judge Duer and Dr. Robins, let him order their arrest."

The governor today placed the investigation of the lynching in the hands of William Preston Lane, Jr., Maryland's attorney general.

MARYLAND LYNCH PROBE IS STARTED

Advertiser

Socialists Demand Impeachment Of Ritchie, Who Blames Judge, Attorney

10-20-33

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Montgomery, Ala.

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Conferences were held during the morning in Crisfield, 20 miles from Princess Anne, between State's Atty. Robins, Sheriff Luther Daugherty ,the State

MARYLAND BEGINS LYNCHING INQUIRY

Times

Governor Orders Action and Reiterates That Somerset Officials Are to Blame.

10-20-33

HIS IMPEACHMENT ASKED

New York, N. Y.

Socialists Make Demand—Roosevelt Intervention Is Urged by Negro Group.

Special to THE NEW YORK TIMES.

BALTIMORE, Oct. 19.—By order of Governor Ritchie an investigation was begun today into the lynching last night of George Armwood, Negro, and the wounding of thirteen State troopers by an infuriated mob of men and women at Princess Anne.

William Preston Lane, Attorney General of Maryland, was directed to conduct the inquiry.

State police have obtained the names of seven or eight of the lynching party. These men are under surveillance and their arrest will be ordered soon as the names of others implicated are learned.

Meanwhile, Magistrate Edgar Jones, acting coroner of Somerset County, impaneled a jury is preparation for an inquest.

Governor Ritchie placed upon Judge F. Duer and State's Attorney John B. Robins of Somerset County the responsibility for the Negro being at Princess Anne until the mob seibed him.

Governor Cites Advice.

The Governor said he had been ready yesterday afternoon to order Armwood's removal to Baltimore following rumors of impending trouble, but that he had been assured by Judge Duer and Mr. Robins that they believed the prisoner safe from attack.

Captain McK. Johnson, head of the State police, joined in the arguments which made him change his mind, the Governor said.

In a statement soon after the lynching Judge Duer said he had been depending upon the law abiding citizens of Princess Anne and vicinity to prevent any disorder.

He admitted he had been deceived into thinking there was no mob spirit in the area, but he blamed the actual lynching upon persons from outside the county.

When asked if he would take any steps to impeach the local authorities, Governor Ritchie said.

"I have no power to impeach any one. The Constitution of the State places the power of impeachment in the Legislature."

Accident Nearly Hangs Negro.

A Negro was nearly hanged by accident here today as a large number of Communists and members of the International Labor Defense assembled in City Hall Plaza to protest the lynching an the hanging of Euel Lee, convicted of an eastern shore murder two years ago. Governor Ritchie has set the Lee hanging for Oct. 27.

The Negro, his neck in a noose under an imitation gallows, was standing in a truck which was labeled "protest lynching of George Armwood."

Police were escorting the truck to the meeting place when it hit a bump in the pavement. The Negro lost his balance and for a moment gave a realistic exhibition of a hanging but was quickly set upon his feet.

Ritchie Impeachment Is Asked.

BALTIMORE, Oct. 19.—A demand for the impeachment of Governor Ritchie was made today by the State committee of the Socialist party in a special meeting. Governor Ritchie was charged with "criminal neglect of duty" in the Armwood lynching.

The committee also asked for removal from office of Judge Duer and State's Attorney Robins of Somerset County.

"Apparently few people understand the Governor's authority in such matters," said Mr. Ritchie when informed of the Socialist resolution and the general criticism. "So I have asked the Attorney General to set them straight."

Attorney General Lane then commented:

"Governor Ritchie had no authority in the matter, as a matter of fact, under the Maryland law, neither did the judge nor the State's Attorney. There is just one individual responsible for the custody of a prisoner, just one individual that can order his removal, and that's the Sheriff."

By The Associated Press.

PRINCESS ANNE, Md., Oct. 19.—State's Attorney Robins was asked today if he had an answer to the governor's charge that he and Judge Duer were responsible for the Armwood lynching.

"I have nothing to say at this time," he answered.

police and the special force of officers sent from Baltimore.

State police said they had the names and addresses of three men, said to have been among the leaders in the mob. They said they had names of others who threw bricks, rocks and other missiles at the jail guard.

While the protests were being registered in Maryland against the action of State and county officials, Harlem, the center of New York's negro population, was the scene of several group demonstrations.

An appeal was sent to President Roosevelt by Walter White, secretary of the National association for the advancement of the colored people, asking him to instruct the attorney general "to proceed to the fullest extent with the law against lynchers."

Judge Duer said he could not say how the investigation ordered by the governor would be carried out.

"I intend to confer with my associates and until I have had an opportunity to do that there is nothing much I can say," he commented.

Protest Is Made to Roosevelt.

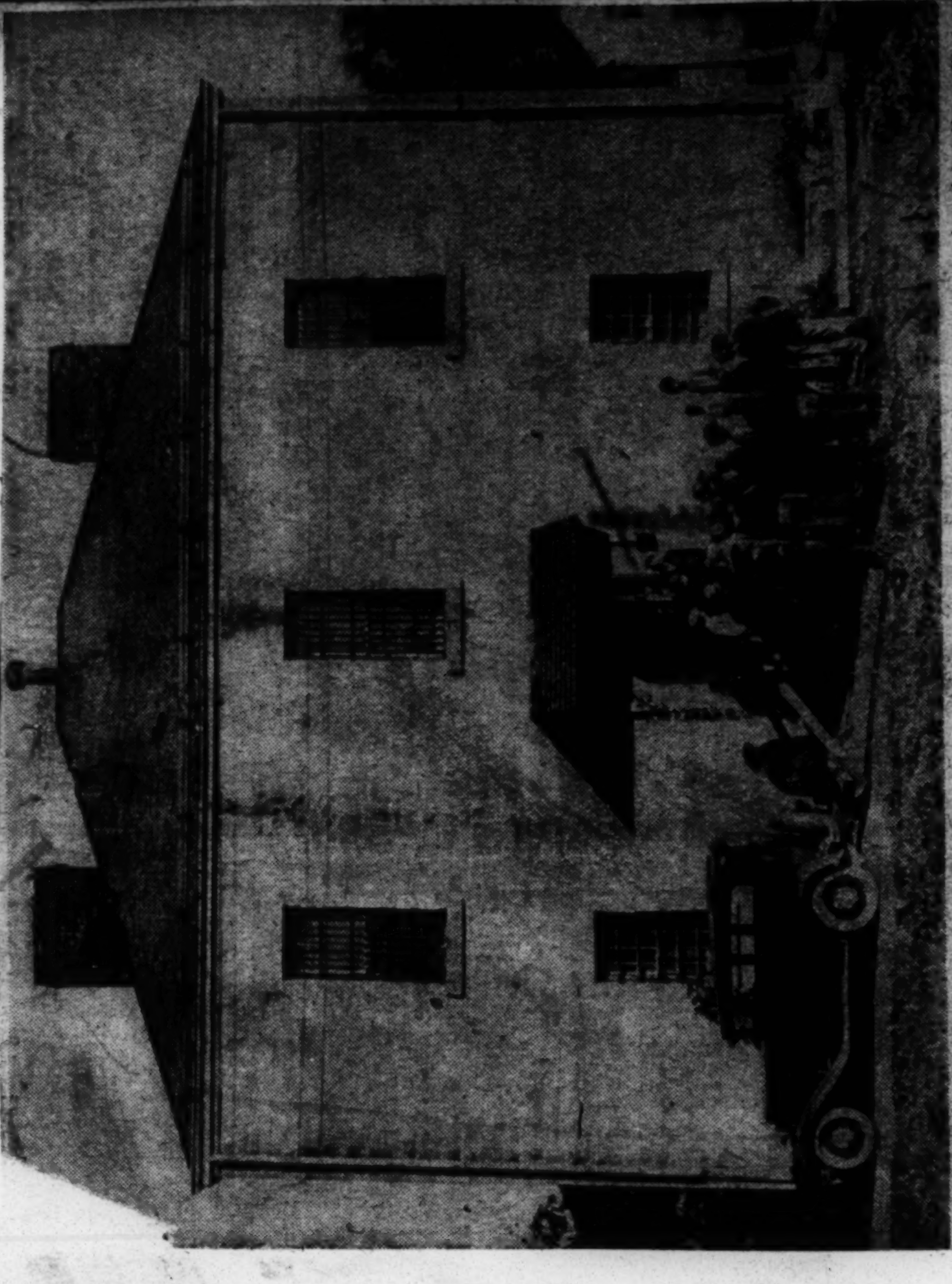
Walter White, secretary of the National Association for the Advancement of Colored People, at 69 Fifth Avenue, sent a telegram to President Roosevelt yesterday asking for Federal intervention to stop lynching and requesting the President to make a radio address against mob murders. The message was inspired by the Armwood lynching at Princess Anne.

Mr. White's tlegram said this was the twenty-first known lynching since Jan. 1.

"In ten months of 1933 more than twice as many mob murders have taken place than in all of last year, when ten occurred," the message said.

A statement by the League of Struggle for Negro Rights asked that leaders of the mob be arrested and demanded the removal from office of Judge Duer and State's Attorney Robbins. Governor Ritchie was held responsible for the lynching for "refusing to have Armwood brought back to Baltimore before the Roman holiday."

A group of Negroes made a demonstration in Harlem before the offices of The Liberator, the newspaper published by the league.



Associated Press Photo.

MARYLAND JAIL FROM WHICH NEGRO WAS TAKEN BY MOB.

The Somerset County prison at Princess Anne, Md., from which George Armwood was dragged ou of his cell by a mob which later hanged him to a tree. One of the battering rams used by the mob to ope the jail can be seen in front of the door.

Lynchings - 1933
Legal Punishment of Lynchers.

Maryland

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PHILADELPHIA, PA.
VENING PUBLIC LEDGER

NOV 29 1933

Salisbury Still Seething With Ire Against Ritchie After One-Day 'Civil War'

By HENRY O
Evening Ledger S

Salisbury, Md., Nov. 29.—I came back to Salisbury today and found rebellion still seething close beneath the surface.

Punched, mauled and driven out of town yesterday with a dozen or so other newspapermen by a crowd that howled for a lynching, I was told by the chief of police last night that it would not be safe for us to return.

But this morning the passions of the mob seemed to have subsided temporarily. Businessmen and people I met on the street expressed regret for the rough treatment accorded newspapermen yesterday after national guardsmen had battled their way out of town with four suspects in the George Armwood lynching.

Local residents blamed the attack on newspapermen on the general belief that Governor Albert C. Ritchie had been goaded into calling out the troops yesterday by the activity of Baltimore newspapers. It was freely stated that reporters from Baltimore would be "run out of town" whenever found, but men from other cities were assured a measure of safety.

Back Mob Activity

Despite these reflections from men in a calmer mood, the impression persisted that yesterday's outbreak of lawlessness had the support of practically all residents of the town.

The people one met on the streets, shop clerks and small business proprietors all expressed regret at the violence of the outbreak, but indorsed the attack upon the troops who snatched the four suspects without the formality of preferring charges from their homes in and near Princess Anne.

All joined likewise without hesitating in predicting a demonstration when the four men are returned to this section What its form will take depends upon whether or not guardsmen reappear upon the scene in connection with the case.

"What's the Governor think he is going to do about it?" was the question of a barber's helper. "He can't keep the troops here to make a show always. We pay for the troops, but we don't pay them to gas us to death. This isn't Russia. He'll find that out next election."

"Ritchie was just showing off to the grandstand," said an attorney. "legal process requires that the men be returned to the local jurisdiction. There is no power in the world that can remove the power of indictment from the Grand Jury of the county in which the crime was committed.

Hits Show of Force

"A Grand Jury might possibly have indicted some one for the so called lynching before the troops came. No Grand Jury will indict now. The silly show of force and asinine use of tear gas bombs blasted all possibility of getting any indictments returned.

"Ritchie's only hope of going through with his show would have been through declaration of martial law. Duel legal steps are required to induce a stage of martial law. Ritchie neglected to take these steps. That is the complete tip off that the arrest yesterday was all a fake."

Local lawyers are preparing to have witnesses on hand for the proceedings scheduled at 3 P. M. today before Judge Duer.

"We have no thought of asking bail," declared Henry Dashiell, attorney for William H. (Doc) Thompson, Princess Anne druggist and leading citizen, one of the four suspects arrested by the guardsmen yesterday.

"I am going to ask absolute freedom for my client. The supposed case falls flat against him. We have a wealth of evidence exonerating him from even the possibility of participation in the alleged lynching.

"I had an understanding with the Attorney General of the State. He told me he would arraign the men in Princess Anne when I met him at 6 A. M. yesterday preceding the arrest. He did not keep his agreement.

"Furthermore, I was unable to get in communication with him by telephone, being put off with claims he was in conference or could not be reached when I called him."

The residents of Salisbury, who have never been partial in a political way to Governor Ritchie, are particularly incensed because they feel they have been made innocent accessories to an occurrence in which they have no interest. They became involved when the troops sought refuge in the armory here with prisoners they arrested in neighboring Princess Anne County.

The citizenry here, aroused by statements issued by their legislators yesterday condemning the action of the Governor, have certainly not written finis to the one-day "civil war." Just what form their indignation will assume is problematical, but there is going to be some reprisal and reputable influential citizens are not mincing any words saying so.

If open hostilities do not break out again, it is freely predicted that vengeance will be wreaked upon the Governor next November, when he becomes candidate for his fifth term.

The outward calm reflected here today as the scene of action shifted to neighboring Princess Anne was in strong contrast to the violent scenes of yesterday.

I was one of twelve newspaper reporters and photographers trapped in the Wicomico Hotel here while hundreds of frenzied men from Salisbury and its environs shouted in the streets as they sought to fire the bulilding about our ears:

"Lynch the ——!"

"Kill the newspapermen!"

Two Maryland State troopers stood between us and that mob. Lack of active leadership in the crowd probably saved us as much as the presence of the two troopers.

Four of our number were beaten by frenzied men, who outnumbered us 100 to 1. Four of our automobiles were wrecked and fired. Half a dozen cameras were smashed.

I was attempting to find the identity of the owner of an automobile that had been overturned by the mob outside the armory when a man in hunting clothes stepped up and punched me in the stomach. I attempted to argue with him, but the crowd became threatening. I retreated to the hotel.

William I. Irving, the EVENING LEDGER photographer assigned with me, staggered in a moment later. His camera had been smashed to bits, the crowd seizing pieces of it as souvenirs, and he was backed against a wall, a big hand choking him, when some of the cooler heads in the crowd interceded for him.

Automobiles Destroyed

The other newspapermen also made for the hotel. Albert Nazdor of Baltimore, had been punched in the face and roughed up while he was trying to make a picture of the crowd. Automobiles belonging to George Waters and Fred Cole, of Washington, were destroyed by fire.

Mr. Waters also had been beaten by the crowd before he reached the hotel. There were two other automobiles belonging to the newspapermen that were burned by the mob, but I don't know who the owners were.

The management of the hotel gave us four rooms on the third floor, but we moved to a parlor on the eighth floor when the mob started to yell. We could hear them plainly: "Lynch the ——." "Kill the newspapermen."

Some of the hotel employes showed us how to reach the roof if we had to retreat further, but that wasn't necessary.

Burning Waste Thrown

At the height of the excitement, some of the men in the crowd threw burning wads of waste on the roof of a low shed attached to the hotel. Firemen were called to put out the flames.

Finally we were able to sneak out a side door, one at a time, and escaped in taxicabs to a bus office where seven of us assembled. We escaped from the town in the automobile of Mr. Irving. We tried to stop at Laurel, about eleven miles away, but there were some suspicious-looking men following us and we came on to Seaford.

We started back for Salisbury later, but we came to a point where three cars were lined up, blocking the road. We turned around, and the cars started after us. We had to travel at sixty-five miles an hour to get away from them.

Another group of Philadelphia newspapermen were chased out of town at a sixty-five-mile-an-hour clip in an automobile driven by George Mawhinney, Philadelphia Inquirer reporter. After they had driven fifteen miles they stopped to telephone, but were soon overtaken by a group of grim-faced men in five cars, who warned:

"We told you to scram, didn't we? Now scram."

Not until they had driven twenty miles more did they feel safe. Besides the automobiles burned and cameras smashed, an expensive truck equipped with newsreel apparatus was seized by the mobsters, overturned and wrecked.

Maryland

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Lynchings—1933 & Legal Punishment of Lynchers.

FOUR MEN ARE RELEASED BY COURT IN MARYLAND

PRINCESS ANNE, Md., Nov. 29.—Four men suspected of lynching a negro were set free on habeas corpus writs today while the [illegible] packed the courthouse [illegible] over the grounds [illegible] wildly.

The prisoners, whose arrest yesterday brought on a battle between a mob and state police and national guardsmen, were freed by Judge Robert F. Duer for "insufficient evidence."

The men were brought here late today by Henry [illegible] Martin, veteran warden of the Baltimore city jail. Martin insisted on making the trip alone with the prisoners and he went unarmed.

Arrival of Martin and the four men was the signal for an ovation that increased as efforts were made to get the hearings under way.

Time after time, court attaches endeavored to quiet the crowd. Two of the prisoners mounted tables and pleaded for order.

Asks Quiet.

One of them, Irving Adkins, a special town officer, shouted: "So please be quiet so they can go ahead and let us free."

The crowd broke into another cheer and it was some moments before the hearing actually started.

The writs, granted after the prisoners were brought to Baltimore last night, were considered by Judge Duer, sitting with Chief Judge John R. Pattison, of Cambridge. [illegible] Judge Joseph L. Bailey, of Salisbury, sent word that he would not be present.

Maryland remained uneasy tonight however, as criticism was heaped on Governor Albert C. Ritchie, who sent national guardsmen into Salisbury to arrest the men yesterday.

Arrival of the guards yesterday started a battle in the streets, in which officers were forced to resort to tear-gas bombs.

The governor today reiterated that his action was the only course left open to him and he virtually washed his hands of the case in a lengthy telegram to State's Attorney John B. Robins, of Somerset county, where the lynching and rioting occurred.

Evidence Procured.

"More than 10 days ago," the governor wired, "the attorney-general procured testimony which justified the arrest of a number of people for leadership in the Armwood lynching," and he urged State's Attorney Robins to arrest these men and hold them for the grand jury. The state's attorney refused to do so.

"The entire situation was fully presented to the three judges of the circuit, with the request that they appoint special counsel to represent the state. They have not done that.

"Since the local officials of Somerset county would not perform the constitutional duties imposed on them, it became my responsibility as governor of the state to exercise the authority conferred upon me by the law of this state for such an emergency and cause the men to be arrested through the agency of the national guard. . . .

"The men having been arrested, the responsibility of the local judicial machinery to proceed with the conduct of the charge is clean and inescapable."

Solons Divided.

Both houses of the Maryland legislature in special session rang with criticism and defense of the governor.

Representatives from the eastern

Constitution 11-30-33 Atlanta, Ga.

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eral Roy McKittrick, "this office will assist and aid in the prosecution."

Sawyer was instructed to co-operate with the sheriff and the prosecuting attorney of Buchanan county "in obtaining the facts."

Held Unjustified.

Governor Park, who ordered out a national guard tank company last night in a vain attempt to save the negro from the mob of 8,000 which stormed the county jail and forced Sheriff Otto Theisen to surrender Warner, said in a statement today:

"Mob violence whether in punishment of crime or in attempt to obtain alleged civil rights is always wrong and destructive of good government. To condone such an offense is to encourage lawlessness, deny the efficiency of the courts and the power of constituted authority."

Quiet had returned to the city after the scenes of violence which ended in the hanging of the negro to a tree near the courthouse and the burning of his body before the eyes of thousands of shouting men, women and children. There had been no arrests tonight.

At the battered county jail gray-haired Sheriff Theisen, who capitulated to the mob after the steel jail door had been pulled off, said he had no other course but to turn the negro over to the lynchers. Tear-gas bombs had proved ineffectual in driving back the mob.

Did Best.

"I did everything I could to stop them," he reiterated. "We fought them even after they got inside the jail, but I saw it was of no use. I had nine negroes in jail and I was afraid the mob would lynch them, too. The crowd was wrecking everything in sight. Why, they wouldn't have left anything standing if I hadn't given in."

Many called at the sheriff's office to reassure him that he had done all that he could without causing bloodshed.

After seizing the negro, mob leaders dragged him out of the building and down a street and hanged him to the tree. They drenched his body with gasoline and built a fire under it. The rope soon burned and the body fell into the fire while hundreds pressed around.

Lynching of the negro followed his reported confession, later repudiated, that he had dragged a white girl of 21 into an alleyway and assaulted her Sunday night, leaving her tied with her own stockings. A long knife found at the scene led to Warner's arrest. Officers charged she was the second woman attacked by the negro youth.

SAN JOSE SHERIFF HINTS HE MAY IDENTIFY LYNCHERS

SAN JOSE, Cal., Nov. 29.—(UP) Sheriff William J. Emig, who was injured when 5,000 citizens stormed the Santa Clara county jail Sunday and lynched two kidnap-slayers, intimated tonight that he knew the identity of some of the lynchers.

It was the first indication that any action might be forthcoming against leaders of the mob. The county grand jury met and organized today, but did not discuss the lynchings.

The mutilated bodies of the kidnapers, Thomas H. Thurmond, 28, and John M. Holmes, 29, were buried in Oak Hill cemetery today without incident.

Emig said he was convinced through a statement made by Thurmond just before the mob reached his cell that Thurmond and Holmes alone were implicated in the kidnaping and murder of Brooke L. Hart, 22, son of a wealthy San Jose family.

In opposition to statements from other sources, Emig held the riot and seizure to be deliberately planned.

"This was no crew of college boys, but a well-organized band," said Emig, propped up in bed at San Jose general hospital.

"My deputies and I saw them reconnoitering the jail for a week before the attempt was made.

"After the attack on the jail had begun, I considered moving my prisoners and looked around for a way out, but guards were posted at all four corners of the jail. Had there been a hundred doors I could not have gotten them out."

FOUR IN MARYLAND HELD AS LYNCHERS FREED BY COURT

Times

Warrants and Witnesses Are Ruled Lacking Against Men Seized by the Militia.

11-30-33

EASTERN SHORE JUBILANT

'New State' Talk Is Revived as Outcome Is Hailed as 'Victory Over Ritchie.'

MISSOURI INQUIRY BEGUN

Gov. Park Orders It Saying There Was 'No Justification' for Hanging of Negro.

Lynching Developments

Four men, arrested by Maryland National Guardsmen as members of a mob which lynched a Negro, were freed on writs of habeas corpus.

On orders of the Governor of Missouri an investigation was begun into the lynching of a Negro at St. Joseph.

A group of prominent Californians among them ex-President Hoover, issued a statement deploring the action of Governor Rolph in condoning the lynching of two kidnappers.

A Federal anti-lynching bill will be introduced at the next session of Congress, the National Association for the Advancement of Colored People announced here. It also demanded the impeachment of Governor Rolph.

Maryland Suspects Are Freed.

By JAMES MacDONALD.

Special to THE NEW YORK TIMES.

PRINCESS ANNE, Md., Nov. 29.—In a small court room charged with the emotions of hundreds of grim looking sympathizers, the four men arrested early yesterday by National Guardsmen in connection with the lynching of a Negro here last month were discharged late this afternoon.

Lack of warrants and witnesses was the ground.

The freeing of the men on habeas corpus writs after a ten-minute hearing was hailed by the citizenry as a victory over Governor Ritchie, under whose orders 300 steel-helmeted and fully armed members of the Fifth Maryland Regiment had combed this district, taken the men into custody and retired to Baltimore with them after a mob had tried to free them.

Although the discharge of the men helped to cool the inflamed feelings of farmers and townsmen in a dozen near-by counties, bitterness and resentment against high State officials remained.

'New State' Talk Revived.

One significant development of the whole case is that small town business men have revived the talk of forming a new State in the Union out of the eastern shore district, comprising Delaware, parts of Maryland and parts of Virginia. This proposal was first advocated by civic organizations five or six years ago.

Fully 2,000 people, most of them men who had dropped their farm chores or other workaday duties, flocked today to this hamlet, the seat of Somerset County and the scene of the lynching on Oct. 18 of George Armwood, a 24-year-old Negro, who had confessed to attacking an aged white woman.

On the surface, the crowd showed none of the riotous tendencies which had been given free rein in Salisbury, Wicomico County, before and after the departure of the military yesterday.

But there were smoldering feelings underneath, and vehement expressions were heard on every hand. Here and there the conviction was expressed that the four prisoners would certainly not spend another night in the Baltimore city jail as they did last night.

The tension was relieved when the packed court room and the waiting throng outside heard the decision of President Judge John L. Pattison of the First Judicial Circuit Court, that gave the four men their liberty.

Men Accused as Mob Members.

The prisoners had been accused of being in the mob that lynched Armwood, and their arrest had been made at the behest of Attorney Gneral William Preston Lane Jr. The men were William H. Thompson, a druggist and a leading citizen of Princess Ann; Irving Adkins of Somerset Heights, a railroad foreman; William McQuay of Pocomoke City, a chain store employe, and William Hearn of Shad Point, a storekeeper.

No representative of the State Attorney General or of any other high State official appeared in court to oppose the motions for their discharge. Moreover, the motions were unopposed by the local prosecutor, State's Attorney John [illegible]. Robins of Somerset County.

Mr. Robins announced at the hearing, however, that "in any eventuality" the county grand jury would be recalled to inquire into the lynching.

Thereupon some one in the back of the room gave a close imitation of a cackling hen. A previous investigation of the lynching by a coroner's jury got nowhere.

The writs of habeas corpus, obtained by three attorneys for the men, called on Warden Harry Martin of the Baltimore city prison to produce them in court at 3 P. M.

In anticipation of the hearing, residents of this and nearby counties poured into the village in the forenoon and afternoon, displaying increasing excitement and anticipation as the hours passed.

Owing to various delays, the four men did not arrive at the courthouse until 4:30 P. M.

Crowd Is Restless at Delay.

When they failed to appear at the hour set for the hearing, the sympathizers became plainly restless.

Somehow word had been transmitted to the prisoners that a large crowd was waiting for them, and soon a telephone call came through from Easton, Md., with Thompson telling a friend that he and his companions were en route.

He said he hoped the crowd would do nothing to cause trouble for Warden Harry C. Martin of the Baltimore city jail or the deputy warden, who was with him, because Mr. Martin had treated them with every courtesy, had provided decent beds for them and had not locked the doors of their cells.

Then C. Edwin Hayman, a local lumberman, addressed the throng from the front steps of the court house, assuring them that their friends were being accompanied neither by State troopers nor militiamen, and giving them the message about Warden Martin's kindness. He was cheered.

Finally a sleek limousine drove up with the prisoners. The excited men, women and children in the crowd cheered and yelled as they might have at the homecoming of heroes.

As the crowd made a path for the prisoners to walk up the main steps of the courthouse, some men halted Warden Martin to shake hands with him.

Courtoom Is Jammed.

The crowd then swept into the courtroom on the second floor, packing every available inch of space, standing on the spectators' benches and crowding through the rail to the lawyers' tables beneath the bench. There was a babel of shouts, laughter and strong language.

A half hour passed, then some one shouted:

"Where are the judges? We want action!"

The cry was taken up when President Judge Pattison and one of his two colleagues on the circuit bench, Judge Robert F. Duer, a local resident, failed to appear.

In a few minutes, however, Judge Duer entered, obtained quiet by repeated bangs of the gavel, and explained that he and Judge Pattison were awaiting the arrival of the third member of the court, Judge Joseph L. Bailey of Salisbury. He retired to his chambers again.

Evidently fearing that the spectators' feelings might get out of control, a man who appeared in unusually high spirits climbed on the lawyers' table and genially called upon every one to be as quiet as possible.

After he had called for three cheers for Warden Martin, which were readily given, and three for State's Attorney Robins, he hoisted Thompson to the table and at once all was still. Thompson, the former head of the local American Legion Post, has been the object of sympathy because he has witnesses to support his story of his being at a motion picture show in alisbury, fourteen miles away, on the night of the lynching.

Throat Sore From Gas.

Hoarsely, Thompson explained that his throat was sore from the tear gas let loose by the soldiers at Salisbury yesterday. He added that Warden Martin had "treated us like perfect gentlemen."

He jumped down and Adkins got up, urging that "everybody be quiet and get this over with."

At 5:30 P. M. Judges Pattison and Duer entered and called the court to order, explaining that owing to a misunderstanding Judge Bailey would not be present.

B. Calvin Trice, attorney for McQuay and Hearn, arose, saying:

"We find that there appears to be no warrant for their arrest or any papers setting forth the charges on which they are held. Likewise, there are no witnesses to give reasons for their being held. I move that they be released."

Loud shouts of "Hooray" and a burst of hand clapping greeted his motion, but Judge Pattison checked the outburst.

"You are in a court of law and I appeal to you to keep your enthusiasm down as much as possible," he declared.

Harry C. Dashiell, attorney for Thompson, and Magistrate Edgar A. Jones, attorney for Adkins, made motions similar to those of Mr. Trice. Then Judge Pattison called on the State.

State's Attorney Robins told the court the Attorney General had not provided him with any writs or warrants for the arrests, and that he therefore had "no objections to the release of the prisoners."

Judge Pattison pronounced the verdict. A few minutes later, the horns and sirens on automobiles parked outside the building shrieked as in a Fourth of July celebration.

MISSOURI OPENS LYNCHING INQUIRY

Times

Governor, Declaring There Was 'No Justification for Mob,' Orders Speedy Action.

11-30-33

SHERIFF TELLS OF ATTACK

New York, N.Y.

Says Surrender of Negro Was Case of 'Have to'—Citizens Back His Stand.

Special to THE NEW YORK TIMES.

ST. JOSEPH, Mo., Nov. 29.—A State investigation ordered by Governor Park was begun here today into the lynching last night of Lloyd Warner, 19-year-old Negro accused of attacking a white girl.

Following a statement in which he declared there was "no justification for the action of the mob," the Governor directed Attorney General McKittrick to launch the inquiry. The latter instructed William Sawyer, an Assistant Attorney General whose home is in St. Joseph, to "cooperate with the prosecuting attorney and sheriff of Buchanan County in obtaining the facts and to attempt to fix the responsibility."

Mr. McKittrick said his office "would assist and aid in the prosecution."

Statement of the Governor.

The Governor's statement was as follows:

"While it appears from press reports that Lloyd Warner, Negro boy lynched by the mob in St. Joseph last night, confessed guilt of a heinous crime, punishable by death, yet there is no justification for the action of the mob.

"Mob violence, whether in punishment of crime or in attempt to obtain alleged civil rights, is always wrong and is destructive of good government. To condone such an offense is to encourage lawlessness, deny the efficiency of courts and the power of constituted authority."

Meanwhile, this Missouri River city was quiet today, following the outburst of last night when Sheriff Otto Theisen yielded Warner to the mob after the interior of the Buchanan County Jail had been wrecked.

He declared it was a case of "have to" when the mob, spurred to action by the appearance of the tank corps of the Thirty-fifth Division and the tossing of a tear bomb into the crowd pressing around the jail, demanded the victim.

Tanks Were Wrecked.

The crowd wrecked the tanks, which had been ordered out by the Governor, and surged on despite the tear gas.

Sheriff Theisen and his family, who live in the jail, were inside it at the time. The Sheriff and twenty or so deputies kept behind the steel door.

"We were not harming any one," the Sheriff said. "I knew if any innocent men were harmed the mob would not be controlled under any circumstances. We just waited.

"Finally we heard the banging on the last door between the jail and the County Court building. We knew they would come in at any time. What were we to do? There were about nine other prisoners, Negroes, in the jail. Would the mob take all of them?"

The Sheriff said he then decided to give in for the safety of his men and the other Negro prisoners, and Warner was surrendered.

The crowd surged into the street with its victim. Shouts went up to "Get it done." The Negro was struck repeatedly and dragged and carried, then strung up.

About fifteen minutes later some one threw gasoline on the body and lighted it. That fire burned a while and died out. Then wood was brought and placed on the asphalt street under the body. Gasoline was poured on it, and this was ignited. The flames shot upward.

For hours crowds pressed around the body. Motor car traffic was jammed.

After attention to the lynching had waned the crowd turned to offer its sympathy to the Sheriff, especially regarding his broken furniture.

Today the city buzzed with discussions of the lynching.

"It's a fine lesson," one sidewalk speaker said to a group. "It won't happen again very soon, you watch and see."

"But what about the dignity of the law?" a doubter asked.

"That's good enough for law," was the reply.

The opinion was expressed generally that the Sheriff did the only thing possible in yielding up the victim. He faced the possibility of bloodshed among the thousands of the mob and his officers, and held that it was better to give in, as the mob was on the verge of breaking the last barrier of the jail.

Confession Reported Repudiated.

By The Associated Press.

ST. JOSEPH, Mo., Nov. 29.—Lloyd Warner was reported to have repudiated a confession police said he made that he had attacked a young white woman.

After appearing in court yesterday, where he tried to plead guilty, the lynching victim told William B. Raez, attorney appointed by the court to represent him, that he did not attack the woman and that he wished to plead not guilty.

Mr. Raez explained today that he went back to the court and reported the Negro's change of mind, but the news was out then that Warner had confessed and it was thought best not to risk bringing him back into court to hear his plea of not guilty for fear of mob action at that time.

Mr. Raez added, however, that he believed the Negro would have changed his mind today and pleaded guilty.

Colonel Marvin Casteel, Superintendent of the State Highway Patrol, who was sent to the scene last night by Governor Park, expressed the opinion that Sheriff Theisen and his deputies had done "a good job under the circumstances."

"It was a regrettable occurrence," Colonel Casteel said, "but there was too much risk of taking human lives to take any other course."

Unofficial records show the lynching was the twenty-third in Missouri since 1900 and the ninetieth since 1889.

note
this Clipping belongs
under Missouri

Lynchings-1933
&
Legal Punishment of Lynchers.

Maryland

4120

MARYLAND TROOPERS REPEL MOB'S ATTACK WITH GAS AND STEEL

FOUR ARRESTS FOR LYNCHING START BATTLE

Telegraph

Salisbury Rioting Ends Only After Soldiers Withdraw With Prisoners

11-29-33

GOVERNOR IS THREATENED

Macon Ga.

Trouble It Result of Surprise Move After Prosecutor Refuses to Act

SALISBURY, Md., Nov. 28 (AP)—A mob of more than a thousand men stormed the state armory here today in an unsuccessful effort to free the four men accused of participating in last month's lynching at Princess Anne.

Beaten back by tear gas and bayonets, the mob dispersed only after the state troopers sent by Governor Albert C. Ritchie to arrest the alleged slayers of George Armwood, a Negro, abandoned their headquarters in the armory and returned to Baltimore with their prisoners.

Cries of, "Lynch Ritchie" and "Lynch Lane" could be heard as the crowd hurled stones at the soldiers surrounding the armory. William Preston Lane, Jr., is the state attorney general and it was during his investigation of the lynching of Armwood last month that the names of nine alleged participants were obtained.

His requests that the state's attorney of Somerset county, John B. Robins, order the nine men arrested were refused by the state's attorney, who contended a grand jury investigation was the proper procedure.

Reporters Are Beleaguered

Even after the state troopers, under the leadership of Lane and Brig. Gen. Milton A. Reckord, state adjutant general, had withdrawn from Salisbury, the mob continued its activities and for a time beleaguered reporters in the city's principal hotel. A movie sound truck was captured and sunk in the Wicomico river.

The turbulent events of the day came directly on the heels of a surprise move by Ritchie and Lane to have the men accused of the lynching arrested.

Troops were mobilized in Baltimore last night and were transported under secrecy to Salisbury, where before daybreak they conducted expeditions into Somerset county, where the lynching occurred, and made the arrests.

However, news of the mobilization leaked out and but four of the nine could be found.

These were brought to Salisbury and placed under special guard in the armory while the troops made additional plans to try to seize the others and prepared to take the prisoners to Princess Anne for a preliminary hearing.

The latter plans were rudely interrupted about mid-morning when the roads leading from nearby counties on the Eastern Shore, Delaware and Virginia brought vehicle after vehicle loaded with men.

Prisoners Taken to Baltimore

BALTIMORE, Nov. 28 (AP)—Battered, bruised and drenched, national guardsmen and state police arrived in Baltimore tonight with the four Princess Anne lynching suspects over whom the officers battled a mob in Salisbury today.

Less than 100 persons gathered about the city jail as the bus carrying the officers and their prisoners arrived at dusk. There was no demonstration.

Many of the guardsmen, their uniforms still wet from barrages of water that shot into them from a Salisbury fire house, bore cuts and scratches.

The trip from Salisbury was without incident.

RITCHIE ABANDONS ANTI-MOB EFFORT

Local Authorities Will Be Allowed to Proceed Against Men Accused of Lynching

BALTIMORE, Nov. 30 (AP)—The investigation into the lynching of a Negro at Princess Anne last month was dropped by state authorities today to allow the officials of Somerset county, where the mob hanging occurred, to proceed as they had suggested.

Telegraph
12-1-33
Macon Ga.

George Armwood, the Negro, accused of attacking an aged white woman, was taken from the Princess Anne jail on the night of Oct. 18 by a mob of more than 1,000 men, women and youths, and hanged. An attempt was made to burn his body.

Having failed to secure from the civil authorities the arrests and procedure they asked, and having secured four of those arrests through the use of troops, only to see the prisoners turned loose by the district judges on writs of habeas corpus, Governor Ritchie and Attorney General William Preston Lane, Jr., today announced they would retire from the forefront of the picture.

The local authorities, on the other hand, will proceed as the local prosecutor suggested in the first place. The evidence against the lynching suspects will be brought out—but in a secret grand jury hearing rather than a public hearing asked by the state.

Tomorrow or the next day the three judges of the first judicial district—two of whom turned loose the troop-arrested prisoners yesterday—will meet at Cambridge with the local prosecutor, State's Attorney John B. Robins, and decide when the Somerset county grand jury will be recomended. The judges already have said the jury will be called but have not set the date.

Attempt Of Mob To Free Lynch Suspects Foiled

Advertiser
11-29-33

Enraged Citizens Pursue State Attorney General, Demand Ritchie's Scalp

Montgomery, Ala.

Troops In Action

But Firemen Turn Water On Soldiers As Rioting Spreads In Maryland

SALISBURY, MD., Nov. 28.—(AP)—A mob of more than a thousand men stormed the State Armory today in an unsuccessful effort to free the four men accused of participating in last month's lynching at Princess Anne.

Beaten back by tear gas and bayonets, the mob dispersed only after the State troopers, sent by Gov. Albert C. Ritchie to arrest the alleged slayers of George Armwood, a negro, abandoned their headquarters in the armory and returned to Baltimore with their prisoner.

Cries of "Lynch Ritchie" and "Lynch Lane" could be heard as the crowd hurled stones at the soldiers surrounding the armory. William Preston Lane, Jr., is the State attorney general and it was during his investigation of the lynching of Armwood last month that the names of nine alleged participants were obtained.

His requests that the State's Attorney of Somerset County, John B. Robins, order the nine men arrested were refused by the State's Attorney, who contended a Grand Jury investigation was the proper procedure.

Mob Continues Active

Even after the State troops, under the leadership of Lane and Brig. Gen. Milton A. Reckord, State adjutant general, had withdrawn from Salisbury, the mob continued its activities and for a time beleaguered reporters in the city's principal hotel. A movie sound truck was captured and sunk in the Wicomico River.

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However, news of the mobilization leaked out and but four of the nine could be found.

These were brought to Salisbury and placed under special guard in the armory while the troops made additional plans to try to seize the others and prepared to take the prisoners to Princess Anne for a preliminary hearing.

Throngs Closed Roads

The latter plans were rudely interrupted about mid-morning when the roads leading from nearby counties on the Eastern shore, Delaware and Virginia brought vehicle after vehicle loaded with men.

They gathered around the armory.

As they gradually pushed to the doorways, the officers ordered them to disperse.

"Get back," Reckord called. "We don't want to hurt you."

"What right have you got to come here and rule our streets?" a middle-aged man shouted.

The crowd continued to come forward and the soldiers responded by cutting loose a barrage of tear gas. The crowd fell back momentarily, but again advanced. This necessitated another barrage and this time the crowd stayed back. The soldiers maintained their vigil with drawn bayonets.

In Annapolis Gov. Ritchie, who has been ill, was informed of the plight of the soldiers. He talked to Gen. Reckord by telephone and was informed that the situation was "well in hand."

At noon, the movement away from the armory was begun and the soldiers and State patrolmen, who had accompanied them, bundled the four prisoners in the buses waiting for them and moved slowly out of Salisbury.

Crowd Seeks Lane

The crowd then began to search for Atty. Gen. Lane and as he left, the windows of the automobile in which he was riding were broken.

Another automobile, mistakenly believed to be Lane's, was overturned. The occupant, who remained unidentified, protested he was not Lane as he crawled out.

Two other automobiles were overturned, and one of them caught fire.

Then the crowd moved to the nearby hotel and demanded of the management that newspaper reporters be brought out. Most of the reporters were sent out by a side entrance, but several remained until late in the afternoon when Secretary of State [illegible] Winebrenner, III, sent an automobile for them.

Advertiser
11-29-33
Montgomery Ala.

MARYLAND QUITS SIFTING LYNCHING

Advertiser

Even I. L. D. Dissatisfied With Ritchie's Actions; Future Of Probe In Doubt

12-1-33

Montgomery, Ala

BALTIMORE, Nov. 30—(AP)—The investigation into the lynching of a negro at Princess Anne last month was dropped by State authorities today to allow the [illegible] County, where the mob-hanging occurred, to proceed as they had suggested.

George Armwood, the negro, accused of attacking an aged white woman, was taken from the Princess Anne Jail on the night of Oct. 18 by a mob of more than 1,000 men, women and youths and hanged. An attempt was made to burn his body.

I. L. D. SCOWLS TOO

NEW YORK, Nov. 30.—(AP)—William L. Patterson, national secretary of the International Labor Defense, today sent the following telegram to Gov. Albert C. Ritchie, of Maryland:

"Demand use of militia and arming of Eastern shore negroes to protect selves against mobs incited by your provocative expedition. Protest your provocation followed by withdrawal of protection. Demand indictment by State Legislature of Armwood lynchers. Indictment of leaders of gang who drove negroes out Princess Anne last night."

Having failed to secure from the civil authorities the arrests and procedure they asked; and having secured four of those arrests through the use of troops only to see the prisoners turned loose by the district judges on writs of habeas corpus, Gov. Ritchie and Atty. Gen. William Preston Lane, Jr., today announced they would retire from the forefront of the picture.

The local authorities, on the other hand, will proceed as the local prosecutor suggested in the first place. The evidence against the lynching suspects will be brought out—but in a secret Grand Jury hearing rather than a public hearing asked by the State.

Tomorrow or the next day the three judges of the First Judicial District—two of them turned loose the troop-arrested prisoners yesterday—will meet at Cambridge with the local prosecutor State's Atty. John B. Robins, and decide when the Somerset County Grand Jury will be reconvened. The judges already have said the jury will be called but have not set the date.

RITCHIE ABANDONS LYNCHING ACTION

Press

Governor Leaves the Princess Anne Hanging to Court in Somerset County.

12-1-33

DISTRICT JUDGES TO MEET

New York, N.Y.

Three Will Call Grand Jury Monday to Sift Evidence of Mob Attack on Jail.

BALTIMORE, Nov. 30 (AP).—The investigation into the lynching of a Negro at Princess Anne last month was dropped by State authorities today to allow the officials of Somerset County, where the mob hanging occurred, to proceed as they had suggested.

George Armwood, the Negro accused of attacking an aged white woman, was t aken from the Princess Anne jail on the night of Oct. 18 by a mob of more than 1,000 men, women and youths and hanged. An attempt was made to burn his body.

Having failed to obtain from the civil authorities the arrests and procedure they asked, and having made four arrests through the use of troops only to see the prisoners turned loose by the district judges on writs of habeas corpus, Governor Ritchie and Attorney General Lane announced today that they would let the judiciary handle the case.

The county authorities will proceed as the local prosecutor suggested in the first place. The evidence against the lynching suspects will be brought out, but in a secret grand jury hearing rather than a public hearing asked by the State.

Tomorrow or the next day the three judges of the First Judicial District, two of whom turned loose the troop-arrested prisoners yesterday, will meet at Cambridge with the State's attorney, John R. Robins, and decide when the Somerset County grand jury will be reconvened. Hhe judges have said the jury will be called but have not set the date.

"And when the jury is convened," said Mr. Robins today, "I will summon all wtinesses, including those State policemen who in affidavits given to the Attorney General named some men they say participated in the lynching."

Policemen Named 4 Released.

Mr. Robins said that the affidavits of the State policemen, who were beaten back when the mob which stormed the Princess Anne jail, named among others the four men who were arrested by troops and released by the judges.

They were William Thompson, Princess Anne druggist; Irving Adkins, Princess Anne special police officer; William Hearn of Shad Point and William McQuay of Pocomoke City.

When Mr. Robins said he had a copy of the affidavits made by the policemen he was asked why he told Judges John R. Pattison and Robert F. Duer at the habeas corpus hearing yesterday that he had no evidence.

"Why, you can't introduce affidavits in a case like that," he answered. "Those prisoners were entitled to be faced by the witnesses against them, and to cross-examine those witnesses. I can't imagine what the Attorney General was thinking about. He ought to have known I could not do that."

Turbulence Dies Down.

By JAMES MacDONALD.

Special to THE NEW YORK TIMES.

PRINCESS ANNE, Md., Nov. 30.—The turbulence which has raged here and in neighboring communities for three days gave way today to a feeling of general satisfaction at the release yesterday of four white men arrested by militia Tuesday morning in connection with the lynching of a Negro Oct. 18.

In contrast to the atmosphere of defiance of law and order which prevailed after the arrests, this village, the seat of Somerset County, and surrounding communities settled down to a contented celebration of Thanksgiving.

The lynching of Armwood will be taken up by the Somerset County grand jury soon, but there appeared today to be little doubt among the citizenry that no one would be accused of his slaying.

The grand jury is composed, of course, of taxpayers of Somerset County. Residents of the county have almost unanimously deplored the arrests of the four men before daybreak Tuesday in connection with the lynching.

W. H. Thompson one of those arrested by the militia, bustled behind his soda fountain today, conducting business as usual, receiving congratulations from his neighbors at his release and chatting amiably with friends. He refused abruptly to make any statement to reporters.

The other men who were released with him were not reached.

Negro Shot by Accident.

PRINCESS ANNE, Md., Nov. 30 (AP).—William Jones, 26, a Negro, was shot in the leg early today by a group of young white men celebrating the release of four men arrested for the lynching of a Negro here last month. The shooting was said to be accidental. No arrest was attempted.

The young men had gathered in the street around a fire of Baltimore newspapers which carried accounts of the arrest by soldiers of the four alleged lynchers. While the flames mounted high, one of the group began firing a revolver. Five or more shots were fired. Jones was some distance away when he was hit.

The Negro was taken to a doctor by white men, who later carried him home.

Two Men Are Jailed In Missouri Lynching

Enquirer

12-3-33

Cincinnati, O.

ST. JOSEPH, Mo., Dec. 2.—(UP) Two men were arrested by local police today as suspects in the lynching of Lloyd Warner, confessed negro attacker of a white girl here Tuesday night.

Police withheld names of the suspects. One was known to have denied a charge that he attached a chain to the main door of the Buchanan county jail, where the negro was confined. A truck was used to pull the door from the building.

The arrests came after assistant Attorney General W. O. Sawyer, detailed to make an investigation of the mob action on behalf of the state, reported that he had made no progress.

Sawyer announced he would remain here and continue his investigation.

Ritchie Sends Troops To Lynching Vicinity

11-28-33

BALTIMORE, Nov. [illegible]—(Tuesday)—(AP)—The fifth regiment of the Maryland national guard early this morning left Baltimore headed toward Somerset county. The Baltimore Sun says the soldiers were sent to arrest nine alleged participants in last month's lynching at Princess Anne.

Officers in charge refused to make any statements as the soldiers, carrying full equipment and accompanied by trucks loaded with food, left the city headed for the Eastern Shore.

The mobilization of the troops, according to the Sun, is the governor's answer to State's Attorney John B. Robins who has refused to arrest the nine men whom state policemen have identified as participating in last month's lynching at Princess Anne.

LYNCH ACTION IS SOUGHT BY COUNTY

News

Prosecution Planned After State Officials Step Out Of Picture

12-2-33

BALTIMORE — (AP) — Somerset County Friday moved along its course to bring the persons who participated in last month's lynching of a Negro at Princess Anne, to trial without the aid and suggestion of state officials.

Birmingham, Ala.

The three judges of the First Judicial Circuit were to meet in Cambridge Friday or Saturday to set the date for the recall of the Grand Jury to hear any evidence to be produced by State's Attorney Robins.

Gov. Ritchie and Atty. Gen. Lane announced Thursday, after their efforts to hold four men for alleged participation in the lynching had failed, that they had withdrawn from the picture.

Saying he planned "a wide and exhaustive investigation immediately," State's Attorney Robins asserted he would summon before the Grand Jury "all witnesses, including state policemen who in affidavits given the attorney general named some men they say participated in the lynching."

The criticism by Gov. Ritchie that the habeas corpus hearing of four suspects arrested by the militia sent by him into the section was held without the attorney general being given sufficient time to prepare his evidence, brought a formal denial from Judge Duer of Princess Anne.

Judge Duer said the attorney general had been notified at least six hours before the hearing and "if Atty. Gen. Lane was ready for a hearing on the day of the arrest, there was no valid reason why he could not be ready for a hearing on the afternoon of the following day."

Princess Anne, where George Armwood was hanged by a mob Oct. 18, was quiet during the past 24 hours, after the celebration over the release of the four arrested suspects—William H. Thompson, Irving Adkins, William Hearn and William McQuay.

Lynchings-1933

Legal Punishment of Lynchers.

Maryland

4121

Birmingham, Ala., News
November 19, 1933

Maryland Moves To Punish Her Lynchers

Some weeks ago Gerald W. Johnson wrote in The Baltimore Evening Sun a peculiarly emotional article in which he expressed strong disbelief that Maryland would do anything whatever about the brutal lynching of a Negro at Princess Ann on Oct. 18. In his article, Mr. Johnson passionately declared that anyone who expected that efforts would be made to punish the perpetrators of the crime would indeed be an optimist.

But subsequent events in Maryland give rise to the opinion that Gerald Johnson may have expressed an undue amount of hopelessness. The latest word from Baltimore is that the state authorities have taken leadership in the Princess Ann affair. In fact, the attorney general of Maryland has gone so far as to request the arrest of nine persons supposed to have been connected with the beastly performance which took place in the backward eastern section of that fine state.

In a message to the state's attorney at Princess Ann, Atty. Gen. Lane identified "by name, address and occupation nine persons who participated in the crime." Further than this, Mr. Lane also described the part which each of the named individuals played in the horrible affair of last month. "To kill by lynching is to commit murder," declared Atty. Gen. Lane in his message to the attorney at Princess Ann. "The leading of the crowd to the jail, the assault upon it and any effort to break into it, or inciting the mob to do so, and the taking of the Negro out of the jail, are all a part of the same crime."

Evidently the guardians of the good name of the state of Maryland are not willing to allow this disgraceful lynching to be ignored by the passive, and apparently self-assured, officials of Somerset County. Recognizing the fact that the local officials have shown not the slightest inclination to uphold the dignity of the law in their community, the respectable central government of Maryland has determined to play a strong hand. Instead of relying upon an apathetic set of local officials, state police and Baltimore detectives took steps leading to the identification of members of the mob.

Of course it must be understood that the identification of the Maryland lynchers was relatively easy. Men, women and children seem to have taken part in the daylight affair. There was nothing hidden or secret about the personnel of the hysterical procession. Thus, the point is not so much that the state of Maryland is to be congratulated upon its detective work as upon its apparent determination to impress the population of its Eastern Shore that the taking of life by mob violence is a crime which the state will not tolerate, even if the local officials do not see fit to take any action in such matters.

NO MOVE YET IN ARMWOOD LYNCH INQUIRY

Afro-American 11-25-33

Circuit Court Judges Adjourn; Don't Consider Evidence.

Baltimore, Md.

ROBINS REFUSED TO TAKE ACTION

Ritchie Has Faith in Officials' Integrity.

PRINCESS ANNE, Md.—Running counter to the expectations of Governor Albert C. Ritchie, who announced that he had confidence in their ability to make a decision, Judges Dyer, Pattison, and Bailey adjourned their joint conference Monday without taking action on the nine names submitted, by Attorney General Preston Lane, Jr., as participants in the lynching of George Armwood.

The judges made no formal announcement of any concrete achievement in spite of the fact that their conference came as an aftermath of State's Attorney John B. Robins's flat refusal to arrest any of the alleged mob members.

With Somerset County officials refusing to arrest nine alleged participants in the lynching of George Armwood, at Princess Anne on October 18, further action in the matter was left up to Attorney-General Preston Lane, by Governor Albert C. Ritchie, Monday.

Following the refusal of John B. Robins, attorney for Somerset County, to arrest nine persons identified by name, address, occupation and the part they allegedly took in the lynching, Attorney General Lane threatened to bring charges of malfeasance in office against the county state's attorney, Governor Ritchie ordered the three judges of the first judicial circuit, Joseph L. Bailey, John R. Pattison and Robert F. Duer, to attend a meeting at Cambridge on the lynching and possible arrest of the alleged lynchers.
possible arrest of the alleged lynchers.

Got Evidence.

On Thursday, Attorney General William Preston Lane, sent a registered letter to John B. Robins, state's attorney of Somerset County, with the names of nine persons stating their names, addresses, occupation and the part they allegedly took in the lynching of Armwood. The attorney general demanded their arrest and that they be brought before a magistrate for a hearing.

Feared Trouble.

The following day Robins forwarded a letter to Lane refusing to swear out warrants for the arrests of the nine persons on the grounds that to do so would cause trouble and that the routine was not as he wanted it. He flatly refused to have the nine persons arrested, stating that the matter of procedure in the case should be that the evidence be secretly given before the grand jury they find true bills, that the arrests be made. Mr. Lane then asked for magistrates' warrants.

Accusations that the county prosecutor was violating the oath of his office were made by Mr. Lane, who stated that Robins did not want a magistrate's hearing, as it would make public the evidence and the names of the accused persons. Should the evidence be given before the grand jury and that body fail to indict, which is probable, the facts and names of the accused persons would never be disclosed. A map showing what the nine men did and where they did it was also sent by Attorney General Lane.

During the whole dispute between the county officials and the attorney general, Governor Ritchie when questioned on the matter after reading the original letter and the county official's reply stated he would make no comment until he had discussed the matter with Lane, if at all.

OUSTER IS HINTED IN LYNCHING CASE

Ritchie Suggests Judges Remove Attorney Who Refused Arrests.

BALTIMORE, Nov. 1[illegible]—(AP)—Governor Albert C. Ritchie today suggested that circuit judges remove State's Attorney John B. Robins of Somerset county unless he [illegible] arrested the nine men, who eye-witnesses have sworn had a part in the lynching at Princess, Md., last month.

"If Mr. Robins does persist (in refusing to have the men arrested) then the judges will, I feel sure, consider the appointment of some one in Mr. Robins' place to [illegible] as state's attorney in the prosecution and trial of these charges, and perform the duties which Mr. Robins will not perform," stated the governor.

The evidence against the nine was collected by Attorney-General William Preston Lane Jr., largely from policemen who were beaten back by the mob which stormed the Somerset jail and lynched George Armwood, negro charged with attacking an aged white woman.

Lane forwarded the evidence to Robins and asked that the nine be arrested immediately and brought before a magistrate to decide whether or not they should be held for the grand jury. Robins refused to make the arrests, saying that he believed a mob would take the men from the jail if the magistrate sent them there. He suggested instead that the evidence be submitted to the grand jury at its customary secret meeting.

Lane's reasons "are obviously sound," stated Ritchie today. "If there is a hearing before a committing magistrate the facts will be disclosed to the public and the responsibility for following them through will be clearly centered."

MAKE LYNCHERS PAY, IS WALTER WHITE'S PLAN

Afro-American 11-25-33

Maryland Is Behind Other States in Anti-Mob Legislation.

Baltimore, Md.

FIGHT LAUNDRY CODE IN D.C.

Md. to be the Scene of Teachers' Pay Battle.

BALTIMORE, Md.—

"When you hit the pocketbook nerve of a lyncher you can hit no nerve more vital," declared Walter White, N.A.A.C.P. secretary, speaking at Metropolitan M.E. Church Friday night in a protest meeting against lynching and a review of the Crawford case, called by the local branch of the NA.A.C.P.

Mr. White went immediately into his talk, speaking swiftly and concisely, in a rapid-fire array of facts and information.

He expressed grave concern over the "recrudescence of the bestial crime of lynching," stating that mob action was all the more important because of its fundamental causes.

Mr. White said that there could be accurately counted 22 lynchings this year, with cases now being investigated expected to swell that number. He contrasted this with 10 lynchings in 1932, seeking to assign a reason for this increase.

He mentioned the lynching by Dixie posses, cloaking the lawless acts of mob-minded persons with the majesty of the law.

Hughes Fled for Life

Paying his respects to the NRA he told of the case of the Rev. Mr. Hughes of Selma, Alabama, who, asked to countenance an NRA wage differential, giving Negroes lower pay, flatly refused and was forced to flee the town to save his life.

Mr. White cited an opinion by an eminent jurist, supporting the statement that Federal officials have authority to punish lynchers. He mentioned this authority in reference to the Tuscaloosa, Ala., lynching of Pippen and Harden, in which the sheriff is said to have handed over the keys to the mobsters.

Maryland Is Behind

"Maryland is behind many other states which are further South," said the speaker, "in the matter of writing lynch legislation on its statute books."

Citing from a book of statutes, he stated that Maryland's only anti-lynch legislation consisted of a clause providing damages where a mob injured or destroyed property. The injuring or destroying of human life in this state brought no punitive damages upon the state or its citizens, he said.

Mr. White urged the passage of anti-lynching legislation in Maryland. He deplored the activity of this state in concerning itself with liquor regulation when the more vital problem of lynching was being virtually ignored.

Will Present Bill

At the coming session of Congress, he said, there will be introduced a Federal anti-lynching law. This bill will be ready for presentation on the opening day, he stated.

The Mississippi flood project next drew the attention of the speaker, as he told of workers being underpaid and overworked. Before N.A.A.C.P. intervention in this case, 10 cents an hour for from 14 to 18 hours a day work was the case.

Now, 40 cents an hour is being paid for a 30-hour week, he said adding that a quarter of a million dollars a year in wages was thus secured.

Applause was drawn from the audience when Mr. White declared that there "is no discrimination in the levying of taxes," although discrimination and segregation are found everywhere else.

Jim Crow Schools Bad

He paid his respects to segregated schools, in passing, calling them a shortsighted and vicious practice. It was his belief that colored teachers should be admitted to all schools as teachers.

The unequal salaries paid teachers in North Carolina is being made the basis of a fight now being waged by the N.A.A.C.P., he said, adding that Maryland will be the scene of a similar fight, soon to get underway.

Labeling the recently proposed laundry code as the most vicious ever presented, Mr. White spoke strongly against the offer of 14 cents an hour to Southern women laundry workers. He said that when the code hearing opened in Washington this week, briefs protesting it would be presented, in an effort to have it fail of being accepted by the NRA.

Praises Crawford Lawyers

The speaker swiftly recounted the Crawford case in Virginia where he was a spectator. The lawyers for the defense drew warm praise from Mr. White, for the "able, brilliant and courageous" way in which they handled the case.

"It means a new day in Loudoun County," he said, in telling of the dignified manner in which Charles Houston, Howard law school dean and head defense counsel, forced the court to admit that there were qualified colored jurors in Loudoun County.

Sheepish grins were seen as the speaker said, "The Baltimore branch of the N.A.A.C.P. is lethargic, although at times emerging into an outburst of activity. Always, such outbursts are followed by another lethargic spell." He urged a more active interest by local members in the national association and the local branch.

Could Prevent Lynchings

That the local branch, had it been wide-awake and active, could have prevented the lynchings of Matthew Williams and George Armwood, was the opinion of Mr. White, as he asked that the Baltimore branch be built up into an effective organization.

The Rev. Mr. Trigg read a resolution demanding that the Maryland legislature pass an anti-lynching bill "with teeth in it." The resolution also asked for a Federal anti-lynch law. Governor B. M. Miller of Alabama, was also asked in the resolution, to protect the Scottsboro boys at the November 27 trials.

This resolution was adopted by N.A.A.C.P. members present.

Others taking part on the program were: the Southern Quartet, singing two selections; the Rev. George B. Curry, district superintendent of the North Baltimore District of the M.E. Church; the Rev. George F. Bragg, Jr., and Howard Gross, principal of P.S. 101.

Reds Outside

At the conclusion of the meeting the body unanimously adopted a resolution endorsing the passage of an anti-lynching bill. As the meeting was being held, Communist organizers were distributing bills outside the church announcing the lynch tribunal to be held Saturday night. Mr. White expected to be heckled by Red sympathizers because he refused to accept an invitation to attend, but no trouble developed.

The resolution adopted was as follows:

RESOLUTION

Citizens of Baltimore in mass meeting assembled unanimously demand that the present special session of the legislature of Maryland pass a law with teeth in it to suppress the barbaric practice of lynching. We urge that this take precedence over all other legislation for human life is involved and is infinitely more important than regulating the manner in which people shall drink.

We call upon Governor Albert C. Ritchie to exert himself to the utmost to insure the prompt passage of this legislation. We specifically urge that provision be made in the law for payment of not less than twenty-five hundred dollars (2,500) to the nearest of kin of the person lynched by the county in which the lynching occurs and that authority be given to the Governor to send troops to any part of the state where a lynching is threatened without waiting for request from the county for such troops. We further urge that the Governor be given authority to remove summarily sheriffs, deputy sheriffs, or any other officials charged with the responsibility of protecting prisoners automatically upon the occurrence of a lynching.

We further call upon the two United States Senators from Maryland and each member of the lower house of Congress from the state to pledge unequivocally in writing that he will support and vote for a federal law against lynching which will be introduced in the coming session of Congress, such law being necessary to supplement state action. We serve notice herewith upon state legislators, Congressmen and senators that we will accept no weasel words or equivocation in this matter. Failure to vote for such legislation will be considered prima facie evidence of hostility to the interests of Negroes who are chief sufferers from lynching. We pledge ourselves to keep a careful record of the actions and words of each of these elected officials and to act accordingly upon their presenting themselves for re-election.

We further urge Governor B. M. Miller, of Alabama, to take every means at his command, even to the extent of calling for federal troops, to prevent mob violence at the coming trial of the Scottsboro cases.

ASK RITCHIE IMPEACHMENT

Lynching Foes Invade Maryland State House With Bill.

New York

12-5-33

Special to THE NEW YORK TIMES.

ANNAPOLIS, Md., Dec. 4.—Bernard Ades, Communist lawyer, today led a delegation of one white man and nineteen Negroes from Baltimore into the State House and demanded the impeachment of Governor Ritchie and the elimination of all racial discrimination throughout the State.

Ades and his group presented their request to Senator E. Milton Altfeld and Delegate Alexander Goodman, both of whom represent the fourth district, which contains a large part of Baltimore's Negro population.

Delegate Goodman promised he would introduce the bill which Ades brought with him—a measure providing life-term punishment for all members of lynching mobs and wiping out all racial discrimination. Goodman did not promise to support the bill.

Ades denounced Governor Ritchie because the National Guard withdrew from the eastern shore and left the Negro population "to the fury of the lynch mob."

"The subsequent driving out of 300 Negroes from their homes by the mob can be placed directly at the door of the Governor," Ades said.

State's Demand For Lynching Arrests Defied

NOV 18 1933

Maryland Prosecutor Refuses to Jail Suspects Lest New Mob Liberate Them

N. Y. HERALD

Awaits Grand Jury Action

Nine Identified by Eye-Witnesses, Legal Head Says

By The Associated Press

CRISFIELD, Md., Nov. 17.—State's Attorney John B. Robins said today that if he submitted to Attorney General William Preston Lane jr.'s request to have nine men arrested for the Princess Anne lynching of October 18, another mob probably would take them out.

"I don't believe those men would stay in jail," said Robins. "I believe a crowd would form and take them away."

The Attorney General announced last night he had forwarded the names of nine persons alleged to have been members of the mob that lynched George Armwood, a Negro, and asked Robins to have them arrested and taken before a magistrate.

Refuses to Make Arrests

"If Lane wants those men arrested let him come down here and arrest them," the Somerset County State's Attorney said today.

"I am in full accord with the Attorney General in wanting a full and thorough investigation, but I am opposed to the procedure he advises.

"He wants to have the nine men arrested and taken before a magistrate. If we did that there would be lots of excitement and lots of publicity. The magistrate might feel that he should order those men held on a charge of murder and they would be put in jail without bail.

"I seriously doubt that they would stay there.

"I gave Lane my reasons in the letter he received this morning. I told him that the grand jury would be recalled whenever he wanted it and that we would take all his witnesses before the grand jury. If indictments were returned, we could then have the men arrested on a capias."

Robins made his statement today after Lane, in Baltimore, had declined to make public Robins letter.

Eye-Witnesses Name Man

"I have stated my position," said the Attorney General. "If Robins wants to make his views public, I have no objections.

"I don't know what he will do, but it's up to him. I can't go down there and dictate to him."

Lane said he would write Robins today.

Last night the Attorney General announced that he had sent Robins information concerning eye-witness testimony naming nine men and giving the part each was alleged to have taken in the lynching.

"I even drew maps showing what they did and where they were," he said.

Lane asked that Robins have the nine arrested and brought before a magistrate for a preliminary hearing. If the magistrate found probable cause, the nine then would be held for the grand jury, he said.

MARYLAND SHERIFF REFUSES TROOP REQUEST

12-9-33

PRINCESS ANNE, Md., Dec. 8.—(UP)—Earl Collins, charged with slaying Mrs. Minnie Taylor, [illegible], was in the county prison tonight after an armed posse captured him in the marshes of lower Maryland.

A request for state police to aid in guarding the man was denied, Sheriff Luther Daugherty said.

Collins is accused of killing the girl when she is said to have spurned his advances shortly after she left her husband three months ago. The shooting occurred last Wednesday as Mrs. Taylor was talking with friends in her father's grocery store at Crisfield.

Daugherty was summoned to take charge of Collins after the posse, led by Mrs. Taylor's father, Lee Jones, and eight of her brothers, surrounded him after a two-day search.

"I have advised everybody in the county that we don't want any more lynchings on the Eastern Shore" the sheriff told the United Press, "and I am sure that the law will take its course."

Daugherty unsuccessfully attempted to prevent a mob lynching a negro, charged with attacking an aged white woman, several months ago.

N. Y. TIMES

NOV 18 1933

FEAR OF MOB BARS LYNCHING ARRESTS

Maryland Prosecutor Tells Attorney General Jailing of 9 Means 'Trouble.'

ASKS INDICTMENTS FIRST

Ritchie Praises State Official for Identifying the Alleged Leaders in Killing of Negro.

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Special to THE NEW YORK TIMES.

BALTIMORE, Nov. 17.—If any attempt is made to arrest the nine persons named by Attorney General William Preston Lane of Maryland as having participated in the lynching Oct. 18 of George Armwood, a Negro, in the town of Princess Anne, Somerset County, serious mob violence probably would arise, State's Attorney John B. Robins of that county advised Mr. Lane in a long letter today. The Attorney General had asked for the arrest of the nine.

Mr. Robins warned that "we cannot judge the temper of a crowd inflamed by passion," and indicated clearly that, if arrests were made, the citizens of the county would promptly liberate the prisoners.

"If the Sheriff should endeavor to take them to Baltimore City for safe keeping, I doubt seriously if it could be done without serious trouble," Mr. Robins wrote.

When Attorney General Lane received Mr. Robins's letter, he said:

"The fact that Mr. Robins does not agree to my position and that he has so far not made any arrests, does not necessarily mean that he will not. I can't go down there and dictate to him, though. The matter is up to him."

Governor Ritchie, aware of the interchange of letters between the two prosecuting officials, praised Mr. Lane for his activity in the lynching investigation. The Governor denied making a statement attributed to him that "the entire responsibility for further investigation now lies with the Somerset County authorities."

Mr. Robins, replying to this report, declared that on the contrary, the next move was up to Mr. Lane. In his letter to the Attorney General, he said, he suggested that the Somerset County grand jury be reconvened and all lynching data be placed before it.

In his letter to Mr. Lane, he said that, aside from the imminent danger of mob action to release the nine from jail if they should be imprisoned, he disagreed with Mr. Lane as to the procedure in arresting the men named, in advance of an indictment by the grand jury.

Lynchings-1933 I.
Legal Punishment of Lynchers.

Maryland

4118

16 Witnesses Called In Lynching of Negro

Constitution

10-24-33

PRINCESS ANNE, Md., Oct. 23. (AP)—State's Attorney John B. Robins, of Somerset County, announced tonight he had summoned 16 civilians, described as eye-witnesses, to appear at the opening of the hearing tomorrow into the lynching last Wednesday night of George Armwood, a negro accused of attacking a white woman.

Robins declined to reveal the identity of his witnesses, but asserted that none was believed to have participated actually in the actions of the mob in dragging the negro from the county jail after a fight with the state police and hanging him near the village limits.

DEMAND RITCHIE OUSTER

Courier

10-27-33

Pittsburgh Pa.

BALTIMORE, Oct. 26—While investigations were launched Thursday into Wednesday night's lynching in Princess Anne, a demand was made here for the impeachment of Governor Albert Ritchie.

The demand came from the state committee of the Socialist party of Maryland in a special meeting. Ritchie was charged with "criminal neglect of duty."

The committee also asked for removal from office of Judge Robert F. Duer and State's Attorney John B. Robins of Somerset county, and called for their prosecution "on charges of second degree manslaughter."

The governor was criticized for having permitted the removal to Princess Anne from Baltimore of George Armwood, colored, held for an alleged assault upon an 81-year-old white farm woman.

"Apparently few people understand the governor's authority in such maters," said Ritchie when informed of the socialists' resolution and the general criticism. "So I have asked the attorney general to set them straight."

"Governor Ritchie had no authority in the matter," said Attorney General William Preston Lane, Jr. "As a matter of fact, under the Maryland law neither did the judge nor the state's attorney. There is just one individual responsible for the custody of a prisoner, just one individual that can order his removal, and that's the sheriff."

Armwood was lynched by a mob that stormed the jail and overpowered the state police. He was hung from a tree after being dragged behind an automobile through the town's main streets, and his gasoline-saturated nude body was burned in front of the court house.

Armwood was brought to Baltimore immediately after his arrest, but after spending Tuesday in jail here was taken back to Princess Anne.

In placing the blame on Judge Duer and State's Attorney Robins for the lynching, Ritchie said the state's attorney had insisted that Armwood be returned to Somerset county and Judge Duer had assured him the prisoner would be safe.

N. Y. HERALD

OCT 20 1933

Socialists Urge Ritchie's Ouster Over Lynching

Maryland State Committee of Party Calls Governor 'Neglectful of His Duties'

Reds Also Join in Furor

Inquiry in Death of Negro at Princess Anne Is Begun

By The Associated Press

BALTIMORE, Oct. 19.—While investigations were started today into last night's lynching in Princess Anne, a demand was made here for the impeachment of Governor Albert C. Ritchie. The demand came from the state committee of the Socialist party of Maryland in a special meeting. Governor Ritchie was charged with "criminal neglect of duty."

The committee also asked for removal from office of Judge Robert F. Duer and State's Attorney John B. Robins, of Somerset County, and called for their prosecution "on charges of second degree manslaughter."

The Governor was criticized for having permitted the removal to Princess Anne from Baltimore of George Armwood, a Negro, held for assaulting an eighty-one-year-old white farm woman.

Armwood was lynched by a mob which stormed the jail and overpowered state police. He was hanged to a tree after being dragged behind an automobile through the town's main streets, and his gasoline-saturated nude body was burned in front of the courthouse.

The Negro was arrested on Monday after Mrs. Mary Denston, the farm woman, was attacked near her home in lower Somerset County. Police said Armwood confessed. He was brought to Baltimore immediately after his arrest, but, after passing Tuesday in jail here, was taken back to Princess Anne.

Communists Demand Pardon

Under guard of eighty policemen, several hundred persons gathered at the City Hall Plaza this afternoon to listen to speakers of the International Labor Defense League urge a pardon for Euel Lee, a Negro, under sentence to be executed for murder.

The gathering was simultaneous with a hearing in Governor Ritchie's Baltimore office, where attorneys for Lee unsuccessfully pleaded for clemency. At the conclusion the Governor denied their request and set October 27 as the date for Lee's execution.

The Negro was convicted of the murder of Green K. Davis, an Eastern Shore farmer. He also was charged with shooting and hacking into pieces Davis's wife and their two children.

The murders occurred two years ago, but, after one conviction, Lee obtained a new trial because there were no Negroes on the jury panel. A second trial resulted in conviction, and several weeks ago the United States Supreme Court declined to review the evidence.

Ritchie Assigns Onus for Act

In the gathering at the City Hall Plaza the speakers talked from the open body of a light truck on which they had erected a gibbet from which dangled a rope noose. Marchers accompanying the truck carried placards bearing legends which read: "Euel Lee shall not hang" and "Down with Jim Crow laws."

In placing the blame on Judge Duer and State's Attorney Robins for the Princess Anne lynching, Governor Ritchie said the State's Attorney had insisted that Armwood be returned to Somerset County and Judge Duer had assured him the Negro would be safe. Neither Judge Duer or the State's Attorney would comment on the Governor's statement today.

At the same time the Socialists adopted their resolutions, Bernard Ades, attorney here for the Communistic International Labor Defense, said "If Governor Ritchie is sincere in his statement that responsibility rests not on him, but on Judge Duer and Mr. Robins, let him order their arrests."

Attorney General Investigating

The Governor today placed the investigation of the lynching in the hands of William Preston Lane jr., Maryland's Attorney General. Conferences were held during the morning in Crisfield, twenty miles from Princess Ane, between State's Attorney Robins, Sheriff Luther Daugherty, the State Police and the special force of officers sent from Baltimore.

State Police said they had the names and addresses of three men, said to have been among the leaders in the mob. They said they had names of others who threw bricks, rocks and other missiles at the jail guard.

While the protests were being registered in Maryland against the action of state and county officials, Harlem, the center of New York's Negro population, was the scene of several group demonstrations. An appeal was sent to President Roosevelt by Walter White, secretary of the National Association for the Advancement of the Colored People, asking him to instruct the Attorney General "to proceed to the full extent with the law against lynchers."

New York Evening Journal

OCT 19 1933

RITCHIE LAYS LYNCH BLAME ON JUDGE

Lynchings Double

The Lynch record:

1932.		1933.	
Arkansas	1	Alabama	5
Florida	2	Florida	1
Georgia	1	Georgia	3
Louisiana	1	Louisiana	4
Kentucky	1	Maryland	1
Kansas	1	Mississippi	1
Ohio	1	N. Carolina	1
S. Carolina	1	S. Carolina	2
Texas	1	Tennessee	2
	10		21

ANNAPOLIS, Oct. 19 (By International News Service).—Responsibility for the lynching of George Armwood, Negro, by a Somerset County mob last night, was placed upon Judge Robert F. Duer and State's Attorney John B. Robins by Gov. Albert C. Ritchie.

Discussing Armwood's return to Princess Anne, after he had been removed to Baltimore for safekeeping, Ritchie said:

"This was done without consulting me and without any prior knowledge on my part. I have been informed the man was returned to Somerset County under instructions from Judge Duer and State's Attorney Robins.

"I told Robins that if Armwood was left at Princess Ann, the responsibility for his safekeeping would rest with him."

PRINCESS ANNE, Md., Oct. 19 (By International News Service).—Two companies of Maryland National Guard were encamped here today, following last night's lynching of George Armwood, 40-year-old Negro. Armwood was taken from the Somerset County Jail and hanged by a mob of more than a thousand men, women and children. His body was burned on the public square.

Armwood was accused of having attacked Mrs. Mary Denston, 71, wife of a Somerset County farmer, on Monday. John Richardson, a white man, implicated in the case, was removed to Baltimore.

The Negro was dragged from his cell in the Somerset County Jail by a mob which overpowered 25 State Troopers on guard, after refusing the pleas of Judge Robert F. Duer, who resides next to the jail. Eight deputy sheriffs sustained cuts and bruises in attempting to protect Armwood from the fury of the mob.

After taking the Negro from his cell the mob attempted to hang him to a tree on Judge Duer's place, but finding none strong enough, moved to a neighboring lot.

The mob gathered shortly after nightfall, and after first retreating before an attack of tear gas from the jail returned with heavy timbers and battered their way into the jail. Most of them were masked. Sheriff's deputies and the 25 State Troopers fought with the mob but did not use their firearms.

Nobody Recognized Mob In Maryland

10-25-33

PRINCESS ANNE MD., Oct. 24.—(AP)—Each of the 21 witnesses who testified at the coroner's inquest into the death of George Armwood, negro lynched here last Wednesday night, today testified they did not recognize a single member of the lynching mob.

The inquest was continued for consideration of additional evidence at some indefinite date.

"I could not recognize any of them, they were strangers," stated Sheriff Luther Daugherty, who was swept aside by the mob after it had broken down the jail door.

"How many were there?" asked State's Atty. John B. Robins who questioned the witnesses.

"About 50 or 60."

"Out of those 50 or 60 men you say you recognized no one?"

"That's right."

Such, in substance, was the testimony of other officers and eye witnesses. All insisted that the lynchers did not live in this vicinity.

In Baltimore, Atty. Gen. William Preston Lane, Jr., who is to come here within the next day or so to assist in the investigation, discussed the case with the members of the State police who were beaten and swept from the jail door which they tried to guard. Lane said that the State officers would not be called as witnesses at the inquest but would be left for the Somerset Grand Jury, which is to be convened when Lane and Robins have their evidence ready.

CONSPIRACY OF SILENCE IN MD. LYNCHING ORGY

PRINCESS ANNE, Md., Oct. 26—Formal investigation of the lynching of George Armwood, 22-year-old alleged attacker of a 71-year-old white woman last Wednesday, got under way on Monday, when officials questioned persons said to have been eye-witnesses. Efforts to make identification of participants in the killing were greatly hampered by the "conspiracy of silence" which has veiled this little Eastern Shore village of about 1,000 in population.

John B. Robins, State's attorney for Somerset county, and Attorney General William Preston Lane Jr. have charge of the inquiry.

Aside from the "conspiracy of silence," it has been already pointed out that fully 3,000 persons coming from other Maryland counties, portions of Virginia and Delaware, and "parts unknown," participated in last Wednesday's outrage. It is held that this will add to the difficulties of the Maryland officials.

Eye Witnesses Named

On last Sunday Luther Dougherty, sheriff of Somerset county, spent the day attempting to gather names of eye-witnesses to the lnyching He turned these names over to Baltimore police, who arrived here early Monday of this week. Machinery was put into operation to trace the names.

It was said that the eye-witnesses' names have been obtained by Sheriff Dougherty from State police, who attempted to prevent the mob from battering down the iron door of the jail at the time Armwood was dragged from his cell.

Protests began pouring into the Baltimore and Annapolis offices of Governor Albert C. Ritchie of Maryland, immediately following the first flashes of the news of the horrible crime to the outside world. Persons from every type of organization, from every color and creed added to the volumes of protests and demands for a clean and thorough investigation.

Armed Police "Overpowered"

Accused of attacking Mary Denston, 71-year-old woman, George Armwood was dragged from the Somerset county jail last Wednesday by a mob of 3,000 men, women and children and was lynched.

He was hanged from a tree after the mob had stripped him of his clothing, attached a rope around his neck and pulled him behind an automobile for about a mile through the town. As the accused man was dragged from the jail, a boy about [illegible] years old whipped out a knife and cut off one of his ears.

As the mob made its slow progress, members leaped at Armwood screaming and cursing. The prisoner was apparently dead when the crowd reached the hanging scene.

Later, the body was cut down and was taken to the public square, where it was burned. The rope was cut into small pieces and distributed as souvenirs.

Courier
10-28-33
Pittsburgh

In breaking into the jail, the mob "overpowered" 25 heavily armed State policemen sent here to guard Armwood. No shots were fired by the guard. Eight of the officers were injured from sticks and stones hurled at them by mob members.

Was In Safe Place

George Armwood was brought to Princess Anne early last Wednesday from Baltimore, where he was taken last Monday night for safekeeping. County authorities informed the Governor that there would be no trouble and emphasized this belief in the face of rumors that a mob would attack the accused man.

Governor Ritchie had talked with Judge Duer and the State's attorney earlier last Wednesday and was assured by them that there would be no difficulty. After this the Governor issued a statement that he would not have Armwood removed from the Baltimore lockup.

Hanged Near Judge's Home

While the alleged attacker was in Baltimore, where he was rushed to avoid a mob shortly after his capture, State police said that he signed a written statement admitting an attack on the woman.

The hanging occurred near the home of Judge Duer, who had attempted to dissuade the mob when it first formed at the jail. The crowd, incensed at Duer's remarks, first went to the judge's home, but moved to a neighboring house when they were unable to find a tree sufficiently large.

After the mob took Armwood to the public square and burned him beyond recognition, the crowd of fiends disbanded.

White Man Carried To Safety

While the mob was engaged in the crime of lynching Armwood, John Richardson, a white man, who was under arrest charged with being an accessory after the fact in the assault of the farm woman, was taken from the jail by officers and taken to Baltimore.

Richardson was accused of taking Armwood away from the vicinity of the alleged assault and transporting him to another section of the county.

Tear gas bombs were thrown into the mob which had gathered at the jail shortly after nightfall. Kicking the bombs aside, the crowd rushed the police guard. A hand-to-hand combat ensued, but it was broken up by the arrival of a gang bearing heavy timber from a nearby lumber yard. With this timber used as a battering ram, the mob succeeded in smashing down the steel door to the jail. Armwood was seized as he cowered in his little narrow cell. The officers "stood helpless nearby."

Ritchie Blames Duer

Sheriff Luther Dougherty reached the jail at this time and ran to Armwood's cell, crying "don't break in here."

"The responsibility for Armwood's being at Princess Anne," said Governor Ritchie, shortly after being informed of the outrage, "rests squarely on the shoulders of Judge Duer and State's Attorney Robins."

Following this statement the Governor ordered a full investigation of the mob-crime. He ordered Police Commissioner Charles Gaither of Baltimore to send four detectives to begin an inside inquiry.

BALTIMORE, MD.
POST
OCT 19 1933

PLANS TO SPEED ANTI-LYNCH LAW

Delegate Alexander Goodman Will Re-Introduce Bill at Special Session

Prompt re-introduction of a state anti-lynching bill at the special [redacted] Maryland Legislature, expected to be called shortly, was promised today by Alexander Goodman, Fourth District delegate, who introduced a similar bill at the Legislature's last session.

"The bill was introduced in the House of Delegates at the last session," said Mr. Goodman, "and was referred to the judiciary committee.

'It Ought to Pass'

"But for the emergency bank legislation, I think, it would have received favorable action. Now, after yesterday's happenings on the Eastern Shore, it certainly ought to pass."

Mr. Goodman characterized the lynching last night of George Armwood, Negro, as "the most horrible thing I ever heard of.

$5,000 to Victim's Estate

"However, I don't think the Governor is to blame," he said. "The question of what to do about the Negro was a judicial one, and the judicial authorities on the Eastern Shore—State's Attorney Robins and Judge Duer—are to blame. It wasn't necessary to take the man back down there."

The law introduced by Mr. Goodman provides that a county in which a lynching occurs shall pay $5,000 to the estate of the victim.

NEW YORK TIMES
OCT 21 1933

URGES RITCHIE ACT IN NEGRO'S LYNCHING

Dr. Broadus Mitchell Calls for Impeachment of Officials—Cummings May Get Plea.

Special to THE NEW YORK TIMES.

BALTIMORE, Oct. 20.—Dr. Broadus Mitchell of Johns Hopkins University demanded at a Governor's hearing today that Governor Ritchie take steps looking to impeachment of Judge Robert F. Duer as a result of the lynching Wednesday night of George Armwood, Negro.

The hearing was accorded to several societies after pleas had been made to the Governor for a thorough investigation of the lynching of Armwood, who was accused of attacking a white woman.

Representatives of the National Association for the Advancement of Colored People, the Socialist party, the National Urban League, the Labor Defense League, the Colored Ministerial Union, Republican and Democratic colored organizations were present.

Dr. Mitchell, who is an associate professor of political economy, said in his plea:

"Our purpose in coming here, your Excellency, is to urge, and demand, that you, as Governor of Maryland, use all means in your power to impeach Judge Robert F. Duer and State's Attorney John D. Robins of Somerset County.

"We also demand, as law-abiding citizens, that you take steps to discharge from public office all State policemen who were on guard duty at the Princess Anne jail Wednesday night when the lynching happened. Theirs was an exhibition of a gross neglect of public duty."

Governor Ritchie said that an investigation of the lynching would be made by Attorney General W. Preston Lane and others.

"Failure" by Maryland authorities to accord to Negroes their rights under the Constitution may result in an appeal to Attorney General Cummings, Bernard Ades, attorney for the Labor Defense League, said tonight.

Members of the New York Labor Defense League, headed by William L. Patterson, indicated that they would proceed to Washington tomorrow and try to obtain an interview with the Attorney General.

NEW YORK WORLD-
Telegram
OCT 19 1933

RITCHIE ORDERS LYNCHING PROBE; BLAMES JUDGE

Governor Puts Responsibility for Negro's Death on Jurist and Prosecutor.

JAIL DEFENDERS FELLED

Mob Burns Body in Maryland Street After Dragging It Through Town.

By the Associated Press.

PRINCESS ANNE, Md., Oct. 19.—Responsibility for the lynching of George Armwood, Negro who was dragged from the jail here last night and hanged from a tree near the town limits, was placed today by Governor Ritchie on Judge Robert F. Duer and State's Attorney John B. Robins, of Princess Anne.

Governor Ritchie directed Judge Duer and Mr. Robins "to take immediate action to set in motion the necessary legal machinery for the apprehension of those who were responsible for or who participated in

Lynchings-1933 II

Legal Punishment of Lynchers.

Maryland.

4122

4122

the lynching."

Armwood, brought here from Baltimore less than seventeen hours earlier to face accusations of attacking an aged white woman, was wrenched from the protection of twenty-five State policemen last night and his body was finally left in a gasoline-soaked pyre on the main business corner.

Batters Down Doors.

The mob of more than 1,000 men, women and youths, stopped temporarily by a tear gas attack from the State police, stormed the jail, battered down the heavy steel doors and after ripping most of the clothes from his body and fastening a rope around his neck, dragged the Negro out into the street.

Eight defenders of the jail fell during the attack, cut by flying stones and bricks. Several members of the mob were seen being carried away.

Armwood was captured Monday night near Pocomoke City as the Negro who earlier in the day grabbed Mrs. Mary Denston, 81-year-old wife of a Somerset farmer, as she was walking home after spending the night with her daughter.

[illegible]

Police Protested Return.

State police rushed the Negro to Baltimore for safekeeping when mobs began to collect in Eastern Shore communities. Early yesterday, over protests of the State police, he was returned to Princess Anne. State police said Armwood had signed a confession.

D. 10-19-33

Despite assurance of Judge Duer and Mr. Robins to the Governor "that there would be no trouble," a mob began collecting early last night outside the jail. When it became threatening, additional State policemen and National Guardsmen were ordered to the scene.

Judge Duer drove to the scene and pleaded to the mob, but he was jeered.

Governor Ritchie offered the services of the State police and other State agencies to assist in the investigation and asked Charles D. Gaither, Police Commissioner of Baltimore, to send several of the city's detectives to "render all the assistance they could."

RITCHIE IMPEACHMENT SOUGHT IN LYNCHING

Constitution

Socialists Accuse Maryland Governor of "Criminal Neglect."

BALTIMORE, Oct. 19.—(AP)—While investigations were launched today into last night's lynching in Princess Anne, a demand was made here for the impeachment of Governor Albert C. Ritchie.

Atlanta Ga. 10-20-33.

The demand came from the state committee of the socialist party of Maryland in a special meeting. Ritchie was charged with "criminal neglect of duty."

The committee also asked for removal from office of Judge Robert F. Duer and State's Attorney John B. Robins, of Somerset county, and called for their prosecution "on charges of second-degree manslaughter."

The governor was criticized for having permitted the removal to Princess Anne from Baltimore of George Armwood, a negro, held for assaulting an 81-year-old white farm woman.

"Apparently few people understand the governor's authority in such matters," said Ritchie when informed of the socialists' resolution and the general criticism. "So I have asked the attorney-general to set them straight."

"Governor Ritchie had no authority in the matter," said Attorney-General William Preston Lane Jr. "As a matter of fact, under the Maryland law neither did the judge nor the state's attorney. There is just one individual responsible for the custody of a prisoner, just one individual that can order his removal, and that's the sheriff.

"All Governor Ritchie could do, in fact all anybody except Sheriff Luther Dougherty could do, was to advise the sheriff. And when Sheriff Dougherty came to Baltimore to get that prisoner, he was acting within his rights and neither the governor nor anyone else could stop him. The Maryland law does not give the governor as much authority as some other states."

Armwood was lynched by a mob that stormed the jail and overpowered state police. He was hung to a tree after being dragged behind an automobile through the town's main streets, and his gasoline-saturated nude body was burned in front of the courthouse.

The negro was arrested Monday after Mrs. Mary Denston, the farm woman, was attacked near her home in lower Somerset county. Police said Armwood confessed.

He was brought to Baltimore immediately after his arrest but after spending Tuesday in jail here was taken back to Princess Anne.

In placing the blame on Judge Duer and State's Attorney Robins for the lynching, Ritchie said the state's attorney had insisted that Armwood be returned to Somerset county and Judge Duer had assured him the negro would be safe.

INTERRACIAL HEAD SEES CHANCE FOR PRECEDENT

Dr. Will W. Alexander, director of the interracial commission, today telephoned Governor Ritchie, of Maryland; to "set challenging precedent to those states further south where officials habitually fail to apprehend and convict members of lynching mobs."

"Maryland has an opportunity to render most valuable service to civilization by indicting and convicting members of the mob at Princess Anne," Dr. Alexander said in his message. "Such action would set challenging precedent to those states further south where officials habitually fail to apprehend and convict members of lynching mobs, even when confronted as at present with marked increase of mob violence."

The Commission on Interracial Cooperation consists of leading members of the white and negro races and works for the mutual interests of both. It has taken a leading part in fighting lynching, not only in the south but throughout the United States.

New York American

OCT 20 1933

IMPEACHMENT DEMANDED FOR GOV. RITCHIE

Maryland Socialists Also Ask Removal of Prosecutor and Judge in Lynching Case

BALTIMORE, Oct. 19 (AP).—While investigations were launched today into last night's lynching in Princes Anne, a demand was made here for the impeachment of Governor Ritchie.

The demand came from the state committee of the Socialist Party of Maryland, which charged Ritchie with "criminal neglect of duty." The committee also asked for removal of Judge Robert F. Duer and State's Attorney John B. Robbins of Somerset County and called for their prosecution "on charges of second degree manslaughter."

POLICE OVERPOWERED.

Ritchie was criticized for having permitted the removal to Princess Anne from Baltimore of George Armwood, a Negro held for attacking an aged white woman. Armwood was lynched by a mob that stormed the jail and overpowered state police.

The Negro was arrested Monday after Mrs. Mary Denston had been attacked and was brought to Baltimore. After spending Tuesday in jail here he was taken back to Princess Anne. In placing the blame on Judge Duer and State's Attorney Robins for the lynching, Ritchie said Robins had insisted Armwood be returned to Somerset County and Duer had assured him the Negro would be safe.

INVESTIGATION ORDERED.

The Governor placed the investigation in the hands of William Preston Lane, Jr., Maryland's Attorney General.

Lane said tonight:

"Governor Ritchie had no authority in the matter. As a matter of fact, under the Maryland law, neither did the judge nor the State's Attorney. All Governor Ritchie could do, in fact all anybody except Sheriff Luther Dougherty could do, was to advise the Sheriff. And when Sheriff Dougherty came to Baltimore to get that prisoner, he was acting within his rights and neither the Governor nor anyone else could stop him."

State police said they had the names and addresses of three men, said to have been among the leaders in the mob. They had names of others who threw bricks, rocks and other missiles at the jail guard.

Lynching Arouses Indignation in Harlem

Harlem seethed yesterday in protest against the lynching of George Armwood, Negro, at Princess Anne, Md., the Associated Press reports.

Several demonstrations were held. One group of Negroes massed before the offices of the Liberator, newspaper published by the League of Struggle for Negro Rights.

An appeal to President Roosevelt, asking Federal intervention to stop lynching, was telegraphed by Walter White, secretary of the National Association for the Advancement of Colored People.

The lynchings, White said, "are primarily caused by efforts of certain Southern forces to terrorize Negroes into acceptance of wage differentials and lower economic status under the National Recovery Act."

The League of Struggle for Negro Rights issued a statement asking the arrest of the leaders of the lynch mob and demanding the removal of State's Attorney John B. Robbins and Judge Robert F. Duer.

The League held Governor Ritchie responsible for the lynching "for refusing to have Armwood brought back to Baltimore before the Roman holiday."

—Spend a Dollar and Make a Job—

Yes! I Saw It

WILLIAM F. DENSTON

Son Of Woman In Maryland Case Is Mum

Tribune

10-21-33

Philadelphia Pa.

Refuses to Remake Boasts Which Were Told White Papers

By KENTON JACKSON

Despite the fact that he had proudly boasted of the manner in which he had "looked on" while Maryland justice was meted to a defenseless Negro by two thousand of his fellow fiends, William F. Denston, son of the allegedly asaulted 81-year-old Maryland woman, "clammed up" when faced at the Lower Merion Township police station last Sunday.

"I have nothing to say."

Repeated questions concerning his pride in the piece of rope which he brought back from the backwoods as a souvenir and his statement concerning the meagerness of the punishment given, only received in staccato that answer:

"I have nothing to say!"

Denston has been attached to the police force for the last five years and lives at 150 St. Paul Road, Ardmore, with his wife and two small daughters.

He would neither affirm nor deny that he made any statement to the daily press.

The representative first went to his home at the St. Paul Road address where Mrs. Denston was seen. She was courteous. "My husband is not at home but if you want to wait, he will be home about 4:30."

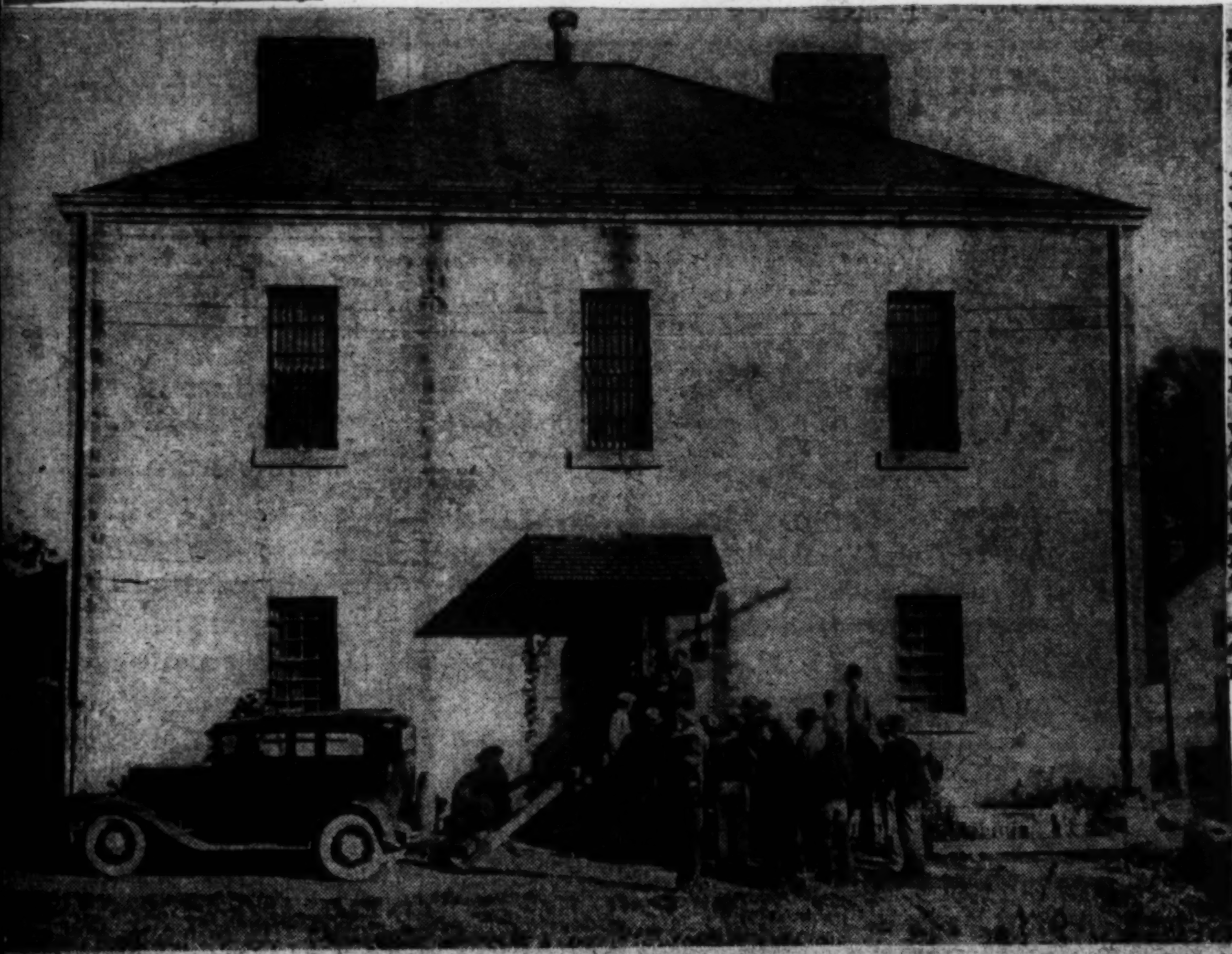
Denston arrived soon after, sat down and asked politely: "Do you want to see me?" But when I identified myself as a reporter, he refused to have anything to say.

In Ardmore Denston boasts a fair reputation among the townsfolk. Negroes of the section seem to have never had any trouble with him during the five years he has been on the police force.

One man, who would not give his name, expressed the belief that "maybe he didn't know that he was talking to a reporter when he boasted of being at the lynching Wednesday night.' Another one said that he was a "pretty good guy", and could give no explanation for his action at the lynching.

NEW YORK TIMES

OCT 20 1933



Associated Press Photo.

MARYLAND JAIL FROM WHICH NEGRO WAS TAKEN BY MOB.

The Somerset County Prison at Princess Anne, Md. One of the Battering Rams Used by the Mob to Open the Jail Can Be Seen at the Door.

MARYLAND BEGINS LYNCHING INQUIRY

Governor Orders Action and Reiterates That Somerset Officials Are to Blame.

HIS IMPEACHMENT ASKED

Socialists Make Demand—Roosevelt Intervention Is Urged by Negro Group.

Special to THE NEW YORK TIMES.

BALTIMORE, Oct. 19.—By order of Governor Ritchie an investigation was begun today into the lynching last night of George Armwood, Negro, and the wounding of thirteen State troopers by an infuriated mob of men and women at Princess Anne.

William Preston Lane, Attorney General of Maryland, was directed to conduct the inquiry.

State police have obtained the names of seven or eight of the lynching party. These men are under surveillance and their arrest will be ordered as soon as the names of others implicated are learned.

Meanwhile, Magistrate Edgar Jones, acting coroner of Somerset County, impaneled a jury in preparation for an inquest.

Governor Ritchie placed upon Judge Robert F. Duer and State's Attorney John B. Robins of Somerset County the responsibility for the Negro being at Princess Anne until the mob seized him.

Governor Cites Advice.

The Governor said he had been ready yesterday afternoon to order Armwood's removal to Baltimore following rumors of impending trouble, but that he had been assured by Judge Duer and Mr. Robins that they believed the prisoner

When asked if he would take any steps to impeach the local authorities, Governor Ritchie said.

"I have no power to impeach any one. The Constitution of the State places the power of impeachment in the Legislature."

A Negro was nearly hanged by accident here today as a large number of Communists and members of the International Labor Defense assembled in City Hall Plaza to protest the hanging of Euel Lee, convicted of an Eastern Shore murder two years ago, and the lynching of George Armwood. Governor Ritchie has set the Lee hanging for Oct. 27.

The Negro, his neck in a noose under an imitation gallows, was standing in a truck which was labeled "Protest Lynching of George Armwood."

Police were escorting the truck to the meeting place when it hit a bump in the pavement. The Negro lost his balance and for a moment gave a realistic exhibition of a hanging but was quickly set upon his feet.

Ritchie Impeachment Is Asked.

BALTIMORE, Oct. 19.—A demand for the impeachment of Governor Ritchie was made today by the State committee of the Socialist party in a special meeting. Governor Ritchie was charged with "criminal neglect of duty" in the Armwood lynching.

The committee also asked for removal from office of Judge Duer and State's Attorney Robins of Somerset County.

Protest Is Made to Roosevelt.

Walter White, secretary of the National Association for the Advancement of Colored People, at 69 Fifth Avenue, sent a telegram to President Roosevelt yesterday asking for Federal intervention to stop lynching and requesting the President to make a radio address against mob murders. The message was inspired by the Armwood lynching at Princess Anne.

Mr. White's telegram said this was the twenty-first known lynching since Jan. 1.

A statement by the League of Struggle for Negro Rights asked that leaders of the mob be arrested and demanded the removal from office of Judge Duer and State's Attorney Robbins.

A group of Negroes made a demonstration in Harlem before the offices of The Liberator, the newspaper published by the league.

NEW YORK SUN

OCT 20 1933

Ritchie Powerless in Lynching

Governor Declares His Hands Are Tied by State Law—Sheriff Held Responsible.

BALTIMORE, Oct. 20 (A. P.).—After protests against the lynching of a Negro at Princess Anne and demands for action against members of the mob and local public officials reached his office, Gov. Albert C. Ritchie asserted he was powerless to act.

His statement followed adoption of resolutions by the executive committee of the Socialist party in Maryland calling for impeachment of the Governor "for criminal neglect of duty" and the removal of Judge Robert F. Duer and State's Attorney John B. Robins of Somerset county.

The Socialist resolutions also asked for the arrest of the two officials of Somerset county where George Armwood, Negro accused of assaulting a white woman, was lynched by a mob on Wednesday night, and their prosecution "on charges of manslaughter."

Attorney-General William P. Lane Jr. said in reply to an opinion from the Chief Executive, "Gov. Ritchie had no authority in the matter. As a matter of fact, under the Maryland law neither did the Judge nor the State's Attorney."

He said the individual responsible for the custody of the prisoner was Sheriff Luther Dougherty.

John Richardson, held as an accessory after the fact, early today was lodged in the Baltimore city jail for safe keeping. He had been held in the Princess Anne jail for aiding in Armwood's escape after the alleged assault.

No date has ben set for a Coroner's inquest at Princess Anne into the death of Armwood. Three Baltimore detectives who were sent to Princess Anne to make an investigation returned to Baltimore after spending less than a day at the scene of the lynching.

Maryland

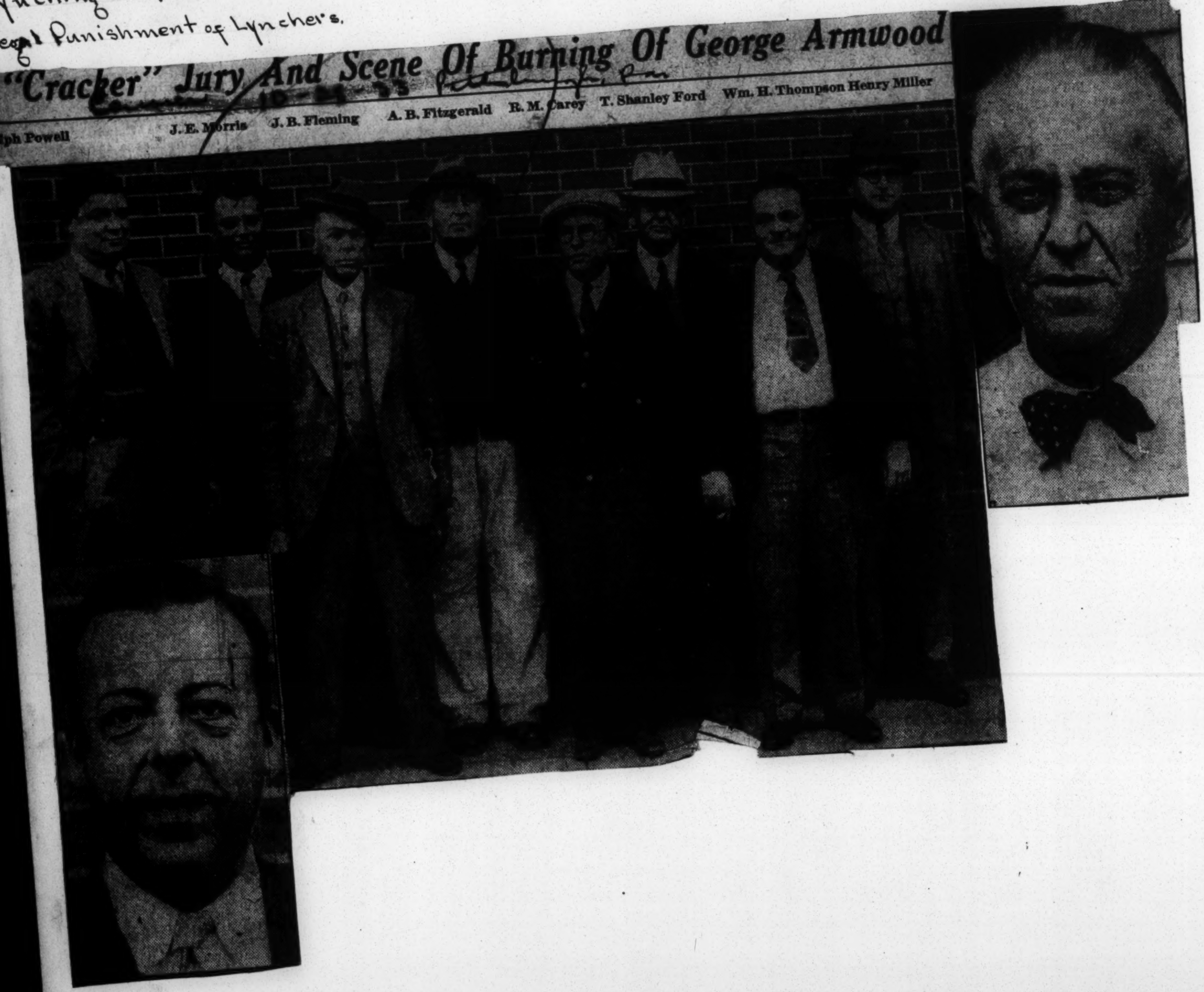
4123

Lynchings - 1933

Legal Punishment of Lynchers.

"Cracker" Jury And Scene Of Burning Of George Armwood

Courier 10-21-33 Pittsburgh, Pa.



Ralph Powell J. E. Morris J. B. Fleming A. B. Fitzgerald R. M. Carey T. Shanley Ford Wm. H. Thompson Henry Miller

NEW YORK SUN

OCT 19 1933

Gov. Ritchie Demands Speedy Arrest of Lynching Leaders

Acts Quickly After Mob Storms Princess Anne Jail and Seizes Negro, Who Is Burned to Death on Main Street.

PRINCESS ANNE, Md., Oct. 19 (A. P.).—Responsibility for the lynching of George Armwood, Negro who was dragged from the jail here last night and hanged from a tree near the town limits, was placed today by Gov. Albert C. Ritchie squarely on the shoulders of Judge Robert F. Duer and State's Attorney John B. Robins of Princess Anne.

Gov. Ritchie directed Judge Duer, a member of the bench of the First Judicial district, and State's Attorney Robins "to take immediate action to set in motion the necessary legal machinery for the apprehension of those who were responsible for or who participated in the lynching."

Armwood, brought back here from Baltimore less than seventeen hours earlier to face accusations of attacking an aged white woman, was wrenched from the protection of twenty-five State policemen last night and his body finally left in a gasoline-soaked pyre on the main business corner.

The mob of more than a thousand men, women and youths, stopped temporarily by a tear gas attack from the State police, stormed the jail, battered down the heavy steel doors and after ripping most of the clothes from his body and fastening a rope around his neck, dragged the Negro out into the street.

Jail Defenders Felled.

Eight defenders of the jail fell during the attack, cut by flying stones and bricks. Among them was Capt. Jack McK. Johnson, head of the State police, who was knocked unconscious. Several members of the mob were seen being carried away, but their number and injuries were not revealed.

Armwood was captured Monday night near Pocomoke City as the Negro, who earlier in the day grabbed Mrs. Mary Denston, eighty-one-year-old wife of a Somerset farmer, as she was walking home after spending the night with her daughter.

The State police rushed the Negro to Baltimore for safekeeping when mobs began to collect in Eastern Shore communities. Early yesterday, over protests of the State police, he was returned to Princess Anne in preparation for the convening of the Grand Jury next week.

The State police said Armwood had signed a confession in Baltimore, admitting the attack on the woman.

Despite the assurance of Judge Duer and State's Attorney Robins to the Governor "that there would be no trouble," a mob began collecting early last night outside the jail. When it became threatening additional State policemen and National Guardsmen from Pocomoke City and Crisfield were ordered to the scene.

Judge Pleads With Mob.

Judge Duer, interrupting his dinner to drive to the scene, made a personal plea to the mob to let the Negro remain in jail—promising a speedy trial for the prisoner.

But his plea was answered from the group by cries of "How about Euel Lee?" and "We ain't gonna have no Euel Lee in Somerset county!"

They referred to the Negro now under sentence to be hanged for the murder two years ago of Green K. Davis, a farmer of an adjoining county. The case has been carried through the State courts and only last week the United States Supreme Court refused to review the evidence.

Dr. George W. Jarman, prominent physician of Princess Anne, who accompanied Judge Duer, also spoke informally to the mob, but he also was received with jeers mingled with friendly gibes.

Shortly after their departure the mob, apparently without any leaders but with the single purpose of getting the Negro, began pressing the police lines around the jail. The officers retreated to the jail door and then tossed tear gas bombs at the attackers.

Pausing only a few minutes, the mob got two large pieces of timber from a nearby lumber yard and rushed toward the outer steel doors, battering them down. The second jail doors were opened from the inside.

Take Cell Keys From Warden.

Deputy Sheriff Norman Dryden, warden of the jail, said some men took the keys out of his pocket, adding "I was just scared they were going to get the wrong man."

Sheriff Luther Daugherty appeared on the scene and tried to persuade the invaders to leave but they pressed on to the second floor and soon returned with the Negro. He was gashed on the head and chest but made no outcry.

Partly pulling him on a run and partly dragging him in the road, the mob led him out the main street to the home of Judge Duer. There was no large tree there so they threw the rope over a limb of an oak tree on the adjoining lawn.

Armwood was limp when the mob reached the tree and apparently was dead.

Rope Cut Into Souvenirs.

After the men failed in an attempt to set fire to what remained of his trousers, the Negro was dropped to the ground and dragged to the main intersection, where the body was saturated with gasoline and set afire. The rope was cut into short pieces and distributed as souvenirs.

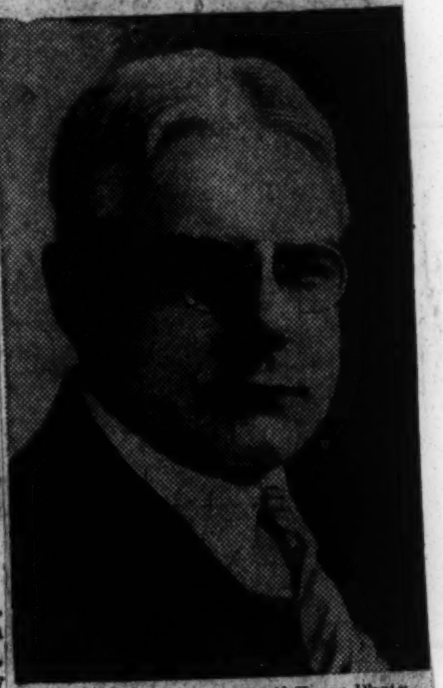
The body laid in the street several hours as local undertakers refused to touch it. Finally the State police put it in a truck and took it away.

Judge Duer later said he was "badly mistaken in my judgment of what would happen," but State's Attorney Robins could not be reached.

Gov. Ritchie, in Annapolis, said "I am shocked beyond expression at this horrible lynching."

He offered the services of the State police and other State agencies to assist in the investigation and asked Charles D. Gaither, Police Commissioner of Baltimore, to send several of the city's detectives to "render all the assistance they could."

DECRIES LYNCHING



Associated Press Photo.

Gov. Albert C. Ritchie.

Lynchings-1933

Legal Punishment of Lynchers.

Maryland

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NEW YORK MIRROR

OCT 20 1933

Negro, Accused of Attack on Woman, Lynched By Mob

(International)

This photo of George Armwood, Negro, was taken while he was en route to the Princess Anne, Md., jail in custody of officials, accused of attacking Mrs. Mary Denston, 81-year-old white farm woman. Shortly afterwards, an armed mob dragged the prisoner from his cell, hanged him next to the home of Judge Robert Duer (held responsible for official negligence) and then burned the body.

Judge Gets Blame for Lynching

New York Mirror

10-20-33

Special Dispatch to Daily Mirror.

PRINCESS ANNE, Md., Oct. 19.—This little community is quiet today, resting from its orgy of blood and fire in which the life of George Armwood, a Negro, was bestially taken by a mob, the numbers of which virtually equal the 1930 census for the municipality.

Gov. Ritchie

Quiet under the watchful eyes of two companies of militiamen encamped here to insure that quiet. Quiet under the barrage of investigations, one of which was ordered by Gov. Albert C. Ritchie to be pushed by Attorney General W. Preston Lane, Jr.

Armwood was dragged from jail by a masked army of men and boys, beaten to death and hanged, stripped, then cut down, dragged to the city square and there burned.

He had been arrested on suspicion of attacking an eighty-one-year-old farm woman, Mrs. Mary Denston.

Governor Ritchie holds responsible States Attorney John B. Robins and Judge Robert F. Duer. It was next to the judge's home the Negro was hanged by the mob almost equally infuriated at the Judge for attempting to stop their act. The Governor believes that the officials should have taken the prisoner out of the locality. He had offered them protection which was refused as "unnecessary."

State troopers did come here to guard the Negro, but they were routed by the sheer force of bodies in the mob and twelve of them were severely beaten. Three are still in hospital.

Judge Duer is closeted at his home, refusing all visitors. State's Attorney Robins is noncommital concerning the Governor's placing of the blame on his shoulders and says simply that he is doing the best in his power to bring the ringleaders of the mob to justice.

He denied that he had the names of any suspects.

Magistrate Edgar Jones, acting as Coroner, called a jury today and showed the jurors the body of the murdered Negro, then adjourned the session indefinitely.

Mass Anger Forces Talk of Federal Probe of Lynchings

Daily Worker

By **MARGUERITE YOUNG**

(Washington Bureau)

WASHINGTON, Nov. 3.—The Department of Justice today informed the Daily Worker that federal investigation of the lynching of George Armwood in Maryland and Dan Pippen, Jr., and A. T. Harden in Tuscaloosa, Ala., is now receiving serious consideration in the Department.

11-4-33

"We are now studying both of these matters," an official close to Attorney General Homer S. Cummings, said. "If we have authority to investigate, we will use it. Both questions are in the hands of an assistant attorney general."

New York

The demands for investigation of the shameful Princess Anne lynching were transmitted to Attorney General Cummings by Louis

Henry Howe, secretary to President Roosevelt, who received them from a delegation of white and Negro spokesmen for mass organizations. The group, led by William L. Patterson, secretary of the International Labor Defense, gave Howe evidence to show that constitutional rights are being scotched by the failure of Maryland authorities, from Governor Ritchie down, to bring about prosecution of known leaders of the mob who murdered George Armwood, Negro worker.

The attorney general personally received specific demands for federal prosecution of Sheriff R. L. Shamblin of Tuscaloosa, Ala., who deliberately delivered Pippen, Harden and Elmore to a bloodthirsty mob. The gang murdered Pippen and Harden and attacked Clarke and left him, apparently believing him dead, on a lonely Alabama road. The case was presented by spokesmen for the I.L.D., the American Civil Liberties Union, the National Committee for Defense of Political Prisoners and the National Association for the Advancement of Colored People.

That was last August. The attorney general asked the delegation to submit a brief. This was done, and weeks having elapsed without action, two more memorandums were submitted, on Aug. 24 and Oct. 13, respectively, by the International Juridical Association.

And in these communications the whole train of the barbaric events that led to the mass murders is traced for the attorney general, along with a summary of the two other lynchings which followed in Tuscaloosa.

BALTIMORE, MD.

MORNING SUN

OCT 31 1933

LANE IS IN DOUBT ON VISIT TO SHORE

Uncertain As To Date He Will Start Lynching Investigation There

TOMORROW, HE THINKS

Names Of Three Witnesses Given By State Police To Probers

William Preston Lane, Jr., Attorney-General, does not know yet for certain when he is going to the Eastern Shore to probe the Princess Anne lynching he said yesterday. He thinks he may go tomorrow.

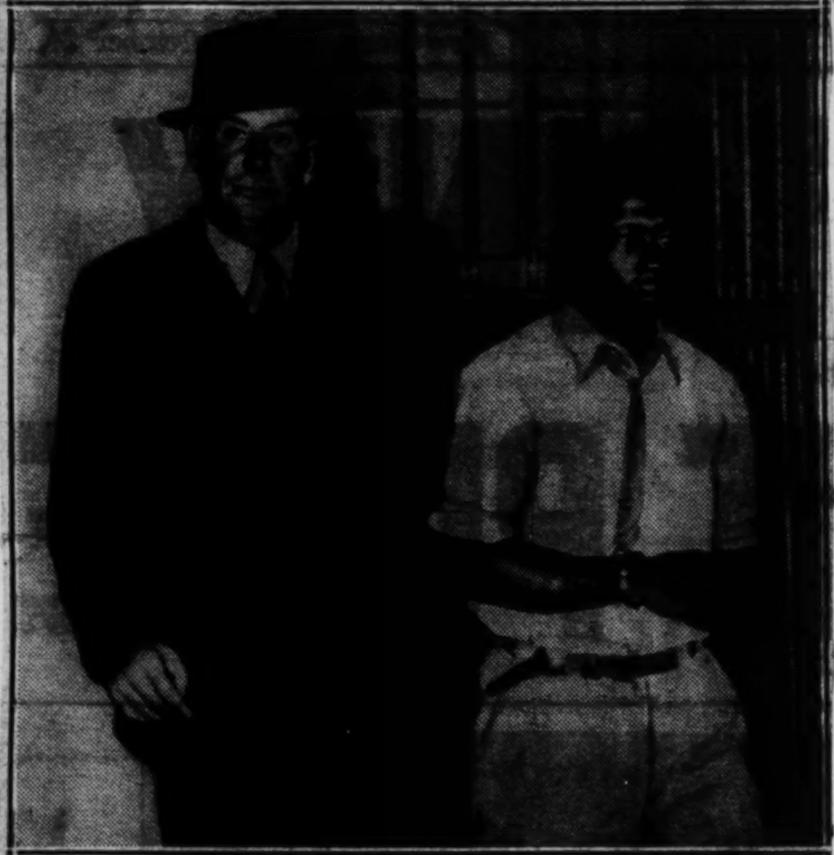
The names of three witnesses which were obtained by State police who were at the jail the night of the lynching have been given to the investigators, it has been reported.

Two of them are said to be residents of Princess Anne.

NEW YORK DAILY NEWS

OCT 2 0 1933

Impeach Gov. Ritchie! Cry in Lynch Probe



(By Acme)

George Armwood, lynched in Maryland, with Sheriff Luther Daugherty of Somerset County, Md., shortly before the prisoner was seized by mob. Daugherty said he didn't recognize any one in lynch mob.

Maryland Executive Places Blames on Local Officers.

(By Associated Press)

BALTIMORE, Oct. 19—While investigations were launched today into last night's lynching in Princess Anne, a demand was made here for the impeachment of Gov. Albert C. Ritchie.

The demand came from the State committee of the Socialist Party of Maryland in a special meeting. Ritchie was charged with "criminal neglect of duty."

The committee also asked for removal from office of Judge Robert F. Duer and State's Attorney John B. Robins of Somerset County, and called for their prosecution "on charges of second degree manslaughter."

Judge Robert F. Duer

Mrs. Mary Denston

The Governor was criticized for having permitted the removal to Princess Anne from Baltimore of George Armwood, colored, held for assulting Mrs. Mary Denston, an 81-year-old white farm woman.

First Taken to Baltimore.

Armwood was lynched by a mob that stormed the jail and overpowered by State police. He was hanged to a tree after being dragged behind an automobile through the town's main streets, and his gasoline-saturated body was burned in front of the courthouse.

He had been brought to Baltimore immediately after his arrest Monday, but after spending Tuesday in jail here was taken back to Princess Anne.

Gov. Ritchie, however, placed the blame on Judge Duer and State's Attorney Robins for the lynching. Gov. Ritchie said the State's Attorney had insisted that Armwood be returned to Somerset County and Judge Duer had assured him the prisoner would be safe.

Bernard Ades, attorney here for the communistic International Labor Defense, said: "If Gov. Ritchie is sincere in his statement that responsibility rests not on him but on Judge Duer and Mr. Robins, let him order their arrest."

Harlem Sends Protest To President Roosevelt.

Harlem yesterday boiled with protest meetings and demonstrations against the lynching of colored George Armwood at Princess Anne, Md. Street corner orators attracted large crowds.

Formal protest to President Roosevelt was made by Walter White, secretary of the National Association for the Advancement of Colored People. He declared that the slain colored man was a mental defective and should have been in an institution.

"We respectfully urge you as President to express in unequivocal terms your opposition to mob law through public pronouncement, as did your distinguished predecessor, Woodrow Wilson," the association telegram to President Roosevelt read.

$1,000 REWARD OFFERED FOR MD. LYNCHERS

Courier 11-11-33

Pittsburgh, Pa.

NEW YORK, Nov. 9—(CNS)—Declaring that no genuine effort is being made by public officials to identify the lynchers of George Armwood at Princess Anne, Md., the American Civil Liberties Union offers a reward of $1,000 for information leading to the final conviction in the courts of any member of the lynch mob which murdered Armwood on October 17, 1933.

"The A. C. L. U. has posted this offer of a reward," said Roger N. Baldwin, director, "because it is plain that without such an incentive witnesses will not talk. It is already apparent that no genuine effort is being made by the public officials charged with the investigation. The state of feeling on the Eastern Shore is evidently such that any witness runs considerable risk in coming forward with specific identification. Yet obviously many members of the mob can be identified by State troopers, officials and bystanders.

"In no lynch case in recent years were members of the mob so easy to identify. Failure to do so condemns the administration of justice in Maryland. While we offer this reward in the hope that identifications will be made, indictments found and convictions obtained, we have already indicated our doubts by appealing to the Attorney General of the United States for a Federal investigation, to be followed by appropriate action in the Federal courts. Our attorneys advise us that such an investigation is authorized by stotute and that proceedings may be had in the Federal courts where the State courts fail to act."

Ritchie In Center Of Political Row; Asked To Retire

Advocate 11-18-33

[illegible] Fla.

BALTIMORE, Nov. 9.—(AP)—Governor Albert C. Ritchie, for 14 years chief executive of Maryland and last year a candidate for the Democratic presidential nomination within the past few weeks has become the center of a fight between his critics and defenders in political, religious, and inter-racial circles in every section of the State.

ALBERT C. RITCHIE

Some critics are demanding his impeachment, others distributing petitions asking him not to run again. His friends are rushing to his defense in the press and at public meetings. Last week arrangements were for 800 plates at a dinner in his honor. Two thousand attended.

The recent lynching at Princess Anne, after the Governor had been advised to have the negro removed from the jail, his long term in office, and his advocacy of a State-operated lottery are being used as the basis for many of the attacks.

His pioneer work for repeal of the eighteenth amendment, his efforts for a revision of the State criminal court procedure, and his recent fights against proposed increases in the State's bonded indebtedness are among the points being raised in his defense.

The Governor has given no indication if he would be a candidate to succeed himself, but 10,000 individual petitions were distributed recently by his opponents asking him "for the best interest of our people" not to be a candidate for a fifth term.

The only announced Democratic candidate for governor Dr. Charles H. Conley, a Frederick physician, has based his early remarks almost entirely on an attack of the administration.

Maryland.

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Lynchings-1933
Legal Punishment of Lynchers.

GOV. OVERLOOKS RACE IN NAMING LAW COMMITTEE

Afro-American

Thought of Appointing Negroes Never Occurred to Him.

11-14-33

PLANS SPEEDY TRIALS IN STATE

Baltimore, Md.

Move to Keep Out All Organization Lawyers.

BALTIMORE, Md.—

Queried as to why he had failed to appoint a Negro representative on the newly found judicial committee to facilitate legal machinery, Governor Albert C. Ritchie stated that the idea of such an appointment never occurred to him.

The Governor in a statement to the AFRO said that he saw no reason why he should now add a colored member to the board which has been functioning for ten days.

The Governor asserted that he had appointed men whom he deemed capable of handling the problem and since their time of report was so near he did not think it would be wise to appoint any more.

Will Accept Advice.

He reported that advice would be accepted and welcomed, but he realized he couldn't see the point in making any additions at this late date. In the meantime the committee, under the direction of State's Attorney Herbert R. O'Conor, moved the [illegible] "Lily White" juries this week by considering a proposal to [illegible] a uniform method of selecting jurymen.

The investigators have been drawn from the ranks of jurists, State officials and practicing lawyers, with [illegible] that they will be able to [illegible] a more speedy type of justice [illegible] state courts and thereby [illegible] mob violence.

Ades Raps Move.

[illegible] was openly branded as a means of increasing the danger of race convictions, when the defendants were innocent, by Bernard Ades, of the International Labor Defense. Mr. Ades pointed out that justice needed to be slow in order to give any semblance of a fair trial.

The case of Euel Lee, which was drawn out over a period of two years, is being used as the classic illustration of justice's failure to be efficient under our present laws, by State officials.

It is expected that the commission will report to the special sesson of the legislature within the next two weeks. Special attention is being given to methods whereby the trials in each county may be made more prompt.

Three Sub-Committees.

Mr. O'Conor has appointed three sub-committees to study the need of bills on various phases of the subject to be introduced at the special session of the legislature.

The first under the direction of Chief Judge Samuel K. Dennis, white, will consider the advisability of requiring the immediate removal of the prisoner, in capital and other extraordinary cases, to a remote place for safekeeping.

It will also attempt to determine the necessity of making it mandatory upon the court to resummon the grand jury for the consideration of such cases. The requiring of the assignment of the case to be tried within a certain period, the resummoning of the petit jury, and the holding of the sheriff responsible for any violence done to the prisoner will also be studied by this group.

Edgar Allen Poe, white, heads the second sub-committee, which has as its aim the securing of a provision to provide for an able defense counsel "free from outside interests of a conflicting nature"; the bearing of the removed prisoner's transportation expenses by the state; elimination of discrimination in the selection of juries; limitation of the general public's right to attend trials, to consider the desirability of preventing juries from deciding on the law; and provisions relating to insanity as a defense in criminal cases.

A third committee under Chief Judge Carroll T. Bond, also whte, will attempt to set a period within which appeals should be noted, to consider whether original transcript can be sent to the Court of Appeals, to set a period within which briefs must be sent to the aforementioned court, the setting of definite time in which the court shall hear arguments, and an announcement of the decision as soon as possible.

Lynchings - 1933
&
Legal Punishment of Lynchers.

Maryland.

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State's Attorney Refuses To Jail Lynch Suspects

11-18-33

CRISFIELD, MD., Nov. 17—(AP)—The Somerset County prosecutor today denied the request of the Maryland State administration for the immediate arrest of nine men whom eye witnesses, in sworn affidavits, charged with participation in last month's lynching of a negro at Princess Anne.

If the men were jailed, said the prosecutor, State's Atty. John B. Robins, a crowd probably "would come and take them away."

Robins also declined the request of Atty. Gen. William Preston Lane, Jr., to hold a public hearing of the evidence against the nine men before a magistrate.

"If we did that there would be lots of excitement and lots of publicity," he declared.

"The magistrate might feel that he should order those men held on a charge of murder and they would be put in jail without bail. I seriously doubt they would stay there."

Robins added, however, that he believed Lane had evidence sufficient to warrant reconvening the Grand Jury and that this would be done at the Attorney General's request.

State Action Sought In Lynching Probe

11-19-33

BALTIMORE, Nov. 18.—(AP)—Attorney-General William Preston Lane Jr. today endeavored to enlist the three judges of the first judicial district in his efforts to secure the immediate arrest of nine men whom eye-witnesses swore had a part in the lynching of George Armwood, negro, at Princess Anne, last month.

Lane sent the judges the correspondence between him and State's Attorney John B. Robins, of Somerset county, who has declined to have the arrests made and the men brought before a magistrate for a public hearing. He gave his own position and Robins' statement that to arrest the nine men at this time would be to invite another mob to form and take them from jail.

ARRESTS REFUSED IN LYNCHING CASE

Constitution

Maryland Prosecutor Declines To Round Up 9 Named in Affidavits.

11-14-33

CRISFIELD, Md., Nov. 17—(AP)—The Somerset county prosecutor today denied the request of the Maryland state administration for the immediate arrest of nine men whom eye-witnesses, in sworn affidavits, charged with participation in last month's lynching of a negro at Princess Anne.

If the men were jailed, said the prosecutor, State's Attorney John B. Robins, a crowd probably "would come and take them away."

Robins also declined the request of Attorney-General William Preston Lane Jr., to hold a public hearing of the evidence against the nine men before a magistrate.

"If we did that there would be lots of excitement and lots of publicity," he declared.

Jury May Reconvene.

"The magistrate might feel that he should order those men held on a charge of murder and they would be put in jail without bail. I seriously doubt they would stay there."

Robins added, however, that he believed Lane had evidence sufficient to warrant reconvening the grand jury and that this would be done at the attorney-general's request.

Lane today reiterated his statement, previously made to Robins, that a secret grand jury investigation was just what he wanted to avoid.

"I want this evidence made public," said the attorney-general. "That will put the matter squarely up to the Somerset jury with the public knowing what evidence it has before it."

Awaits Action by Lane.

Robins said he would make no move until he had "further advices" from Lane.

Governor Albert C. Ritchie today agreed with Lane that a secret grand jury hearing "is just what we want to avoid."

Robins yesterday received from Lane a brief of the evidence the attorney-general had collected through state policemen and Baltimore detectives. The evidence and information, said Lane, named nine men, giving the address and occupation of each, and described the part each took when a crowd stormed the jail, swept le state policemen and dragged out George Armwood, negro accused of an attack on an aged white woman.

"Why, I even drew maps, showing where each of the nine was," said Lane today.

Arrests Requested.

Lane asked Robins to have the men arrested at once and arrange for a hearing before a magistrate who could order the nine held if the evidence justified a finding of "probable cause."

"If Lane wants those men arrested, let him come down here and arrest them," said Robins today.

In his letter to the attorney-general, however, he said that his difference with the attorney-general was as to local conditions and procedure rather than any difference in desire to press the case against the nine men.

"You are in Baltimore and, I believe, do not realize the situation here," he wrote the attorney-general. "The swearing out of warrants and the arrest of these parties would, in my humble judgment, create a condition that might be serious."

BALTIMORE, MD.
EVENING SUN

NOV 6 1933

LYNCH PROBE GROUP PLANS TO SPEED QUIZ

Robins To Confer With Judges, Sheriff In Somerset Today

A conference between the three judges of the First Judicial Circuit and State's Attorney John B. Robins and Sheriff Luther Daugherty, of Somerset county, was to be held this afternoon on the Eastern Shore in an effort to speed up the investigation into the lynching of George Armwood.

It was expected that the meeting would be held at Cambridge, either at the home or the office of Chief Judge John R. Pattison.

Associate Judges Robert F. Duer and Joseph L. Bailey are attending the meeting. It was not known whether Robins and Daugherty would be accompanied by any other officials of Somerset county.

Plans Not Revealed

The future course of the State's investigation has not been revealed either by the Shore officials or by Attorney-General William Preston Lane, Jr. It is expected, however, that this afternoon's conference may do much toward determining the course of action.

Decision to hold the conference between the judges and the county officials was made as a result of a meeting Friday afternoon in the offices of Gov. Albert C. Ritchie, at Annapolis. Lane made a report at the Annapolis meeting to the Governor and to the judges.

Ritchie Gets Report

The three judges were expected to ask Robins at today's conference whether his probe has turned up any evidence at all which might lead to the identity of the lynchers of George Armwood. So far, Robins has said, neither he nor the Sheriff has been able to identify anyone even remotely connected with "the overt act."

A number of eyewitnesses have been located, but all these men have agreed unanimously that they didn't see anybody they knew at the lynching.

Plans for recalling the coroner's jury may be made soon as a result of the conference today. The jury was adjourned by Coroner Edgar A. Jones without having returned a verdict, at the request of the Attorney-General. The State policemen who were overpowered by the mob are still to be questioned.

LYNCH CONFEREES MAINTAIN SILENCE

ANNAPOLIS, Md.—None of those present would reveal what was said behind closed doors last Friday during a four-hour conference between Governor Albert C. Ritchie and three judges of the First Judicial District, with William Preston Lane, Jr., attorney-general, who is directing the investigation of the Armwood lynching.

It was pointed out that if it is decided to present whatever information Mr. Lane has obtained before the coroner's jury, the data would be made public before it reaches the grand jury of Somerset County.

Suffolk, Va., News-Herald
October 20, 1933

SOCIALISTS ASK REMOVAL OF TWO AT MOB SCENE

After Criticizing Lynching of Negro At Princess Anne and Asking Impeachment of Governor Ritchie, Go After Judge and Sheriff.

BALTIMORE, Oct. 20. (AP)—After protests against the lynching of a Negro at Princess Anne and demands for action against members of the mob and local public officials reached his office, Governor Albert C. Ritchie asserted he was powerless to act.

His statement followed adoption of resolutions by the executive committee of the Socialist party in Maryland calling for impeachment of the Governor "for criminal neglect of duty" and the removal of Judge Robert F. Duer and State's Attorney John B. Robins, of Somerset County.

The Socialist resolutions also asked for the arrest of the two officials of Somerset County where George Armwood, Negro accused of assaulting a white woman, was lynched by a mob Wednesday night, and their prosecution "on charges of second degree manslaughter."

Attorney General William P. Lane, Jr., said in reply to an opinion from the chief executive, "Governor Ritchie had no authority in the matter. As a matter of fact, under the Maryland law neither did the judge nor the state's attorney."

He said the individual responsible for the custody of a prisoner was that of Sheriff Luther Dougherty.

John Richardson, held as an accessory after the fact, early today was lodged in the Baltimore city jail for safe keeping. He had been held in the Princess Anne jail for aiding in Armwood's escape after the alleged assault.

No date has been set for a coroner's inquest at Princess Anne into the death of Armwood. Three Baltimore detectives who were sent to Princess Anne to make an investigation returned to Baltimore after spending less than a day at the scene of the lynching.

BALTIMORE, MD.
EVENING SUN
NOV 7 1933

GRAND JURY RECALL IN LYNCHING SLATED

Shore Judges And Prosecutor Decide Evidence Now Warrants Move

Somerset county's grand jury will be recalled within three weeks to take up the investigation into the lynching of George Armwood at Princess Anne. The decision to recall the body was made late yesterday at a conference between the three judges of the First Judicial Circuit and State's Attorney John B. Robins, of Somerset county.

The summoning of the grand jury means, it was said, that the probe so far has turned up enough evidence to warrant the recall. Some days ago Robins said he had no evidence to present to the jury even if it were reconvened.

Evidence Held Sufficient

Chief Judge John R. Pattison and Associate Judges Robert F. Duer and Joseph L. Bailey begin a term of court in Dorchester county next Monday. Hence it is impossible to recall the Somerset grand jury at once. It may be possible to call the body, however, in a little more than two weeks, it was said.

Details of yesterday's conference, held at Cambridge, were not revealed today. It was understood, however, that part of the discussion concerned whether there was enough evidence to warrant recalling the grand jury. The judges decided that there was enough evidence.

Coroner's Problem

Another question still to be decided is this: Shall the coroner's inquest be concluded at once, or shall it be continued until after the grand jury is reconvened? Continuing the inquest now might mean the public airing of evidence which, some investigators feel, might better be presented in secret to the grand jury.

This question was not discussed at the conference at Cambridge, it was said. The decision probably will be left to Attorney-General William Preston Lane, Jr., since it was at his request that the inquest was adjourned before State policemen had been questioned. The police witnesses are officers who were overpowered by the mob that hanged and burned Armwood.

Withholds Decision

Asked if he would recommend that the coroner's investigation be continued or concluded, Lane said that he was unable to answer until he had conferred with Judge Pattison. The words he expected to have with the Chief Judge of the Eastern Shore Circuit, he indicated, would settle the issue.

Lane said that he had talked to Judge Pattison over the telephone today and that he would meet with the judge tomorrow in Annapolis after the session of the Court of Appeals.

It is expected that the future course of the probe will assume a clear-cut character after the meeting tomorrow.

When questioned this morning Lane was closeted with Assistant Attorney-General G. C. A. Anderson, Detective Lieutenant Joseph Itzel and State Police Lieutenant Ruxton Ridgely. Each of these has been active in the investigation of the lynching.

Yesterday's conference was called as a result of a meeting at the office of Gov. Albert C. Ritchie last Friday. The three judges and the Attorney-General conferred for several hours, and Lane reported on the progress of his investigation.

BALTIMORE, MD.
POST
NOV 4 1933

SECRET QUIZ ON SHORE PLANNED IN LYNCH PROBE

Attorney General Lane May Visit Somerset County Over Week-End

CONFERS AT ANNAPOLIS

Governor, Three Judges, and Prosecutors Hold Parley To Push Inquiry

A secret visit to Somerset County by Attorney General William Preston Lane over the week-end in his investigation of the Armwood lynching was reported probable today, following a conference of judges and state prosecutors with Governor Ritchie at Annapolis yesterday.

Mr. Lane, who has been delaying his proposed trip to the Eastern Shore, was present at the conference, as was one of his aides, Assistant Attorney General G. C. A. Anderson.

Following the conference, the two prosecutors returned to Baltimore. Reports were that Mr. Lane, and possibly Mr. Anderson also, might go to Somerset County this afternoon.

Detectives at Parley

Also present at the conference yesterday were Detective Lieut. Joseph Itzel and Detective Sergt. William Flynn, who returned from the Eastern Shore last Wednesday night after a flying trip to check up on six angles of the lynching that Mr. Lane wanted investigated.

Three judges from the lower Eastern Shore—Chief Judge John R. Pattison, of the First Judicial Circuit, and Associate Judges Robert F. Duer and Joseph L. Bailey—also attended the conference, held in Governor Ritchie's office in the State House.

Debate Procedure

It is said their principal topic was the procedure to be followed henceforth in the lynching investigation. For the past two weeks the investigators have been considering placing all the information they have learned in the lynching before the coroner's jury, which was convened a day or so after the lynching and which was never dismissed. Attorney General Lane asked that the jury be adjourned subject to call, and such was done.

If the evidence is laid before the coroner's jury it will be done in public—quite a different proposition from placing evidence in secret before the grand jury. The investigators propose to do away with the secrecy which followed the investigation of the Salisbury lynching two years ago. This latter probe resulted in the indictment of no one.

NINE ARRESTS ASKED IN LYNCHING PROBE

BALTIMORE, Nov. 16.—(AP)—Attorney-General, William Preston Lane Jr. tonight announced that he had asked Somerset county authorities to arrest nine men on charges of participating in the lynching of George Armwood, negro, at Princess Anne, Md., on the night of October 18.

ORDER TO ARREST LYNCHERS DEFIED

Macon Telegraph

Prosecutor Refuses to Obey Request of State Officials in Princess Anne Case

Macon Ga.

CRISFIELD, Md., Nov. 17. (AP)—The Somerset county prosecutor today denied the request of the Maryland state administration for the immediate arrest of nine men whom eye witnesses, in sworn affidavits, charged with participation in last month's lynching a Negro at Princess Anne.

11-18-33

If the men were jailed, said the prosecutor, State's Attorney John B. Robins, a crowd probably "would come and take them away."

Robins also declined the request of Attorney General William Preston Lane, Jr., to hold a public hearing of the evidence against the nine men before a magistrate.

"If we did that there would be lots of excitement and lots of publicity," he declared.

Secret Inquiry Opposed

"The magistrate might feel that he should order those men held on a charge of murder and they would be put in jail without bail. I seriously doubt they would stay there."

Robins added, however, that he believed Lane had evidence sufficient to warrant reconvening the grand jury and that this would be done at the attorney general's request.

Lane today reiterated his statement, previously made to Robins, that a secret grand jury investigation was just what he wanted to avoid.

Robins said he would make no move until he had "further advices" from Lane.

Governor Albert C. Ritchie today agreed with Lane that a secret grand jury hearing "is just what we want to avoid."

BALTIMORE, MD.
MORNING SUN
NOV 5 1933

PROCEDURE STUDIED BY LYNCH PROBERS

Inquiry Held Up As Lane And Judges Decide On Course To Follow

NEXT MOVE UNCERTAIN

Attorney-General Says He Does Not Know When He Will Go To Princess Anne

The investigation into the lynching of George Armwood, Negro, at Princess Anne, Md., seventeen days ago is being held up while William Preston Lane, Jr., Attorney-General for Maryland; the three judges of the First Judicial Circuit and Somerset county authorities decide on a future course of procedure.

When the group will or can be expected to reach a decision is not known. Speaking last night from Governor Ritchie's suite at the Hotel Belvedere, Mr. Lane said he did not know when the next move would be made or when he would go to Princess Anne.

Trips Postponed

On several occasions within the last week or ten days, Mr. Lane has indicated a time for his expected visit to the lynching scene. On each occasion, however, the trip was postponed.

As far as Somerset county authorities are concerned, they have done nothing since a coroner's jury, impaneled to determine the cause of Armwood's death, held an initial hearing October 24.

Jury Not Discharged

At the request of Mr. Lane, the jury was not discharged and did not return a verdict at the conclusion of the hearing, but was dismissed subject to call. The request of the Attorney-General presumably was taken on the theory that additional testimony would be produced before the group.

No evidence was produced at the initial hearing pointing to the identity of any of the mobsters who broke into the Princess Anne jail, took Armwood from a cell, dragged him through the streets at the end of a rope and then hanged him, burning the body later.

Neither has there been any indication that Mr. Lane's inquiry, conducted from Baltimore with the aid of city detectives and members of the State police, has produced any evidence along this line.

Lynchings-1933

Legal Punishment of Lynchers.

Maryland.

4127

Two More Armwood Lynchers Exposed

Daily Worker

10-31-33

Trade Union Group Demands Roosevelt Act

New York, N.Y.

WASHINGTON, Oct. 30. — Additional evidence on the identity of the lynchers of George Armwood, Negro worker, was handed President Roosevelt's secretary by a trade union delegation which demanded a federal investigation of the lynching and the arrest and punishment of the officials and civilians named in Capt. Spencer's affidavit as the leaders of the mob which lynched Armwood in Princess Anne, Eastern Shore, Maryland, on October 18.

The delegation added to the list of the known lynchers the names of John Aimes, a relative of Mrs. Dennison, the white woman whose arm Armwood was accused of grabbing on the street, and a niece of the woman who, the delegation states, was in Princess Anne the day of the lynching, frantically inciting the mob. Aimes, a police officer in a town near Princess Anne, is said to have returned to his post boasting of his participation in the lynching.

The Trade Union delegation is composed of elected representatives of the Needle Trades Industrial Union, Food Workers, Shoe Workers and other militant unions.

No Safety for Lynch Witness

Daily Worker

10-30-33

New York, N.Y.

Attempt to Bribe Capt Spencer Revealed

By JOHN L. SPIVAK

(Special to the Daily Worker)

BALTIMORE, Md., Oct. 29.— Somerset County, which almost two weeks ago brutally lynched George Armwood, a Negro, today bluntly told the Daily Worker that it would not guarantee that Capt. Frank Spencer, World War veteran whose affidavit names the mob leaders, would leave Princess Anne alive if he goes there testify.

The statement for the County was made by State's attorney John B Robins who is in charge of the lynching investigation. Robins added that he would not undertake to protect the former army man who accuses him (the state's attorney) of participating in the mob action.

When I informed him that Spencer could not be expected to appear if he knew it would be suicide, Robins shouted angrily:

"I don't care whether he comes or not."

Tried To Bribe Spencer

With Ralph Matthews, city editor of the Baltimore Afro-American, the largest Negro newspaper in the East listening in on an extension wire I telephoned the state's attorney at his home in Christfield and read him a statement Capt. Spencer gave Clarence M. Mitchell, an Afro-American staff reporter, but which the Afro-American did not publish. This statement charges that when Spencer appeared at the coroner's inquest in Princess Anne last week Robins would not permit him to testify, and that later the state's attorney offered Spencer $100 to leave the Eastern Shore.

This story, as written by Mitchell follows:

"'I was not permitted to make a statement at the Armwood inquest held in Princess Anne today,' Frank Spencer, eye-witness of the whole affair, told an Afro-American reporter on Tuesday.

"According to Spencer, he arrived in Princess Anne on Tuesday morning and immediately reported to District Attorney Robins. He was not cordially received and was asked by the official why he was on the Eastern Shore.

Gave Story To Local Paper

"Spencer then informed Mr. Robins of his knowledge of the lynching and stated that he already had given a signed story of it to the Afro-American. He further pointed out that he felt the only right thing to do would be to appear at the investigation and tell what he knew.

"At this juncture Spencer asserts that Robins asked him how he would like to be strung up. His reply was that after experiences in the World War he was not afraid of a pack of would-be-men like those on the Eastern Shore.

"Robins is then alleged to have asked Spencer if he had any money and what he expected to get out of the affair. Spencer reports that he told the district attorney that he had no money and only wanted to get a clear conscience out of the whole affair.

Daily Worker

"After a brief pause the official is said to have offered Spencer one hundred dollars if he would leave the shore and forget all about the whole affair—everything that he had seen and heard. 'I told him,' said Spencer, 'that I was not interested and he replied that the Eastern Shore was pretty well worked up and the best thing for me to do was to get away.'

10-30-33

"This failed to upset Spencer and he reports that he told the attorney that he was going to tell Capt. Baldwin of the Civilian Investigation Department in Washington, D. C. everything that he knew. This would mean a Federal investigation, according to Spencer.

New York, N.Y.

Jail Keys Given To Mob

"Robins is alleged to have begun a series of questions one of which was 'How do you know that the keys of the jail were handed over to some member of the mob earlier in the day?' Spencer answered this by saying, 'They were handed over to a man named Henderson, who used to be a friend of mine, between five and five-thirty Wednesday afternoon just before the lynching.'

"The witness states that a conversation with Henderson revealed how the keys had been surrendered by the jailer. Robins, who is said to be attempting to identify some members of the mob, is reported to have told Spencer to come back at 2 p. m. on Wednesday, because he wasn't sure that such testimony could be used."

In the middle of reading this story to the state's attorney, Robins exclaimed excitedly:

Robins Loses His Temper

"He's a damned liar. I'd like to get hold of him. Can you produce him before me?"

I said I would take that up as soon as I finished reading. When I finished the wire was suddenly disconnected. It was some minutes before I got Robins back on the phone His voice was much calmer.

"Do you know the people in and around Princess Anne?" I asked.

"I do."

"Do you know Morrison?"

"I do not. I want to get hold of Spencer. Will you produce him?"

"Will you guarantee his safety if he goes to Princess Ann? Will you call state police to protect him?"

"Regular" Protection

"I will not," Robins said excitedly "We'll give him the regular protection. There's the sheriff and his deputies—"

"But the Sheriff is mentioned in the affidavit as being one of the mob."

"The Sheriff was not in the mob!' Robins shouted.

"How do you know since you claim to have been in Chrisfield at the time of the lynching?"

"Why, it's nonsense!"

"We're getting off the subject. Will you or will you not give assurances that Capt. Spencer's life will be safe if he appears in Princess to testify?'

"I can't give you any more than that the Sheriff's deputies will take care of him."

"That is insufficient. The Sheriff's deputies and even state police were not enough to protect Armwood."

"I can't promise any more than that." He paused for a moment and then exclaimed excitedly:

"I don't give a damn whether you bring him or not!"

"You can't expect Capt. Spencer to go to Princess Anne to commit suicide. You must agree to protect him."

A long silence followed this demand.

"Will you protect him?" I repeated

"No!" Robins shouted.

"Then you can't expect him to appear."

"I don't care whether he appears or not."

"Don't you want to get to the bottom of the lynch mob?"

'I'll be glad to see Spencer."

"Not unless you guarantee that he leaves Princess Anne alive."

Ritchie "Running This Thing"

'If you wan't protection for him, the state's attorney shouted furiously, "why don't you go see the Governor? He's running this thing!

The shockingly frank statement that "The Governor is running this thing" opens up the whole ghastly background of the Armwood lynching. It is a common conversation in Princess Anne and other towns on the Eastern Shore that the Governor IS "running this thing" for political advantage and that when Armwood was taken from Baltimore to Princess Anne the Governor knew the Negro was on his way to be lynched. And when the Governor told Dr. Broadus Mitchell of Johns Hopkins University that he (the Governor) did not know that Armwood was being taken to Princess Anne he was lying deliberately.

James C. Mulliken, assistant city editor of the Baltimore Post, states that he is ready to sign an affidavit that he personally informed the Governor, telling him that Armwood was being taken back to Princess Anne and that there was danger of lynching.

Was Vote-Gaining Play

The line-up that shows why Armwood was thrown to the Eastern Shore deliberately for political advantages follows:

The Ritchie political machine aided and supported by the much-publicized "liberal" Sun papers, which have held Maryland in a tight grip for more than fifteen years, is tottering. The Eastern Shore, where the lynching took place, is essentially Republican. During the last gubernatorial election, Ritchie was able to carry only two of the Eastern Shore counties. With an election looming next year and the machine tottering, failure to carry these two counties on the Eastern Shore might mean losing the Governorship.

Sentiment on the Eastern Shore roused by the Euel Lee case and the Williams lynching two years ago is bitter against the Governor. Eastern Shore men are poor. The Euel Lee case cost one county $10,000. The report spread around that the cost was really $25,000. With the International Labor Defense most likely stepping in to defend Armwood on the charge of grabbing a white woman's arm, Somerset County saw before it another long and expensive litigation which they could ill afford and decided that the best thing to do would be to lynch the Negro

Mulliken, in his statement regarding conversations he had with the Governor, states:

"I informed the Governor shortly after noon on Tuesday that the Sheriff of Somerset County was on his way to Baltimore to take over custody of the Negro and remove him to Princess Anne.

"The Governor said that he had not heard of the contemplated transfer of the Negro back to Somerset County. He said, however, that if the transfer was accomplished, the Negro would be given ample protection by the state police.

"About a half hour after this conversation the Governor called me back by phone and repeated his assurance that if Armwood was taken back to Princess Anne, he would be given ample protection."

Mulliken's statement tells how he discussed the danger of a lynching with State's Attorney Robins and also received assurances that "we are a law-abiding people and the Negro will be well taken care of when he returns here." Mulliken called the Governor and told him of Robins decision to take Armwood to Princess Anne. The Governor said, according to Mulliken:

"I have no authority to take any hand in this matter now. You say Mr. Robins is sure there will be no trouble; well then, what right would I have to take the matter out of his hands?"

In a subsequent conversatio Mulliken had with the Governor a Ritchie's suite at the Belvedere Hotel, the Governor said to him: "You phone call was the first I knew tha they planned to take the man bac to Princess Anne."

"Thus it must be evident," Mulliken concluded, "that the Governor i mistaken in telling Dr. Mitchell tha he knew nothing of the plans to tak Armwood back and the same statement he issued publicly after th lynching."

It is quite evident that the Governor's memory [illegible]; so excellent o other matters could not have faile him at this crucial point.

Captain Edward McK. Johnson, i charge of the state police, was struc on the head with a brick during th attack on the jail. Other state policemen were hurt.

In Princess Anne the resident laugh about this.

"We weren't afraid to attack because we knew Johnson had order not to shoot! If he shot into us an hurt any of the Eastern Shore me the Governor would have been wipe out during the next election."

Captain Johnson, immediately afte the lynching, was taken to his hom and refused to see anyone.

Col. Austin E. Baughman, Stat Commissioner of Motor Vehicles, i over Captain Johnson. The Moto Vehicle Department controls th state police. Commissioner Baughman, descended from one of Maryland's "first families" and a leadin social light in the state, is one of th Governor's chief political advisors In Princess Anne, they say th Governor told Col. Baughman to instruct Captain Johnson not to shoo under any circumstances. That's wh they were not afraid to attack.

On the day of the lynching also according to Captain Frank Spencer's affidavit, State's Attorney Robins said that he did not want to b around "if there was going to b any trouble."

Robins was not around. Betwee 7:30 and 8 o'clock on the night o the lynching, while the mob wa gathering, State's Attorney Robin planted himself before the movi theatre in Chrisfield and, though i was a windy evening stood for a ful half hour greeting his fellow townsmen. He is usually a busy man. The state's attorney has an iron-clad alibi as to his whereabouts.

Then Governor Ritchie was asked why the state police did not shoot into the mob as they were bound t do according to the law.

"If they had fired," said the Governor, "the situation would have been far worse than it is today. Captain Johnson has told me that there were 200 or 300 guns in the crowd. There would likely have been numerous casualties.

"I consider it fortunate that the state police did not fire."

To the people of the Eastern Shore this means that the Governor would wink at the law which makes it mandatory to protect a prisoner even a the cost of other lives, if that prisoner was a "nigger."

BALTIMORE, MD
EVENING SUN
OCT 30 1933

LANE TO VISIT LYNCH SCENE IN SOMERSET

Attorney-General Is Reported To Have Names Of Three Eyewitnesses

Attorney-General William Preston Lane, Jr., is expected to go to Somerset county this week to continue his investigation of the Princess Anne lynching. Baltimore detectives and State police officials probably will accompany him on his trip.

There is a report that the names of at least three men who were present at the lynching are in the possession of the investigators. Two of the men are said to be residents of Princess Anne. It is expected that these men will be questioned by the investigators before the coroner's inquest is resumed.

Witnesses Not Yet Called

Names of the men to be questioned were obtained by State police on the night of the lynching, it is said, and these witnesses have not yet been called before the coroner's jury.

State's Attorney John B. Robins, of Somerset county, has pointed out, however, that the location of eye-witnesses is very simple, compared to the identification of men who participated in the actual lynching. A number of eye-witnesses already questioned have declared themselves unable to identify any of the lynchers.

Has Not Revealed Plans

The Attorney-General said he expects to go to Somerset county abou the middle of the week, perhaps Wednesday or Thursday. How much investigating he expects to do before recalling the coroner's jury has not bee revealed.

State policemen who were on dut at the jail when George Armwood wa dragged out to be hanged and burne have not yet been questioned befor the jury. Lane, however, has questioned them in his office in Baltimore. The recall of the county grand jur to consider evidence in the lync probe has not been made. State's Attorney Robins said on Saturday tha he has no evidence which would warrant recalling the grand jury at th time.

AFRO POSTS SUM FOR CONVICTION OF MOB LEADERS

Afro-American

Publication Seeks to Place Responsibility for Lynching.

11-11-33

A.C.L.U. ALSO OFFERS $1,000

Baltimore

State, County Probe Still Awaited.

A reward of $1,000 for information which will facilitate the arrest and conviction of the leader of the mob which hanged and burned George Armwood, 22-year-old attack suspect at Princes Anne, Md., was announced thi week by the AFRO-AMERICAN.

The announcement comes clo upon the heels of an offer [illegible] made by the American [illegible] Liberties Union for the arrest an conviction of the lynchers.

Investigation into the Armwoo lynching has about reached a standstill as far as the state official and authorities of Somerset County in which the lynching occurre are concerned. A promised visi to the scene of the lynching b William Preston Lane, attorney-general of the state, has been postponed upon several occasions.

Probe Lags.

The latest word in the propose probe is that Mr. Lane, the thre judges of the First Judicial District and Somerset County authorities are trying to decide on "a future course of procedure." Mr Lane on Sunday declared that h did not know when the next mov would be made or when he would go to Princess Anne.

So far the "investigation" of the lynching has proved little short of a farce, 21 witnesses being called with not one furnishing evidence of the identity of a single member of the mob that stormed the jail and took Armwood's life.

PRISONERS FREE AFTER LYNCHING, SAYS EX-INMATE

Afro-American

11-11-33

Baltimore, Md.

22 Freed after Armwood Lynching, Report States.

DIDN'T WANT TESTIMONY

Tells of Being Beaten by Mobbists.

PHILADELPHIA. — Authorities of the jail at Princess Anne, Md., freed 22 colored prisoners within 30 hours after the brutal lynching and burning of George Armwood, suspected attacker of an aged white woman resident of the town, so they could not testify to the horror that rode through the jail that bloody night of October 18 should any body of probers desire to hear them.

This was charged Monday by Philadelphia Briefs, a weekly tabloid newspaper, which claims possession of exclusive information from a former inmate of the prison at present in this city.

"He told his story," the article in Briefs sets forth, "so the people of the country would realize just how far these maddened mobs will go in wreaking vengeance on colored people accused of crimes against women.

Wants Name Withheld.

"This convict asked that his name be withheld," the article continues, "as he is now in business and becoming active in politics here."

Philadelphia Briefs is a white publication.

"I was sentenced to jail for 18 months on May 27, 1932," he is reported to have said. "I was sent to the Princess Anne jail. When I reached there, I was dressed as usual and my valuables were taken from me. I had in my possession over $300.

"During my confinement, my many friends in Philadelphia tried to obtain a parole for me. Twice application was made to the parole board in Baltimore.

"Letters from prominent judges and business men in Pennsylvania were attached to these applications. No word was ever heard from them either by me or my friends.

"Along came the night when George Armwood was brought in. Most of us were serving sentences for robbery, drunken conduct, vagrancy, etc., and we did not like the idea of having this woman-attacker with us.

"However, there was nothing to do about it. Finally the authorities must have been informed of the sentiment of the people thereabouts, for Armwood was bundled off to Baltimore for safekeeping. Then for some reason he was returned to the prison later in the week.

Mob Gathers.

"As dusk was gathering on the lazy little town, on October 18, a mob also gathered and set out for the jail. We colored prisoners—there were 23 of us including Armwood—grew frightened. However some of us re-assured the others saying that the sheriff and his deputies could hold the jail and anyhow the mob would bother only Armwood, if they did get in.

"Reinforcements in the way of state police arrived and we felt a whole lot safer. The mob grew, however, and its fury mounted with each group that joined it.

"Soon there were thousands outside and we could hear their calls and shouts and could feel the lust for blood in them even behind the stone walls of the prison. At last we heard a shout of triumph as from an army of men and our hearts sank.

"We all pitied Armwood as he groveled in his cell, because he did not have a trial yet and was positively innocent as far as we knew.

"When the mob swept in they had the keys for every cell in the place. They opened every cell and entered each one.

"They pretended they were hunting for Armwood, but that was just a ruse to beat us with heavy clubs and kick us around to their hearts' content, for Armwood was seized as soon as the mob entered the jail.

Lynchings - 1933
Legal Punishment of Lynchers.

Maryland

4128

Bristol, Va., Herald-Courier
October 21, 1933

Brutal Lynching In Maryland.

One of the most brutal lynchings reported in recent years was perpetrated Wednesday night at Princess Anne, Maryland, when a mob visited vengeance upon a Negro, accused of attacking an aged white woman. The mob is said to have been composed of more than a thousand men, women and children. It stormed the Somerset County jail, overpowered a detail of twenty-five State Police who had been sent to guard the prisoner, seized the Negro and stripped him of part of his clothing, attached a rope to his neck and dragged him behind an automobile through the main streets of the town, hanged him from a tree, and then cut the body down and took it to the public square and burned it.

Governor Albert G. Ritchie of Maryland placed the responsibility for this outrage squarely on the shoulders of Judge Robert F. Duer and State's Attorney John B. Robins of Princess Anne, who had assured him that there would be no trouble. On the other hand, the Executive Committee of the Socialist Party in Maryland adopted resolutions which, while calling for the removal and arrest of Judge Duer and Attorney Robins, also called for the impeachment of Governor Ritchie "for criminal neglect of duty" in permitting the Negro to be removed from Baltimore to Princess Anne. The Governor met these resolutions and other protests with the assertion that he was powerless to act.

Wherever the responsibility for the failure to prevent it may rest, the fact that this savage lynching seems to have aroused much public indignation and resentment in Maryland is an encouraging indication. If the victim of the mob was guilty as accused he should have paid the extreme penalty of the law for his crime, but he should have paid it at the hands of the State. There was no defense for him, but neither is there any defense for his executioners. They took the law into their own hands, flouted constituted authority from the Governor down to the Sheriff, and committed an inexcusable murder. The State can not, of course, bring more than a thousand men, women and children to account for this outrage; but it can, if it determines to do so, find and punish the ringleaders of the mob. That is now the duty of the State. It is the duty of Governor Ritchie, of Judge Duer and Prosecutor Robins and of Sheriff Dougherty of Somerset County. If these officials perform that duty faithfully they will convince the public that none of them feels responsible for the lynching and that all of them condemn it. Governor Ritchie has placed the investigation of the affair in the hands of William P. Lane, Jr., Maryland's Attorney-General. The outcome will be awaited with interest.

A Bridge and a Law to End Lynching

Afro-American
11-18-33
Baltimore

The Maryland branch of the Women's International League for Peace and Freedom, on Saturday, sent a resolution to Governor Ritchie urging him to make every effort to secure the passage of an effective state anti-lynching bill.

The League also approved membership in the Maryland Anti-Lynching Federation, which is chief sponsor for anti-lynching legislation.

The Maryland legislature meets next week. The AFRO joins with the league and the federation in asking that the Governor put his official influence behind a state anti-lynching bill.

We go further, and urge Governor Ritchie to cease his opposition to the Chesapeake Bay Bridge project.

While a bridge across the Chesapeake Bay, linking up the Eastern and Western shores at first sight might seem to have no connection with an anti-lynching bill, the two are vitally inter-related.

The anti-lynching bill will stop mobs by providing means to resist them and to punish them.

The bay bridge will bring the isolated and benighted Eastern Shore so close to Baltimore, Washington, and Western Shore influence that sweetness and light will have a chance to change these hick Shoremen into something approximating intelligent American citizens.

To reach Salisbury (Maryland's Lynchtown No. 1) and Princess Anne (Lynchtown No. 2) from Baltimore, an automobile trip around the shore of the bay is necessary. Trains go by way of Wilmington, Delaware.

With a bridge across the Chesapeake, either of these towns could be reached in a two- to three-hour trip.

We need the anti-lynching law to put an end to lynchings in Maryland at once. We need the bridge across the bay to end the Lynching Shore's isolation.

WASHINGTON, D. C.
NEWS
NOV 7 1933

Rewards Offered for Lynchers

Reward of $1000 for information leading to the final conviction of any member of the mob that lynched George Armwood, colored, at Princess Anne, Md., last month, is being offered by the American Civil Liberties Union, Inc., with headquarters at 100 Fifth-av, New York City.

MOVES TO COMPEL MOB PROSECUTION

Times

Governor Ritchie Asks Judges to Displace State's Attorney in Maryland Lynching Case.

11-20-33

New York City

BALTIMORE, Nov. 19 (AP).—Governor Albert C. Ritchie today suggested that circuit judges displace State's Attorney John B. Robins of Somerset County unless he arrests the nine men whom eyewitnesses have sworn had a part in the lynching at Princess Anne, Md., last month.

"If Mr. Robins does persist [in refusing to have the men arrested], then the judges will, I feel sure, consider the appointment of some one in Mr. Robins's place to act as State's Attorney in the prosecution and trial of these charges and perform the duties which Mr. Robins will not perform," the Governor stated.

New York

The evidence against the nine was collected by Attorney General William Preston Lane Jr. largely from policemen who were beaten back by the mob which stormed the Somerset jail and lynched George Armwood, a Negro charged with attacking an aged white woman.

Mr. Lane forwarded the evidence to Mr. Robins and asked that the nine men be brought before a magistrate to decide whether they should be held for the grand jury. Mr. Robins refused to make the arrests, saying that he believed a mob would take the men from the jail if the magistrate sent them there. He suggested that the evidence be submitted to the grand jury at its customary secret meeting.

The Governor and Attorney General said that the procedure suggested by Mr. Robins was within the law and that his refusal to follow the Attorney General's advice was no legal cause to remove him from office, but the three judges of the circuit could remove him from this particular case.

Consequently, the Governor asked the judges to meet tomorrow "to consider procedure."

ILD Demands Gov't Act on Lynch Wires

Daily Worker
11-2-33

Scores Western Union for Accepting Wires, Refusing Protest

New York, N.Y.

NEW YORK.—A demand for federal action against Eastern Shore, Maryland, lynchers who, in several telegrams to Bernard Ades, International Labor Defense attorney, threatened to duplicate the fiendish lynching of George Armwood and William Matthews, was sent to U. S. Attorney General Homer S. Cummings by William L. Patterson, National Secretary of the I. L. D.

Two of the lynch telegrams sent over the Western Union, which a few days ago had refused to accept several telegrams protesting against the plans of the State of Maryland to legal murder Euel Lee, were published by the Daily Worker

Patterson also sent a letter to the Western Union denouncing its action in accepting the lynch wires while barring the protest wires.

At the same time he instructed I. L. D. attorneys to take such action as they may deem necessary in the localities where protest telegrams were refused by the telegraph companies. Patterson's letter to Cummings follows:

Homer S. Cummings,
United States Attorney General,
Washington, D. C.

Sir:

Enclosed find a copy of a telegram received on the 28th of October by Bernard Ades, an attorney who has been extremely prominent in defense of white and Negro workers in the courts.

Mr. Ades handled the defense of Euel Lee, a Negro farm worker, framed and convicted on charges of murder of his employer and family. Even the opportunity to exhaust all of the remedies supposedly guaranteed under the due process of law clause of the United States Constitution were denied to Euel Lee and the innocent man went to the gallows on October 27th.

The term used in this telegram, "Your pal's body," refers to Euel Lee. The telegram as a whole speaks plainly. The promise of a duplication of the vicious Salisbury lynching of William Matthews, two years ago, is obvious. The Western Union Telegraph Co. openly transmitted this lynch threat against innocent Negro people; but it has refused to take telegrams from labor groups which contained the statement to state officials, ostensibly elected for the purpose of ensuring the law, that they would be held responsible for its enforcement. We are instructing our organizers in the various districts to prepare mass demonstrations in front of those offices which attempt to deny to white and Negro workers their rights to the use of telegraph facilities.

This cynical violation of your laws contains, however, not only a direct threat of murder, it is an incitement to all who handle it to commit violence. We hold that the officials of the telegraph office are equally guilty with its formulators of violation of your laws.

This office but a few days ago presented to Mr. Howe, Secretary to the President, the names of men who participated in the bloody lynch holiday in Princess Anne, Maryland. It demanded at that time that the President immediately direct your office to begin a federal investigation. Failure on the part of your office to act in such cases of provocation to murder is tantamount to an endorsement of lynching. The hypocrisy of your "law and order" becomes thus more obvious to American workers and their sympathizers.

We are demanding an immediate reply to this letter as to the steps your office will take to bring these prospective lynchers to book for their violation of the law in sending such a telegram, and what action will be taken against the officials of the Western Union Telegraph Co. for transmitting this message.

Arrest of Armwood Lynchers Ordered On Eve of Inquiry

Daily Worker
11-18-33
New York

BALTIMORE, Nov. 17.—Alarmed at the preparations for the Anti-lynching Conference Public Inquiry on the Armwood lynching, called by the League of Struggle for Negro Rights, headlines in this morning's "Baltimore Sun" shows the Ritchie Machine engaging in desperate manouvers to head off the exposure of complicity of State and County officials in the brutal lynching of Armwood. The Public Inquiry will take place tomorrow (Saturday) night at the New Albert Auditorium, at 1224 Pennsylvania Ave., and will be followed by the Conference, which will be held in the same hall.

Yesterday, the Arrangements Committee served Gov. Ritchie and Attorney General Lane with demands they attend the Public Hearing Saturday night and defend their actions before the toiling masses. As a result of this pressure, Lane after weeks of inactivity during which he adjourned the Grand Jury supposed to be investigating the Armwood lynching, and practically abandoned the investigation, yesterday asked State's Attorney Robbins, one of the lynchers exposed in Captain Spencer's affidavit, to arrest and prosecute nine known lynchers. Lane's letter to Robbins is referred to by the "Baltimore Sun" as containing the names, addresses and occupations of the lynckers and details of the part they played in the lynching of Armwood. Robins has refused to arrest them.

A legislature committee which will be meeting in Annapolis next week has authority to indict lynchers, regardless of the action of Robbins or Eastern Shore grand jury. Judges Duer, Bailey and Pattison will each have authority to remove the hearing to Baltimore if the Legislature Committee returns the indictments.

Meanwhile, the Urban League, through its secretary, Edward L. Lewis, has refused an invitation to participate in the Anti-Lynching Conference, and with the leaders of the National Association for the Advancement of Colored People is supporting the Ritchie Machine in its attempts to smash a real investigation of the lynch terror on the Eastern Shore. The N.A.A.A.C.P. leaders have made no reply so far to a similar invitation to join the Anti-lynching Conference. Walter White, National Secretary of here tonight at a pro-Ritchie meeting.

NEWS
Princess Anne — Md.
NOV 4 1933

NO PROGRESS REPORTED IN LYNCHING PROBE

States Attorney Knows No More Witnesses And Attorney General Has Not Been On Scene

At the request of Attorney General Preston Lane, the Coroner's jury recessed on the 24th of October until such time as he could be present to examine State Police and any other witnesses to the lynching of George Armwood that might be produced.

Since that time local authorities have had no word from Mr. Lane as to what progress he is making in the investigation nor as to when he expects to come to Princess Anne. The Baltimore press reported that he expected to come down the middle of this week and continue his investigation and perhaps ask that the Coroner's jury be reconvened so that evidence might be produced before it. Neither the State's Attorney nor the Coroner had this report verified and as a matter of fact Mr. Lane did not come down at that time.

Several Baltimore detectives have been here on the case but what, if any, information they have secured has not been revealed. On Thursday morning they had a consultation with the Sheriff, Mr. Luther Daugherty. That official had no additional information to give them, except the names of eight persons given him as witnesses to the affair. Mr. Daugherty said that he had tried to locate these persons, but had not been successful and he had about come to the conclusion that the names were fictitious.

The State's Attorney offered all the evidence in his possession at the first session of the jury. Since then he has been unable to uncover anything of importance. Unless the Attorney General is able to discover witnesses who can place responsibility there seemes little likelihood of the grand jury being called in special session.

It is known that the Attorney General has interviewed all of the State police who were on guard when the jail was stormed and Armwood removed. Just what information he got from them has not been disclosed. Most of these officers were new men on the Shore and it is entirely possible that they knew no members of the mob. The officers who had been stationed in this section might have been able to recognize faces but it is hard to believe that even they could have picked out persons whose names were known to them, for at best, they actually know few persons in this vicinity. They ride through frequently but it is impossible to become acquainted with many persons in that manner.

Right now, the result of the whole investigation seems to rest on what Mr. Lane and his force are able to uncover. Local officers have run up against a stone wall and the citizens as a whole have dismissed the matter from their minds.

To recall the grand ujry would only serve to revive the talk and give the newspapers something to play up. Nothing material could be accomplished and the taxpayers feel that it would be a needless expense.

BALTIMORE, MD.
MORNING SUN
NOV 13 1933

$1,000 Reward Offered In Shore Lynching Case

American Civil Liberties Union Seeks Conviction Of Participants In George Armwood's Death

[Special Dispatch to The Sun]

Princess Anne, Md., Nov. 12—An offer of $1,000 reward is offered in an advertisement inserted in a Princess Anne newspaper this week by the American Civil Liberties Union, New York, for the "final conviction in the courts of any member of the mob that which murdered George Armwood, Negro, on October 17, 1933."

The advertisement is signed by Lucille B. Milner. secretary.

GOVERNOR RITCHIE GIVES LYNCHERS BACK TO COUNTY

Standard Times

Warden Will Return Four Men to Eastern Shore on Writs of Habeas Corpus.

11-29-33
Brooklyn, N.Y.

By United Press.

Baltimore, Md., Nov. 29.—Warden Martin, of the Baltimore County jail, travelling alone planned to return to Southern Maryland today the four alleged lynching suspects, who were seized yesterday by State militia and brought here after a battle with 3,000 citizens at Salisbury, Md.

A writ of habeas corpus requiring two of the suspects to be produced in court at Princess Anne scene of the lynching six weeks ago, was handed to the warden early today. Writs for the other two were expected later this morning.

Warden Martin indicated he would leave for Princess Anne as soon as the new writ was received. He said he planned to take no State troopers or other guards with him.

Will Not Fight Case

Attorney General Preston Lane, in Annapolis, said he would not go to Princess Anne to contest the habeas corpus proceedings, and so far as could be learned no arrangements were made to present the State's evidence against the four.

Sheriff Luther Daugherty, of Somerset County, arrived at the Baltimore City Jail at 2 A. M., and filed copies of writs requiring two of the prisoners to be produced before Judge Robert F. Duer, in Princess Anne at 3 P. M.

The writs were issued for William H. Thompson, a druggist, and Irving Atkins, a special police officer, both of Princess Anne, where they were alleged by the State to have participated in the lynching six weeks ago of George Armwood, 28-year-old colored man, who confessed attacking an aged white woman.

Governor Ritchie in a formal statement explaining his reasons for sending militia to arrest the participants pointed out that Brig. Gen. M. A. Reckford, adjutant of the Maryland National Guard, had planne dto take the men before a Magistrate in Somerset County yesterday.

"But the temper of the crowd was such that General Reckford considered this action unwise, and for that reason the men were brought to Baltimore and not given a hearing in their own county," the Governor said.

"The men accused have now been arrested and the testimony against them can be openly heard either before a Magistrate or on habeas corpus. Indictments, of course can only be returned by the Somerset County Grand Jury.

County to Settle Case

"I have always insisted on the right of the counties to settle their own affairs. I wanted Somerset County to do that. I wanted the county officials to handle these cases as the Constitution provides and made every possible effort to induce them to do so. But they would not.

"It is my plain duty as Governor of Maryland to see that the law is supreme, and it was only when local officians failed to perform their duties that I acted."

Sheriff Daugherty, immediately after delivering the writs to the city jail here, started back for Princess Anne without waiting to accompany the prisoners.

No preparations were evident of any plans for further use of the State militia. The battaloin of 30 members of the Fifth Maryland Infantry Regiment, who engaged in yesterday's expedition, were mustered out soon after they returned here with their prisoners.

Grave of Lynched Man Violated in Maryland

Princess Anne, Md., Nov. 29.—Marauders incited by yesterday's violence scraped all the earth off the grave of George Armwood, lynched colored man, but did not break open the coffin, S. O. Hopkins, county almshouse superintendent, reported today.

He said the grave was violated late last night, but that the tamperers apparently thought better of their mission before they reached the body.

Lynchers-1933

Legal Punishment of Lynchers.

Maryland

4129

BALTIMORE, MD.
MORNING SUN
NOV 2 1933

LYNCHING PROBERS DUE IN CITY TODAY

Two Baltimore Detectives Expected Back From Eastern Shore

LANE WILL GET REPORT

Attorney-General May Go To Princess Anne Today Or Tomorrow

After spending two days on the Eastern Shore investigating certain "clues" in connection with the George Armwood lynching, Lieut. Joseph H. Itzel and Sergt. William J. Flynn, both of the Detective Bureau, are expected back in Baltimore early today.

The detectives were working under orders from William Preston Lane, Jr., Attorney-General, and it is understood that Mr. Lane was delaying his departure for Princess Anne pending a report from Lieutenant Itzel. He expects to leave Baltimore for the Eastern Shore this afternoon or tomorrow.

Attorney-General Reticent

The detectives and the Attorney-General have been in communication several times, but Mr. Lane declined to divulge the nature of the investigation or comment on the results obtained.

It is understood, however, that the detectives were checking on nine separate items, and their work took them at least to one other county besides Somerset, in which county the lynching of the Negro occurred October 18.

It was the wish of Mr. Lane that the presence of the detectives on the Eastern Shore be given as little publicity as possible.

State Police Questioned

Mr. Lane has questioned members of the State police contingent, who were present when the mob stormed the jail and dragged the Negro from it.

The investigation conducted by Mr. Lane, it was said, has resulted in at least partial identification of several men connected with the lynching.

BALTIMORE, MD.
EVENING SUN
NOV 1 1933

DETECTIVES RETURN TO LYNCHING SCENE

Baltimore Officers Sent To Princess Anne By Attorney-General

Working under orders from Attorney-General William Preston Lane, Jr., two Baltimore detectives—Lieut. Joseph Itzel and Sergt. William Flynn—made a fast trip to Princess Anne last night to take up their investigation aimed at the identity of the lynchers of George Armwood.

The detectives were in communication with Mr. Lane today by telephone. Their preliminary work was about half finished early in the morning, it was understood, and they were expected to make a complete report to Lane late today.

Itzel and Flynn are expected to return to Baltimore and make a verbal report to the Attorney-General, who will make his plans accordingly. Lane is prepared to go to Somerset county himself to lead the probe as soon as certain information is made available.

Checking Separate Items

It is understood that Lieutenant Itzel was checking on nine separate items or "clues" in Somerset county today.

When Lane goes to Somerset county to correlate his efforts with those of State's Attorney John B. Robins, he will probably be accompanied by State police officials. Today's probe, however, was being conducted as quietly as possible by the two detectives.

The Attorney-General is not willing to discuss details of his investigation. It is known, however, that the investigation conducted here at his office has identified several men who have not so far been named in the proceedings before Coroner Edgar A. Jones, of Princess Anne.

It was at Lane's request that the coroner's inquest was adjourned before any of the State policemen were called to testify. One State police official, it is known, has in his possession the names of at least three men who were at the jail on the night when the mob dragged Armwood out to be lynched and burned.

Much of the information already available has not been made public as yet, and several important witnesses are still to be called. Judge Robert F. Duer, who spoke to the mob at the jail, is one of those who has not been called yet as a witness, although Robins said he was ready to call the judge if Lane desires it.

Another witness is Dr. George Jarman, who was with Judge Duer and who also spoke to the mob at the jail

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BALTIMORE, MD.
EVENING SUN
NOV 2 1933

LANE GETS OFFICERS' LYNCH PROBE REPORT

Hears Information Itzel And Flynn Obtained On Somerset County Trip

A detailed report on the Princess Anne lynching investigation was given to Attorney-General William Preston Lane, Jr., by two Baltimore detectives at a conference which started late last night and continued until nearly 3 A. M. today. Lieut. Joseph Itzel and Sergt. William Flynn made the report.

Itzel and Flynn spent yesterday on the Eastern Shore, most of the time in Somerset county, and returned to Baltimore late last night. They went into conference with Lane immediately, discussing the information obtained on their trip.

More Witnesses Found

The detectives were in communication with Lane yesterday by telephone and the Attorney-General gave them instructions to be followed out. There were nine separate items of information which Lane wanted checked.

Whether the investigators have identified any of the actual lynchers of George Armwood has not been revealed. It is known, however, that a number of witnesses have been identified who have not yet been called before the coroner's jury.

Lane To Phone Robins

Lane is expected to decide soon when he will go to the Shore to take up the lynching probe on the scene. He is expected to confer by telephone with State's Attorney John B. Robins before making the trip.

BALTIMORE, MD.
NEWS
OCT 31 1933

CITY POLICEMEN BACK TO SHORE

Two Baltimore detectives, under veiled orders, were again detailed today to Princess, Anne, Md., for resumption of investigation into the Armwood lynching in that Somerset county seat more than two weeks ago.

Meanwhile Attorney General W. Preston Lane, Jr., indicated he would go to Princess Anne tomorrow for continuation of the investigation. The Baltimore detectives detailed to Princess Anne are Lieut. Joseph Itzel and Sergt. William Flynn of the Bertillon Bureau. Both have investigated the Armswood case and are said to have gained many friends on the Eastern Shore through their activities in the last several years.

Public Inquiry Gets Proof of Ritchie's Guilt in Lynching

Daily Worker

11-20-33

New York, N.Y.

1,500 Persons Attend the Hearing in Baltimore

By LOUIS COLMAN

BALTIMORE, Md., Nov. 19.—More than 1,500 persons, one-third of them white, in the New Albert Hall, heard evidence presented Saturday night completely proving the guilt of Gov. Albert C. Ritchie of Maryland, State's Attorney Robins, and Eastern Shoremen named in the "Daily Worker" affidavit, in the fiendish lynching of George Armwood. Negro worker, on the Eastern Shore on Oct. 18.

The evidence was presented before a tribunal headed by Harry F. Ward, of the Union Theological Seminary, New York City, and composed of liberals and intellectuals from Washington, Philadelphia, Baltimore and New York, with worker members from Chester, Pa., and New Jersey cities in addition to the cities named above.

In addition to the 450 delegates here for the anti-lynching Conference which opens today, the audience was composed of steel and marine workers, Negro and white, their wives, and hundreds from the broad toiling masses and the petty-bourgeoisie, black and white, of this city.

Ades Tells Of Lynch Preparations

Among the delegates were a dozen Negroes from the Eastern Shore oyster dredges, canneries and farms.

Bernard Ades, International Labor Defense attorney, made the main presentation of the evidence in the Armwood lynching, pointing out the political purposes of the Ritchie machine in throwing Armwood to the Eastern Shore lynchers, and relating in vivid detail the monstrous story of the preparations for the lynching and of the process of buck-passing now going on between State's Attorney Robins, Attorney General Lane and Gov. Ritchie. He called attention to the fact that only on the eve of the Public Inquiry did Attorney General Lane act to order the arrest of the known lynchers whose names were published several weeks ago by the "Daily Worker." He commented caustically on the refusal of State's Attorney Robins to make the arrest, and pointed out that Robins himself was named as one of the chief instigators of the lynching. Robins has declared that if arrested, the lynchers would be released by an Eastern Shore mob.

Daily Worker

11-20-33

Investigator Reports Eastern Shore Conditions

Rose Bradley, a Baltimore white girl and an investigator for the League of Struggle for Negro Rights and the "Daily Worker," gave a report on the social and economic contions on the Eastern Shore which have been exposed in the "Daily Worker" as the basis created by the capitalists for the lynch terror against the Negro masses. She quoted prominent citizens she had interviewed in her investigation. Mr. Keller, Somerset County agent, had told her "we have mostly Negro labor around here. They work under supervisors, but even so they're not worth anything. Sometimes we get rid of one, ha-ha-ha—we just got rid of one recently." His statement clearly referred to George Armwood, lynched on Oct. 18, and evoked a hearty laugh from a woman relief supervisor who was sent to the Eastern Shore from Baltimore.

Eastern Shoremen Laugh In Telling Of Lynching

Dr. Collins, public health physician of Crisfield, Md., told her "I don't notice that Negroes need much attention. We don't hear much from them. They keep their places and we keep in ours. Occasionally we have to string one up, ha-ha-ha."

Mr. Hampden, editor of the Eastern Shore "Republican," whom she also interviewed, boasted that he had seen the Armwood lynching and generally expressed approval of lynch terror:

"Yes, I saw the Armwood lynching," he declared. "Covered it for the A. P. and U. P., and the Baltimore 'Sun.' I was on the telephone when I heard the crowd dragging him past my house. I said, you'll have to excuse me but they're dragging a nigger past with a rope around his neck and I have to go to see about it.

"Nothing To It" Says Boss Editor

"There was nothing to it. They just got a nigger out of jail, stabbed him, dragged him up and down the street and hung him on a tree. He was dead before they hung him. He didn't try to stand or anything like that the way some papers said. I don't know why the papers print such things. There wasn't any of that singing or dancing around the tree. He wasn't up there more than a minute and a half, then they dragged him back to the court house and somebody poured gasoline over him and set a match to him. It flared up and then died down. There wasn't anything to it."

"Lynchings Are Bread and Meat to Me"

All the time Hampden was describing with evident relish the hideous details of the lynching, he was rocking a baby on his knee, and another 10-year-old daughter sat facing him with wide, serious eyes. The investigator particularly commented on this revolting picture of family life among the "best people" of the Eastern Shore, and then quoted Hampden further, as declaring:

"I don't care if they have another lynching tomorrow. Lynchings are bread and meat to me."

Another newspaper man, Mr. Truitt, editor of the "Salisbury Times", openly boasted of the part played by his paper in inciting to the lynching of Matthew Williams, a year ago on the Eastern Shore. He told the investigator:

"Matthew Williams was lynched on account of a statement made by State's Attorney Bailey that Williams had confessed to him, saying he had shot his employer on the basis of a secret order from the I.L.D. and that four more were picked to be killed.

"Our paper, with that statement in it, was out on the street at five o'clock, and that same evening they lynched him."

The investigator reported a widespread sentiment on the part of Eastern Shore Negroes in favor of the International Labor Defense. She said this sentiment was not openly expressed for fear of reprisals, but that it was only awaiting a connecting-up with the nation-wide liberation movement of which they have heard, despite their isolation.

NEW YORK MIRROR

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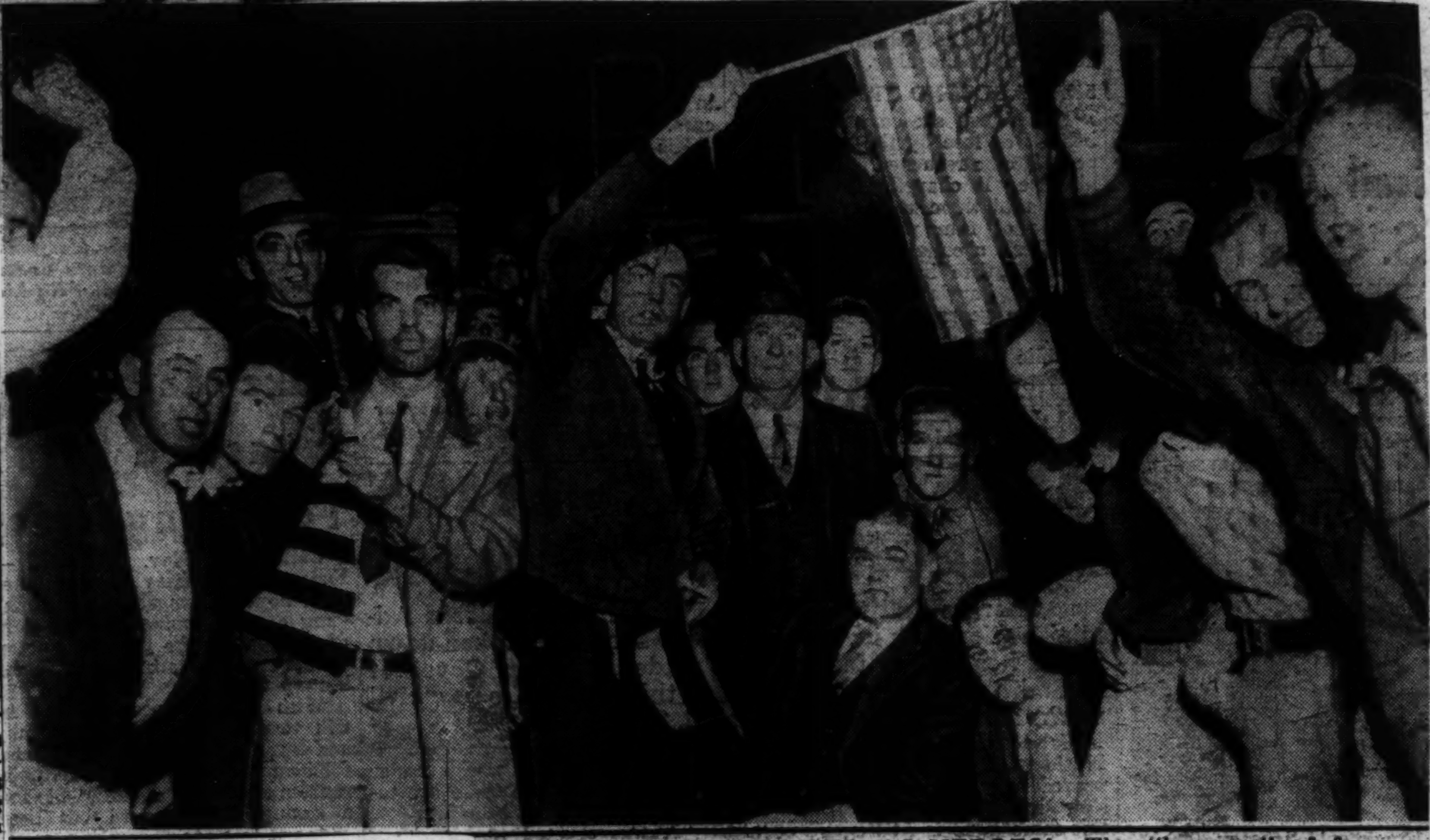

LYNCH SUSPECTS HAILED AS HEROES!—The "bravery" of four men in leading at the lynching of George Armwood (colored), brought this accolade of cheers and flag-waving as the quartette was released by Circuit Court at Princess Anne, Md. The day before, the crowd, in a belligerent mood, had tried to free them by force.

Lynchings - 1933

Legal Punishment of Lynchers.

Mississippi.

4130

ORLANDO, FLA.
SENTINEL

JUL 1 9 1933

The Downtrodden Negro

A MISSISSIPPI GRAND jury the oth-r day indicted five or six white men for attacking an aged negro. One of those indicted was a former county commissioner. Others were fairly well to do farmers.

What should be sensational information to certain newspapers of the north and particularly the Chicago Tribune, which for years have carried on a war of prejudice and hatred against the south.

If the Tribune and others of its class would seriously attempt to discover the facts, it would find, of course, that the negro in the south is far more decently treated by the whites than he ever would be treated in the north.

The southern negro as a matter of fact, is a liability to the white man, in many cases. The negro leans heavily on his "white folks" for financial and other assistance and the white man, accustomed through the years to provide for him, habitually comes through.

Mississippi.

4131

Lynchings-1933
Legal Punishment of Lynchers.

Montgomery, Ala., Advertiser
July 13, 1933

15 Mississippians Held For Lynching Of Negro

LOUISVILLE, MISS., July 12.—(AP)—Seventeen indictments charging mob violence in connection with the death of a 65-year-old negro, returned by a Choctaw County Grand Jury, resulted in arrest of 15 men today and purported confessions from five of those in custody.

The office of Sheriff M. M. Ellis, of Choctaw County, reported the arrests this morning, making public the names of all but the two men who are yet unapprehended.

The mass indictments charge the men with the death of Reuben McCou, aged negro, whose body, bearing evidence of whipping and a gunshot wound, was found six miles southwest of Louisville three and a half months ago.

Deputy Sheriff H. M. Ellis said the negro had had an altercation with Lee McDowell the day before his body was found.

Dothan, Ala. Eagle
July 13, 1933

15 MISSISSIPPIANS HELD FOR LYNCHING OF NEGRO

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17 INDICTED IN DEATH OF MISSISSIPPI NEGRO

Commercial Appeal

Revenge Motive Blamed By Officers For Slaying.

7-13-33

15 ARE AWAITING TRIAL

Memphis, Tenn.

Murfder Said to Have Taken Place in Winston County. Negro, 70, Was Acused of Slapping Youth.

(1)

Special to The Commercial Appeal.

LOUISVILLE, Miss., July 12.—Accused of slaying a 70-year-old negro man as retaliation for a slap given a youth by the negro, 17 men were indicted here by the Winston County grand jury and 15 are in jail here now awaiting trial Monday.

The body of Reuben McCou, the victim, was found riddled with bullets in a drainage canal four miles southwest of here three months ago and an investigation conducted by District Attorney Ford resulted in the arrests and the indictments.

Seventeen Accused.

Those accused are R. L. McClure, J. P. McClure, Boyd McClure, Buster Collins, Willie McDowell, Frank Stacks, Lee McDowell, Bird Pope, W. T. McDowell, Sr., Birthon Hunter, J. T. Shaw, Ed Hill, Clacy Dakus and Felix Moss. W. T. McDowell, Jr., and John Sargent were also indicted but have not been arrested. They are understood to be in a reforestation camp.

W. T. McDowell, Sr., has been a leader in public affairs in Choctaw County for several years and is president of the board of trustees of the Ackerman Consolidated High School. The negro was said to have attacked his son, Lee McDowell. All the accused live in Choctaw County but the slaying is alleged to have taken place in Winston County.

Confessions by two of the prisoners, Dakus and Moss, officers declare, indicate that the group of men and boys undertook to whip the victim for striking McDowell, but the intense feeling of some of the members resulted in his murder. Confessions by Noel McClure, Bird McClure and Buster Collins have been repudiated.

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15 Mississippians Held For Lynching Of Negro

Advertiser
7-13-33
Montgomery, Ala.

LOUISVILLE, MISS., July 13.—(AP)—Seventeen indictments charging mob violence in connection with the death of a 65-year-old negro, returned by a Choctaw County Grand Jury, resulted in arrest of 15 men today and purported confessions from five of those in custody.

The office of Sheriff M. M. Ellis, of Choctaw County, reported the arrests this morning, making public the names of all but the two men who are yet unapprehended.

The mass indictments charge the men with the death of Reuben McCou, aged negro, whose body, bearing evidence of whipping and a gunshot wound, was found six miles southwest of Louisville three and a half months ago.

Deputy Sheriff H. M. Ellis said the negro had had an altercation with Lee McDowell the day before his body was found.

TWO PLEAD GUILTY IN NEGRO'S MURDER

Atlanta [illegible]
7-14-33
Ga.

LOUISVILLE, Miss., July 13.—(AP)—Trial of a group of Choctaw countians on a charge of murdering Reuben Micou, 65-year-old negro, has been set in Winston county circuit court for July 17.

Fifteen of the 17 under indictment were arraigned today in circuit court here and 13 entered pleas of not guilty.

Felix Moss and Clacy Dacus, both of whom officers said had previously confessed to a part in the slaying, pleaded guilty.

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17 Whites Indicted In Mississippi For Lynching of Negro

Call
Kansas City, Mo.
7-21-33

LOUISVILLE, Miss. — (ANP) — With the indictment of 17 white men for the lynching of a 65-year-old Negro man last April, a mild sensation was created. The case is attracting statewide interest because all of the indicted whites are prominent and widely known throughout the state.

Reuben Micu was the lynched man. Mieu had a fight with Leo McDowell of Choctaw county April 1. The next day he was taken from his home by the mob. His whipped and bullet-riddled body was found several miles away.

The Winston county grand jury is conducting the investigation. According to county officers, five of the men have confessed to their part in the lynching. Fifteen of the indicted men are of Choctaw county.

MISSISSIPPI LYNCHING IS SHELVED BY COURT

Atlanta Constitution
7-18-33
Atlanta, Ga.

LOUISVILLE, Miss., [illegible]—(AP) Trial of 17 citizens of Choctaw and Winston counties, charged with the mob slaying of a negro, Reuben Micou, after he allegedly engaged in an altercation with one of the group, has been indefinitely postponed.

The charges yesterday were remanded to the files when called for trial and all of the 17 men pleaded not guilty. They were indicted by the Winston county grand jury two weeks ago.

Court attaches said the case would probably never come to trial.

NEW YORK WORLD-
Miss. Telegram

JUL 13 1933

15 HELD FOR LYNCHING.

By the Associated Press.

LOUISVILLE, Miss., July 13.—Seventeen indictments charging mob violence in the death of Reuben Micou, 65, Negro, resulted in arrest of fifteen men today and purported confessions from five.

VICKSBURG, MISS.
HERALD

JUL 13 1933

FIVE CONFESS TO TAKING PART IN LYNCHING NEGRO

Seventeen Indictments Returned in Death of Reuben Micou

Louisville, Miss., July 12.—(AP)—Seventeen indictments charging mob violence in connection with the death of a 65-year-old negro, returned by a Choctaw county grand jury, resulted in arrest of 15 men today and purported confessions from five of those in custody.

The office of Sheriff M. M. Ellis of Choctaw county, reported the arrests this morning, making public the names of all but the two men yet unapprehended.

The mass indictments charge the men with the death of Reuben Micou, aged negro, whose body, bearing evidence of whipping and a gunshot wound, was found six miles southwest of Louisville three and a half months ago.

Deputy Sheriff H. M. Ellis said the negro had had an altercation with Lee McDowell the day before his body was found.

Those arrested are: W. T. McDowell, Lee and Willie McDowell, L. McClure, Paul McClure, Noel McClure, Boyd McClure, Byrd Pope, Ed Hill, Bertrand Hunter, Jim Tom Shaw, Frank Stacks, Buster Collins, Felix Moss and Clacy Dacus.

Ellis said Boyd and Noel McClure, Moss, Pope and Dacus had signed confessions in the presence of District Attorney A. F. Ford of Ackerman and the chancery clerk of Choctaw county.

Several of those under arrest are widely known in this section, W. T. McDowell being a former county supervisor and at present head of the board of supervisors of the Ackerman high school.

Jackson, Miss., News
July 15, 1933

The old question of whether or not white men can be convicted for participating in a negro lynching may get an answer up in Choctaw county where 15 persons have been indicted for the lynching of Reuben Micou, a 65-year-old negro. It is said that five members of the mob made confessions on which the indictments were based. It will be a memorable legal battle, with some of the best lawyers in the state participating.

(2)

17 INDICTED IN MISSISSIPPI FOR LYNCHING NOT LISTED BY TUSKEGEE; FIVE OF MOBBISTS CONFESS

Journal and Guide 7-22-33
Norfolk, Va.

LOUISVILLE, Miss., (ANP)—With the indictment of 17 white men for the lynching of a 65-year-old colored man last April, a mild sensation was created last week. The case is attracting statewide interest because all of the indicted whites are prominent and widely known throughout the state.

Reuben Micou was their victim. It is alleged that Micou had a fight with Lee McDowell of Choctaw County on April 1. The next day he was taken from his home by the mob. His whipped and bullet-ridden body was found several miles away.

The Winston County grand jury is conducting the investigation which started Monday, July 10. According to county officers, five of the men have confessed to their part in the lynching. Fifteen of the indicted men are of Choctaw County.

This lynching was not included among the six lynchings for the first six months of 1933, as recorded by Tuskegee Institute.

ALBANY, N. Y.
NEWS
JUL 18 1933

Indicted for Lynching

MISSISSIPPI has given assurance that the South does believe in justice for the Negro and that it frowns on lynching. A grand jury has just indicted 15 men on a charge of participating in the lynching of a Negro three months ago.

Unfortunately, for many years the feeling has prevailed that if any Negro were lynched in a Southern state that was the last of it for no one would move against members of a lynching party. In cases where crimes have aroused public indignation it has been considered futile to take any action against those who took the law into their own hands and punished the offender.

But Mississippi has demonstrated that this is not always so and a grand jury has done its duty. Mississippi is doing something to abolish lynching and other Southern states [illegible] have moved against lynching. It [illegible] and just movement and it will have an effect on those self-imposed judges who commit a crime to avenge one.

Orlando, Fla., Sentinel
July 19, 1933

The Downtrodden Negro

A MISSISSIPPI GRAND jury the other day indicted five or six white men for attacking an aged negro. One of those indicted was a former county commissioner. Others were fairly well to do farmers.

What should be sensational information to certain newspapers of the north and particularly the Chicago Tribune, which for years have carried on a war of prejudice and hatred against the south.

If the Tribune and others of its class would seriously attempt to discover the facts, it would find, of course, that the negro in the south is far more decently treated by the whites than he ever would be treated in the north.

The southern negro as a matter of fact, is a liability to the white man, in many cases. The negro leans heavily on his "white folks" for financial and other assistance and the white man, accustomed through the years to provide for him, habitually comes through.

Old Man Lynched, Mobsters Go Free

Defender 8-[illegible]-33
Chicago Defender

ACKERMAN, Miss., Aug. 4.—Despite the fact that 17 indictments were returned and written confessions obtained from five men, all white, and [illegible] in connection with the brutal murder of Reuben Micon, they were all given their liberty when the case came up for trial Monday.

The indictments were returned July 10 in circuit court before Judge John F. Allen, the district attorney being A. L. Ford. The prisoners were lodged in jail, but, it is reported, between the return of the indictments and the date set for the trial the witnesses were threatened and left their homes, refusing to testify. The case was nol-prossed, with leave to reinstate.

The brutal, wanton murder of Micon is without parallel even in this state notorious for its crimes of violence against members of the Race. He was a pious farmer, a deacon in Jerusalem Baptist church and respected by all his fellow citizens. Micon was [illegible] years old, had lost one eye and was a cripple, which necessitated his using a cane.

Last April, following a quarrel with a young neighbor named McDowell, who became incensed because he found some of Micon's hogs on his farm, the aged man and the youth came to blows.

Micon, according to reports, was on his way to church when he was attacked by McDowell, but the old man, using his walking stick as his defense, beat off McDowell and gave him a sound thrashing.

The next day, April 24, the mob collected, found Micon at a neighbor's house, and, despite his pleas for mercy, Micon was dragged from the house and lynched. The body was taken from Choctaw county to Winston county and there thrown into a creek.

Micon's body was discovered a week later by fishermen, who notified the sheriff. Sentiment is running high here among members of the Race because of the cold-blooded murder of the aged, defenseless man and because his murderers remain unpunished.

SAN ANTONIO, TEX.
NEWS
JUL 25 1933

INDICTMENTS FOR LYNCHING

This is good news from Mississippi. Three months ago a negro was lynched in that state. Yesterday a grand jury indicted 15 men, charging them with participation in the crime. Five of the 15 are said to have confessed. The extent of lynching in the South at one time was a black stigma on that section. In recent years this crime has been so reduced that the South compares favorably with some of the Northern states. But whether in the South or in the North, indictment of lynchers is uncommon. Even when the authorities know or have reason to suspect the participants in mob law, there is reluctance to bring them to account if the crime charged against the victim is one calculated to impassion the community. Yet more frequent conviction and punishment of lynchers would contribute greatly to the suppression of mob violence. Perhaps Mississippi is about to give the country a notable and salutary example of justice.—Kansas City Star.

KANSAS CITY, MO
STAR
JUL 14 1933

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Hattiesburg, Miss. American
July 14, 1933

REAL NEW DEAL

Indictment of 17 Choctaw men on murder charges in connection with the death of 65-year-old negro is a real new deal in Mississippi as far as criminal procedure is concerned.

Fifteen of the men have been arraigned at Louisville, Winston county, in which the slaying is alleged to have occurred. Two of the 15 pleaded guilty to the charges against them while trial of the other members of the group has been tentatively set for July 17.

Action of the Winston county officials will attract the attention of the whole country upon Mississippi which has a rather unsavory lynching record. Great progress to remedy the mob violence evil has been made in recent years and the state has gone a long way toward removing this undesirable stigma.

When mobs attempt to administer justice, they manhandle the law more than they do their victims. If people became properly aroused over the insufficiency and inefficiency of the statutes and the poor enforcement and application thereof, there would be no cause for mob violence because the law would be made to function.

Winston county is setting an example for every other county in Mississippi and the entire south by bringing indictments against the men who are accused of doing to death the negro, victimized for nothing more than a minor row with two members of the group.

Hereafter, Mississippi will make a more determined effort to keep the mob stain off the state's standard which has been pretty well besmudged in the past.

Lynchings – 1933 I.
& Legal Punishment of Lynchers.

Missouri.

4134

Four More Arrested In Missouri Lynching

Constitution

ST. JOSEPH, Mo., Dec. 6.—(AP)—Four more men were being held at police headquarters here today for questioning in connection with the lynching here last week of Lloyd Warner, negro youth accused of attacking a white woman.

Their detention brings to six the number of persons held. No charges had been filed against the quartet today and their names were not made public.

They are to be questioned by William O. Sawyer, assistant attorney-general, who is in charge of the state's investigation of the mob's action. Meanwhile Sawyer was busy collecting the names of 50 witnesses he plans to have examined by a grand jury next week.

12-7-33
Atlanta, Ga.

Catholic Mob Members Ordered to Confess

ST. JOSEPH, Mo., Dec. 4.—(AP)—The Rev. Victor Meagher, pastor of St. Francis Xavier church, told his Catholic parishioners yesterday that presence in the mob that last Tuesday night hanged Lloyd Warner, negro accused of attacking a white girl, was a "sin that must be confessed."

"The mere presence of any Catholic in that mob is a matter of confession," Father Meagher said. "I don't care whether presence there was only curiosity. The very fact that you were there and watched that murder makes it a sin that must be confessed."

Constitution
12-5-33
Atlanta, Ga.

FOUR UNDER ARREST IN ST. JOSEPH LYNCHING

ST. JOSEPH, Mo., Dec. 8.—(AP)—Four men are in custody in connection with the lynching November 28 of Lloyd Warner, 19-year-old negro, said by police to have confessed an attack on a young Jewish girl.

Aaron Levin, junk dealer, and John F. Zook, former policeman, are charged with first degree murder. Both pleaded not guilty and are held without bond for next week's grand jury.

Carl Fisher, charged with possession of a pistol stolen from the Buchanan county jail, pleaded guilty. Sentence was deferred.

Walter Garton also pleaded guilty to a charge of malicious destruction of property in connection with the jail attack.

Constitution
12-9-33
Atlanta, Ga.

Arrest 2 Lynchers of Lloyd Warner

ST. JOSEPH, Mo., Dec. 8.—Police today arrested two leaders of the mob which took Lloyd Warner, Negro youth, out of jail and lynched him last week. Police refused to divulge the names of the arrested lynchers.

The arrests followed wide protests after Assistant Attorney-General W. O. Sawyer, detailed to "investigate" the lynching, had reported "no progress."

New York

HOLD FORMER OFFICER AS LYNCHING LEADER

Commercial Appeal

Accused Charged With Pouring Gasoline on Victim

12-7-33

ST. JOSEPH, Mo., Dec. 6.—(AP)—A warrant charging first degree murder was issued here tonight for John Zook, a former St. Joseph policeman, [illegible] in connection with the lynching last Tuesday night of Lloyd Warner, 19, negro, who confessed attacking a young white woman.

Memphis

Zook, according to the charges, is the man who poured gasoline on the negro's body after it had been strung up to a tree a short distance from the Buchanan County jail, where the mob seized him after a three-hour battle. Zook denied he participated in the lynching. Officers said, however, that he had been indentified by witnesses as a mob leader.

Walter Garton, 34, World War veteran, is accused of malicious destruction of property for allegedly assisting in tearing a door from the jail and Carl Fisher is awaiting sentence on a charge of illegally possessing a pistol stolen from Sheriff Otto Theisen during the fight over Warner. Fisher pleaded guilty.

Two Men Are Held In Lynching Case

Telegraph
12-4-33

Officers Seeking Evidence in Killing of Negro

Macon, Ga.

ST. JOSEPH, Mo., Dec. 3.—(AP)—With two men in custody, officers today were investigating "tips" which they said may lead to additional arrests of men sought as possible leaders of the mob that lynched Lloyd Warner, 19, Negro, here last Tuesday.

Declining to reveal the source, officers admitted they were in possession of information which they believed would enable them to identify the leaders of the mob.

Police arrested Carl Fisher, 24, after they had learned he was attempting to sell a revolver. The revolver, officers said, was the property of Sheriff Otto Theisen and was taken from his living quarters in the Buchanan county jail building after the mob had forced entrance and dragged the Negro forth to his death.

Frank Jutten, a deputy sheriff said Fisher named a 45-year-old World war veteran as being one of the men who fastened a chain from a motor truck to the steel rear door of the jail, by which means the door was torn from its hinges.

This man also was taken into custody and is being held for questioning, officers said. They declined to disclose his name.

LEADER OF MOB IN MISSOURI SOUGHT

Two Men Held In Lynching Of Negro; 'Tips' Are Being Followed Up

Advertiser

ST. JOSEPH, MO., Dec. 3.—(AP)—With two men in custody, officers today were investigating "tips" which they said may lead to additional arrests of men sought as possible leaders of the mob that lynched Lloyd Warner, 19, negro, here last Tuesday.

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12-4-33

Police arrested Carl Fisher, 24, after they learned he was attempting to sell a revolver. The revolver, officers said, was the property of Sheriff Otto Theisen and was taken from his living quarters in the Buchanan County Jail Building after the mob had forced entrance and dragged the negro youth to his death.

Montgomery

Frank Jutten, a deputy sheriff, said Fisher denied he was a leader of the mob, but admitted being present when the negro was hanged and burned. Fisher told officers a boy gave him the sheriff's revolver.

Jutten said Fisher named a 45-year-old World War veteran as being one of the men who fastened a chain from a motor truck to the steel rear door of the jail, by which means the door was torn from its hinges.

This man also was taken into custody and is being held for questioning, officers said. They declined to disclose his name

Officers said no other persons have as yet been arrested in connection with the lynching.

The negro was lynched in the presence of a crowd of 7,000 persons, including many women and girls, after the mob had stormed the jail for three hours.

Warner was accused of criminally attacking a 21-year-old white girl.

Second Suspect Held as Lyncher

Telegraph
12-8-33
Macon, Ga.

Junk Dealer Charged With Murder in Missouri Case

ST. JOSEPH, Mo., Dec. 7 (AP)—A second warrant charging first degree murder in connection with the lynching of Lloyd Warner, Negro, was issued late today.

Aaron Levin, 50, a junk dealer, is charged in the warrant with being one of the men who procured the gasoline which was hurled on the Negro's body and set afire after he had been hanged to a tree a short distance from the Buchanan county jail.

Police said Warner confessed attacking a 21-year-old Jewish girl.

The first murder warrant in the case was issued for John F. Zook, ex-policeman and wrestler, who was accused by authorities of pouring the gasoline on the victim's body.

Arraigned, both Zook and Levin pleaded not guilty and were held without bond to await action of the grand jury which has been called to meet Monday.

Evidence Will Be Offered

SAN FRANCISCO, Dec. 7 (AP)—Asserting he possessed proof of identities of two members of the crowd which lynched the confessed San Jose slayers of Brooke Hart, A. L. Wirin, Los Angeles attorney representing the American Civil Liberties union, said today he would turn the evidence over to United States Attorney General Homer S. Cummings if California authorities fail to take action.

Lynch Prober Issues Third Murder Warrant

Constitution
12-15-33

ST. JOSEPH, Mo., Dec. 14.—(AP)—The third murder warrant was issued today in the investigation of the lynching of Lloyd Warner, 19, negro, here November 28.

Atlanta, Ga.

Emery Donnelly, 21, was charged with first degree murder in a complaint filed by W. O. Sawyers, assistant attorney-general. Sawyers accused Donnelly of handling the rope from the tree to which Warner was hanged. Donnelly denies the charge.

The cases against Donnelly and John Zook and Aaron Levin, also charged with murder, will be presented to the grand jury tomorrow. Four others are held on warrants charging destruction of public property, and indictments will be asked for them, Sawyers said.

FORMER POLICEMAN IS CHARGED WITH MURDER IN MISSOURI LYNCHING

John F. Zook, Former policeman, with two others was charged with first degree murder in St. Joseph, Mo., in connection with the recent lynching of a negro there. (Associated Press Photo.)

NEW YORK
[redacted] WORLD —
Telegram
DEC 6 1933

NEW LYNCHING ARREST

Missouri Seizes Man Who Is Said To Have Started Fire.

By the Associated Press.

ST. JOSEPH, Mo., Dec. 6.—William O. Sawyers, Assistant Attorney General, says officers have arrested the man who poured gasoline on the body of Lloyd Warner, 19-year-old Negro, hanged and burned a week ago by a mob.

Pursuing an investigation of the lynching, Sawyers said warrants probably would be issued today for the arrest of at least two of four men questioned last night. No names were disclosed. Two other men also are in custody.

ALL MEN IN MOB CALLED SLAYERS

Judge Asks Murder Indictments Against Every One in Missouri Lynching Party

12-12-33

ST. JOSEPH, Mo., Dec. 11. (AP)—In a stern denunciation of lynch law, Circuit Judge J. V. Gaddy told a special grand jury today that every person who was active in the mob that lynched Lloyd Warner, Negro youth, the night of Nov. 28 "is guilty of murder in the first degree."

The jurist called upon the grand jury to return indictments.

"It is now necessary to punish the guilty members of that mob, if we are to protect ourselves against the danger of the mob," Judge Gaddy said.

"The man who pulled off the jail door, or any man who helped in any way to break into the jail is just as guilty of murder as the man who placed the rope around Warner's neck."

The Negro, charged with attacking a white woman, was seized after the mob had stormed the county jail for several hours. He was beaten, stabbed, hanged to a tree near the court house and his body burned in the presence of a crowd of about 8,000.

"Every man who was active in that mob is guilty of murder in the first degree and should be indicted," Judge Gaddy charged the grand jury, which is made up of prominent citizens and headed by Henry Krug, banker and president of the public library board.

"The danger of the mob lies in the letting down of individual responsibility," said the jurist. "It wasn't a desire to administer justice or prevent a recurrence of Warner's crime which sent the mob against the jail. It was hate, the same passion that engenders any murder.

"When you find the real leaders of that mob, you will find men of not much higher moral standards than the man they murdered. If you had been there that night, I doubt if you could have picked 12 men from that mob who would have had the courage to convict and hang Warner as members of a jury in a court of justice. Their action was murder in its most despicable form and an assault on the institutions you pay for and charge to administer justice."

New York Evening Post

DEC 6 1933

Missouri Holds 3 In Negro Lynching

One Prisoner Accused of Pouring Gasoline on Body of Youth—Other Arrests Due

ST. JOSEPH, Mo., Dec. 6 (AP).—William O. Sawyers, an Assistant Attorney General, says the man is in custody who poured gasoline on the body of Lloyd Warner, nineteen-year-old Negro, hanged and burned a week ago by a mob.

Pursuing vigorously an investigation of the lynching of the confessed attacker of a white girl, Mr. Sawyers said warrants probably would be issued today for the arrest of at least two of four men questioned last night. No names were disclosed pending filing of charges.

Two Others in Custody

Two other men also are in custody. One is Carl Fisher, who has pleaded guilty to possession of a pistol, belonging to Sheriff Otto Theisen, which was stolen from the sheriff's living quarters in the attack on the jail November 28.

Police said Fisher named Walter Garton, forty-three, as having been one of the mob leaders, but Garton denied participation in the attack or lynching.

JOHN F. ZOOK SAID TO BE MAN THAT POURED GASOLINE ON WARNER

12-8-33

St. Joseph, Mo.—John Zook, 30 year old truck driver, ametuer wrestler and former policeman who was allowed to parade the streets of St. Joseph with a gun as a guardian of the law, was arrested December 6 for murder in the 1st degree being charged among other crimes, with having poured the gasoline upon Lloyd Warner's body, whereby it was burned to a crisp after Warner was lynched by a blood thirsty mob of hoodlums who broke in the St. Joseph jail which held Warner, destroying hundreds of dollars worth of property in their savage attempt to satify their fiendish lust for the blood of an innocent 19 year old Negro boy who was lynched by the mob which excused itself with the pretext that Warner had confessed attacking a white woman. According to recent reports, the mother of the alleged victim denied that such an attack occurred.

The Plaindealer

A total of eight people have been arrested in connection with the lynching of Warner, and from present evidences, it appears that the investigation will assume larger proportions than did the one following the Maryville lynching at which a Negro man, charged with the usual crime, was burned to death atop a school house while women and children danced merrily around the death fire. The recent unfavorable publicity given to Governor Rolph, and the scathing denunciation given mob action by newspapers and political leaders throughout the country have rendered it necessary for the state of Missouri, despite the southern traditions it has, to clear itself of the horrible shame which has been attached to its name by the St. Joseph lynching.

President Roosevelt's Wednesday night address condemning mob action broke the silence of the national government as to lynchings and mob violence, and in accordance with the campaign convictions of the state administration at Jefferson City, the state laws of Missouri which condemn murder in any form, are being upheld.

Zook pleaded not guilty Thursday to a charge of first degree murder in the death of Warner. The ex-patrolman is accused of pouring gasoline over the victim. Judge J. V. Gaddy in the criminal division of the circuit court ordered Zook held without bond. Zook told the court he will ask permission to appear before the grand jury next week.

New York Evening Post

DEC 7 1933

Lynching Is Laid To Ex-Policeman

Alleged Leader of Missouri Mob Said to Have Thrown Gasoline on Negro

ST. JOSEPH, Mo., Dec. 7 (AP).—A former policeman has been charged with first-degree murder in connection with the lynching of a Negro; two other men are in custody on lesser charges, one having pleaded guilty, and investigators continue a roundup of mob leaders, who directed the hanging and burning last week of Lloyd Warner, nineteen-year-old confessed attacker of a white girl.

John F. Zook faces the murder charge. His arraignment was scheduled for today. He denies he took part in the lynching but officers said he had been identified by witnesses as a leader. He is alleged to have tossed gasoline on the Negro's body before it was burned, after the hanging.

Grand Jury Convenes Monday

Since leaving the St. Joseph Police Department several years ago, Zook has worked for a packing plant.

William O. Sawyers, an Assistant Attorney General in charge of the investigation, said Roy McKittrick, Attorney Genral, may come here for the convening of a Grand Jury next Monday. More than fifty lynching witnesses have been subpenaed to testify before the jury.

CHILLICOTHE, MO.
CONSTITUTION

DEC 1 1933

A LYNCHING IS DEPLORED

Three St. Joseph Organizations Passed Resolutions; An Investigation Underway.

ST. JOSEPH, Mo., Dec. 1.—(U.P.)—Resolutions from three St. Joseph organizations today deplored the lynching here early Wednesday of Lloyd Warner, Negro who confessed attacking a ~~white~~ woman.

Investigation of the lynching by state and county authorities went forward slowly, checked yesterday by the Thanksgiving holiday. The attorney general's office promised a thorough investigation and the county prosecutor pledged cooperation.

The St. Joseph Ministerial Alliance deplored the lynching, the crime which incited mob action and extended sympathy to the girl victim of Warner, recovering in a hospital here. The St. Joseph Laymen's federation took similar action. The St. Joseph Peace Council condemned the lynching and charged that peace officers failed in their duty.

Meantime, identity of leaders of the mob of more than 9,000 persons who stormed the Buchanan County jail was sought. Although none attempted to conceal his identity during the five-hour battle with officers and national guardsmen, or when the Negro was hanged and burned on a downtown street, investigators had made little progress.

JUDGE HOLDS MOB 'MURDERED' NEGRO

St. Joseph Jurist Calls Upon Grand Jury to Return First Degree Indictments

12-12-33

KANSAS KILLER CONFESSES

New York

Cowboy, in State Reformatory for Safe-Keeping, Admits Slaying Couple.

ST. JOSEPH, Mo., Dec. 11 (AP).—In a stern denunciation of lynch law, Circuit Judge J. V. Gaddy told a special grand jury today that every person who was active in the mob that lynched Lloyd Warner, Negro youth, the nghit of Nov. 28 "is guilty of murder in the first degree."

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The Negro, charged with attacking a white woman, was seized after the mob had stormed the county jail for several hours.

The grand jury is made up of prominent citizens and headed by Henry Krug, banker and president of the Public Library Board.

"The danger of the mob lies in the letting down of individual responsibility," said the jurist. "It wasn't a desire to administer justice or prevent a recurrence of Warner's crime which sent the mob against the jail. It was hate, the same passion that engenders any murder.

"When you find the real leaders of that mob you will find men of not much higher moral standards than the man they murdered. If you had been there that night, I doubt if you could have picked twelve men from that mob who would have had the courage to convict and hang Warner as members of a jury in a court of justice. Their action was murder in its most despicable form, and an assault on the institutions you pay for and charge to administer justice.

"Women are no safer in St. Joseph today by reason of that murder. And I want to tell you men of the grand jury that the Negroes of this community are as law-abiding as our white citizens. I am not offering a defense of the victim or the lynching. Perhaps he had no defense. * * If Buchanan County institutions are to exist there must be a complete investigation of this lynching."

Lynchings-1933 II

Legal Punishment of Lynchers.

Missouri.

4132

James McDonald, 52 years old, of 39 India Street, Brooklyn, a member of the crew of the tug Man-O-War, was injured fatally yesterday in a fall from a ladder to the deck of the tug. He died later in the Greenpoint Hospital. McDonald, a widower, is survived by two daugh-

Judge Gaddy commended W. O. Sawyers, Assistant State Attorney General, for his diligence in directing the investigation and his co[illegible]

question about 200 more witnesses before presenting the case to the grand jury.

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2 Suspects Arrested In Missouri Lynchings

N.Y. [illegible]

12-3-33

St. Joseph, Mo., Dec. 2 (U.P.).—Two men were arrested by local police today as suspects in the lynching and burning of Lloyd Warner, colored attacker of a white girl, here Tuesday night.

Police withheld names of the suspects. One was known to have denied a charge that he attached a chain to the main door of the Buchanan County Jail, where the negro was confined. A truck was used to pull the door from the building.

Lynchers Called Guilty Of Murder

Age-Herald

12-12-33

Montgomery Ala.

ST. JOSEPH, MO., Dec. 11.—(AP)—In a stern denunciation of lynch law, Circuit Judge J. V. Gaddy told a special grand jury today that every person who was active in the mob that lynched Lloyd Warner, negro youth, the night of Nov. 28 "is guilty of murder in the first degree."

The jurist called upon the grand jury to return indictments.

"It is now necessary to punish the guilty members of that mob if we are to protect ourselves against the danger of the mob," Judge Gaddy said.

"The man who pulled off the jail door, or any man who helped in any way to break into the jail is just as guilty of murder as the man who placed the rope around Warner's neck."

The negro, charged with attacking a white woman, was seized after the mob stormed the county jail. He was beaten, stabbed, hanged to a tree near the courthouse and his body burned in the presence of a crowd of about 8,000.

MISSOURI LYNCHING BRINGS AN INQUIRY

Gov. Park Condemns It and Instructs Attorney General to Prosecute.

Greensboro, N. C. News
December 17, 1933

SHERIFF IS UNDER PROBE

Gave Up Negro Prisoner to Save Others Innocent of the Crime.

By LOUIS LA COSS.

Editorial Correspondence, THE NEW YORK TIMES.

ST. LOUIS, Mo., Nov. 29.—Within forty-eight hours after a mob in San José, Calif., had lynched two confessed kidnappers and murderers, a mob of 7,000 battered down the doors of the jail at St. Joseph, Mo., hauled Lloyd Warren, 19-year-old Negro who had admitted attacking a white girl, to a tree in the public square and hanged his body at the end of a rope.

If the action of Governor Rolph of California in condoning the lynchers of his State with a promise to pardon all convicted of the crime caused the Missourians to believe that their own Governor would follow a similar course of leniency, they were mistaken. Contrary to the policy of Governor Rolph, who refused to call out State troops to protect the prisoners, Governor Park ordered out a hastily mobilized tank company of the Missouri National Guard, and directed it to assist Sheriff Otto Theisen of Buchanan County in thwarting the attack which brewed for several hours before it broke.

Furthermore, Governor Park in a subsequent statement in which he said there was no justification for the act, stated that a full investigation would be made and punishment meted out if the members of the mob were apprehended.

State Will Prosecute.

Attorney General McKittrick, in announcing that "if responsibility for the lynching can be fixed, this office will assist and aid in the prosecution," sent William Sawyer, one of his assistants, to the scene "to get the facts."

All investigation probably will centre around gray-haired Sheriff Theisen, who, after fighting the mob for two hours only to see his jail doors battered from their hinges as a swarming horde of men rushed in, eventually opened the cell door in which the cringing Negro was hiding and surrendered the youth to them. Sheriff since 1909, with a record of fearlessness akin to defenders of the law in the days of the old West, he declared his act was not prompted by fear of personal harm but because there were at least nine other Negro prisoners, jailed for minor offenses, who might have been taken by the mob and hanged although innocent of the crime with which Warner was charged.

Reports from St. Joseph are that the action of the Sheriff has been upheld by a majority of citizens, and Colonel Marvin Casteel, superintendent of the State Highway Patrol, who was dispatched from Jefferson City by Governor Park when word of the mob violence was received, has said that Theisen and his deputies did a good job "under the circumstances."

Arrests Are Expected.

That there will be arrests is expected, as the mob, under organized leadership, milled around the jail for several hours before the final break was made. Several times during that interval they rushed the prison and were repulsed with tear gas, and even when State Guards appeared continued their assaults. It is therefore believed that numerous men can be identified as members of the mob and their names will be given to Assistant Attorney General Sawyer for possible indictment.

Missouri, which is only nominally in the South, where lynching bees for Negroes are something of a tradition, has a rather sanguinary record in this respect. There have been ninety such illegal hangings in the State since 1889, twenty-three within the past thirty years and seven in the last fourteen years. All of the latter were Negroes.

State newspapers generally, commenting on the lynching and unanimously deploring it, refer to the attitude of three Governors on lynch law. Governor Rolph praised it as "California's lesson to the world," Governor Ritchie of Maryland sent troops this week to arrest the leaders of the violence last month at Princess Anne, and Governor Park of Missouri has found "no justification" for violence.

Grand Jury Blames Sheriff In Lynching

Advertiser

12-31-33

Montgomery Ala.

ST. JOSEPH, MO., Dec. 30.—(AP)—Eleven indictments against suspects in the lynching of Lloyd Warner, 19, negro, here Nov. 28 were returned late today by the Buchanan County Grand Jury, which recommended the ousting of Sheriff Otto Theisen and members of the Police Department who yielded to the mob.

"We ask that steps be taken to request the resignation of Sheriff Otto Theisen and members of the Police Department for neglect of duty," the jury said.

It characterized as "unsound" Sheriff Theisen's explanation to the jury that he believed the jail to be impregnable.

The negro was taken by the mob from the County Jail, hanged to a tree and burned as he awaited arraignment on a charge of having criminally attacked a young white woman.

Officers gave up the prisoner only after a long fight. National Guardsmen were called out by Gov. Guy D. Park in a vain effort to save the prisoner. Tear gas and clubs were used in the defense.

ELEVEN INDICTED IN LYNCHING CASE

Telegraph

Grand Jury Demands Ousting of Sheriff as Result of Mob Murder in St. Joseph, Mo.

12-31-33

Macon Ga.

ST. JOSEPH, Mo., Dec. 30. (AP)—Eleven indictments against suspects in the lynching of Lloyd Warner, 19, Negro, here Nov. 28 were returned late today by the Buchanan county grand jury, which recommended the ousting of Sheriff Otto Theisen and members of the police department who yielded to the mob.

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Officers gave up the prisoner only after a long fight. National guardsmen were called out by Governor Guy D. Park in a vain effort to save the prisoner. Tear gas and clubs were used in the defense.

The names of only three of those indicted were made public immediately. They were Aaron Levin, a junk dealer; John Zook, former policeman and wrestler; and Walker Garton, a cook. All were charger with first degree murder, while a charge of malicious destruction of property also was returned against Garton.

In its report, the jury divided blame for the lynching on the sheriff and police for alleged "failure to protect the victim," on the lynchers, and on the spectators "who by their presence lent encouragement to the lynchers."

4132

Missouri.

4133

Lynchings - 1933

Legal Punishment of Lynchers.

Nation
12-27-33
Vol. 137, no. 3573
New York, N.Y.

THREE WARRANTS charging murder in the first degree have already been issued in St. Joseph, Missouri, for the lynching of Lloyd Warner, Negro, on November 28. Following an admirable statement by Governor McKittrick denouncing mob violence wherever it occurred, Circuit Judge J. V. Gaddy, in charging a grand jury to bring indictments for every person suspected of having had a part in the lynching, did not mince words. "That lynching was not done by good, outraged citizens," he said. "It was done by men whose moral standards, you will find, are little higher than those of the man who was lynched. That lynching was murder, nothing but cowardly, despicable murder. . . . The man who pulled off the jail door, or any man who helped in any way to break into the jail, is just as guilty of murder as the man who placed the rope around Warner's neck." Shall not the same thing be said of the Governor of a State who declares he will not send troops to interfere with persons who are about to take the law into their own hands by murdering a fellow-citizen? Anthony Cataldi of San José, who boasted, in an article which appeared in a number of newspapers the day after the California lynching, that he had rounded up the mob and had led them to the jail, has been arrested on information supplied by the American Civil Liberties Union. Governor Rolph, when informed of the arrest, declared he had not changed "one iota" his intention of pardoning anyone convicted of participation in the San José lynching. The man is incorrigible. It remains to be seen whether the same is true of enough citizens of California to reelect him to the office which he has defamed.

Call
12-29-33
[illegible]

No Indictments Yet in St. Joe Lynching Probe

ST. JOSEPH. — The Buchanan county grand jury which is investigating the lynching of Lloyd Warner, 19, here November 28 has not yet returned any indictments.

About 10 witnesses appeared before the jury Monday morning, including Emery Donnelly, [illegible], charged with first degree murder in connection with the murder. Donnelly waived immunity and told his story, the details of which were not divulged, to the jury.

One member of the grand jury said that the jury would take its full time before adjournment. The jury must adjourn December 31.

North Carolina

4135

Lynchings-1933
Legal Punishment of Lynchers.

North Carolina Lynchers All "Went Blind" At The Same Time. Testify

Courier 9-16-33

Pittsburgh, Pa.

Fifty Persons Who Attended Lynching Orgy of Doc Rogers All Declare That They Missed Seeing Riddling of Victim—Solicitor Surprised At Doubtful Testimony.

BURGAW, N. C., Sept. 14—(ANP)—Most significant of the facts disclosed Friday at the hearing into the lynching of Doc Rogers, held in a vacant store, with Judge E. H. Crammer presiding, was that all of the lynchers went blind at the same time.

One witness after another took the stand to testify that he had seen Rogers before and after the lynching, but none of them saw when he was riddled with bullets.

Solicitor Woodus Kellum, conducting the inquiry, was nonplussed several times by this aspect of the matter and commented upon the strange fact that everybody should go blind at the time of the actual killing. Although he did not say so, the solicitor acted as though he thought the witnesses were lying.

Sheriff J. T. Brown, who had Rogers in custody when he was seized naively told the court that he "didn't know just what to do" after Rogers had been filled with bullet holes and thrown into a ditch.

The hearing concluded without the filing of any charges. At the time Rogers was murdered there were about fifty persons present, but "blindness" kept them from seeing one another.

Probe of Lynching In North Carolina Ends Minus Action

Journal and Guide

9-16-33

GURGAW, N. C.—The investigation here last week into the lynching of Doc Rogers came to a close without the filing of any charges against either the mobbists or the officers in whose charge the victim was when he was kidnaped and mob murdered.

The most significant development at the hearing, held Sept. 8, was the statement of Sheriff J. T. Brown, of Pender County, that he was present at the lynching but that after viewing the bullet-ridden body of his prisoner he "just didn't know what to do." The probe was conducted by Solicitor Woodus Kellum and presided over by Judge E. H. Cranmer as a committing magistrate.

RALEIGH, N. C.
NEWS OBSERVER
SEP 10 1933

THE REMAINING QUESTION

Before Solicitor Woodus Kellum began the investigation of the killing of Dock Rogers, Negro, at Burgaw this week there was some contention that no lynching had occurred. His investigation ends with the definite establishment of the fact that Rogers was still alive when he was riddled with bullets by a mob

The only question now remaining is whether the solicitor and other officers of the law can punish the men who committed the crime, and used violence not only against the Negro but also against the laws and justice of North Carolina.

Lumberton, N. C. Robersonian
December 4, 1933

TO PREVENT LYNCHING

A model act for prevention of lynching is presented by J. H. Chadbourne, member of the law faculty of the University of North Carolina, in his "Lynching and the Law", issued by the University press.

The proposed act would make any county or counties through which the lynch-mob passes liable to each lynched person or his estate for not less than $2,000 nor more than $10,000, the amount to be exempt from all creditor's claims.

Give the governor power and make it mandatory to remove the sheriff in any county a person is lynched; force the governor to remove any peace officer from whom a person is taken and lynched when such officer has not "done all in his power" to prevent the lynching; and such officers removed shall remain forever ineligible for public office.

Give the governor power to send military forces to prevent a threatened lynching without waiting for a request for aid and officers of the militia would be subject to removal should they fail to prevent the lynching unless exerting their utmost energies to prevent the occurence.

No doubt the fear of causing somebody to lose a job and the certainty of laying the county liable to a heavy money settlement would give pause where other considerations fail. Also the act might provide for prompt impeachment of any governor who should make such dangerous such incendiary remarks as Governor Rolph of California made in commending the lynching mob in his state.

Greensboro, N. C., News
December 5, 1933

BACK OF THE STATUTE.

The latest program for the prevention of lynchings comes from J. H. Chadbourn, law faculty member at the University of North Carolina, in his "Lynching and the Law" recently issued by the University press.

Professor Chadbourn proposes a "model law" which would, among other things, make any county or counties through which the lynch-mob passes liable to each lynched person or his estate for not less than $2,000 nor more than $10,000, the amount to be exempt from all creditor's claims; give the governor power and make it mandatory to remove the sheriff in any county where a person is lynched; force the governor to remove any peace officer, who would forever after remain ineligible for public office, from whom a person is taken and lynched when such officer has not "done all in his power" to prevent the lynching; give the governor power to send military forces to prevent a threatened lynching without waiting for a request for aid and make officers of the militia subject to removal should they fail to prevent the lynching unless exerting their utmost energies to prevent the occurrence.

The proposed measure, while perhaps the most drastic, everything considered, that has yet been advanced to curb, if not eliminate, the lynching evil, rests, in the final analysis, upon the same foundation on which any other law depends, a fortifying, strengthening and demanding public opinion. South Carolina, for instance, has a statute which makes a county liable for any lynching which occurs within its confines. Judgment has actually been rendered against one Palmetto county, but if collection has occurred, months after the court's decree, the chroniclers of events have somehow or other missed it. Removal of the sheriff would be mandatory, but in each of the other provisions loopholes obtain. Governors, like every one else in public office, are susceptible to sentiment, feeling and popular opinion, as California and Maryland will testify. A law that is absolutely ironclad is certain to cause injustice by its rigidity; if it is left elastic, there can be no doubt that it will be stretched to cover at least some mob demonstrations.

The proposal is welcomed as an indication of advanced thinking upon the lynching evil and a readiness to take more drastic steps towards its curbing. At the same time, it offers no felease from a program of education and development of a civilization which has more than a thin veneer between it and the jungle.

Lynchings-1933

Legal Punishment of Lynchers.

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CAROLINA GOVERNOR PUSHES LYNCH PROBE

COLUMBIA, S. C.—(ANP)—With unprecedented fairness, Governor Blackwood has been relentless in his probe into the slaying of Morris Dendy on July 5. The governor told officers conducting the investigation, "It is not a matter of how long it takes. It is my purpose to persevere in the prosecution of this case as long as I am governor or until the guilty parties are tried."

7-22-33

Dendy on July 4 was arrested for striking a white man in a row. The next day four men seized him from the jail, flogged, bound and killed him. His body was found in a churchyard seven miles from Clinton. At that time Governor Blackwood described the lynching as "murder."

"I have enlisted the services of two of the best state detectives and the matter is being thoroughly investigated," said the governor, last week.

Journal and Guide

Norfolk, Va.

Dendy was a graduate of Allen University, the son of one of the leading laymen in the A. M. E. church, nephew of a former A. M. E. presiding elder, the late Rev. R. [illegible] Dendy, and also a relative of Principal Dendy of the Spartanburg High School.

Private investigations are being made and the results of these investigations are expected to create a sensation as well as place the blame squarely on those responsible for the lynching.

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4 Held in Killing Of Negro Prisoner

Constitution

NINETY SIX, S. C., Oct. 9.—(AP)—A coroner's jury late today ordered four men held on a charge of murdering Bennie Thompson, youthful negro who was taken from the jail here last night and beaten to death.

This action was taken by the jury after Burley Leppard read a statement admitting he and three white men took the negro from his cell and whipped him with "automobile tire tubes."

10-10-33

The other men implicated by Leppard were J. F. Morris, "Lesty" Mayes and "Toody" Webb. Leppard, a textile worker, and Mayes were in jail tonight, but officers were still searching for the other two men.

The negro was arrested and put in jail after he had reportedly drawn a pistol on Leppard.

Atlanta, Ga.

Leppard accused the chief of police of having left the jail unlocked so the negro could be taken out.

Columbia, S. C. State
October 10, 1933

FOUR ARRESTED FOR LYNCHING

Police Chief Denies Implication in Affair.

NINEY-SIX TRAGEDY

Blackwood Pleased With the Prompt Handling of Case.

Ninety-Six, Oct. 9—(AP)—A coroner's jury late today ordered four men held on a charge of murdering Bennie Thompson, youthful Negro, who was taken from the jail here last night and beaten to death.

This action was taken after Burley Leppard, a textile worker, admitted that he and three other white men took the Negro from his cell and whipped him with "automobile top tubes."

The other men implicated by Leppard are J. F. Morris, "Lesty" Mayes and "Toody" Webb. Leppard and Hayes were in jail tonight, but officers were still searching for the other two men.

"We and the others had some trouble with the Negro at a cafe last night and he drew a pistol on us. The Negro was arrested and put in jail," Leppard said.

"Late the four of us went to the jail and asked the jailer to turn the Negro over to us. He refused, telling us we would have to hee the chief.

"Chief of Police Rush came in a few minutes later and we made the same request of him. He told us to wait until dark and come back and we would find the jail unlocked.

"We went back to the jail a short time later and we found the door open and the lock hanging in the cell door, pushed together as if it had been locked.

"We took the Negro out and drove him down the road in my car. All of us beat him with automobile top tubes and left him beside the road still alive."

Leppard said this was at 7:30 o'clock last night.

Shortly after 8 o'clock this morning, the Negro's body, terribly scarred, was found in plain view of the highway by a small Negro boy.

Solicitor H. F. Blackwell, who attended the inquest, said he would ask that Chief of Police Rush be indicted as an accessory to the killing.

Chief Rush made a statement tonight denying the textile worker's charge that he had aided them in taking the Negro from his cell:

"I have been an officer a long time and I will never be guilty of such a dirty trick like that," he said. "I let four boys talk to the Negro last night after he had been locked up and Leppard asked me to let him have the Negro, but I refused to do it and I said nothing about leaving the jail unlocked."

Governor Blackwood expressed gratification yesterday at the prompt action taken by Sheriff E. M. White of Greenwood county, in connection with the lynching to Bennie Thompson, Negro, at Ninety-Six last night.

The governor said he had not received a report of the episode and assumed that Sheriff White had not found it necessary to call upon state officers for assistance.

Blackwood said he was "bitterly opposed" to lynchings, and wished to see authorities fix the blame for the Ninety-Six affair.

Selma, Ala. Times
October 11, 1933

Prisoner Confesses Part In Lynching Of South Carolina Negro

NINETY-SIX, S. C., Oct. 11—(AP)—A quick investigation of the lynching of Bennie Thompson, youthful negro whose lacerated body was found on a roadside Monday morning, today had landed four cotton mill workers in jail on murder charges.

Following his arrest, Burley Leppard, confessed that he and three companions took the negro from the jail here Sunday night and beat him into unconsciousness with "tubes" from an automobile top and left him in a field to die.

Those implicated by Leppard were "Lesty" Mayers, who was picked up a few hours later, and Kenneth F. Morris and Howard Webb, who surrendered to Sheriff E. M. White yesterday. A coroner's jury ordered all four held on a charge of murder.

Leppard in his statement said Chief of Police J. Calvin Rush by pre-arrangement left the negro's cell unlocked, but the police chief emphatically denied conspiracy in the lynching. Solicitor Homer S. Blackwell announced he would ask the grand jury to indict Rush as an accessory.

COLUMBIA, S. C.
STATE
OCT 14 1933

What Is a Lynching?

To the Editor of The State:

If the widow of the Negro put to death recently at Ninety-Six shall go through with her announced intention of suing Greenwood county for $2,000 the law allows to the dependents of a person lynched, we shall get a judicial determination of the proper definition of the word "lynching," or at least shall have more or less defined what is not a lynching. A loose habit has grown up, which does the South no good, of terming almost any sort of killing, especially of a Negro, by more than two persons, a lynching; which word nobody would think of applying to a similar incident in the North.

JUDICATUS.

Opelika, Ala. News
October 10, 1933

FOUR MEN HELD IN CAROLINA LYNCHING

Ninety Six, S. C., Oct. 19.—(AP)—A coroner's jury late Monday ordered four men held on a charge of murdering Bennie Thompson, youthful negro who was taken from the jail here Sunday night and beaten to death.

This action was taken by the jury after Burley Leppard read a statement admitting that he and three white men took the negro from his cell and whipped him with "automobile top tubes."

Greenville, S. C. News
October 17, 1933

WEBB DISCLAIMS PART IN LYNCHING

Affidavit Filed In Behalf Of One Of Accused In Thompson Case

NEWBERRY, Oct. 16.—(AP)—An affidavit was filed here today alleging that Howard Webb had no part in the lynching of Ben Thompson, negro, at Ninety Six recently, as Webb was admitted to $2,500 bail while two of three others charged in the crime waited until tomorrow for action on their applications.

Burley Leopard made bond last week of $2,500 in the case while Lefty Mayes and K. F. Morris expect Judge J. Henry Johnson to consider their application tomorrow.

Chief Justice Eugene S. Blease named the bail today for Webb as Webb's attorney, W. K. Charles, Greenwood attorney, filed the affidavit that said Webb was at home during the time Thompson was taken from jail, beaten and left to die several miles from Ninety Six.

In the affidavit, Webb said he went with Chief of Police J. C. Rush of Ninety Six to arrest the negro who allegedly had threatened a group of men. Later, Webb said, he went to the jail with Leopard who asked that Thompson be released and that Rush told them to "go home" and come back the next day for the trial of the negro.

Webb said he went home and did not leave the house during the remainder of the night.

Meanwhile, Webb remained in jail with Mayes and Morris pending furnishing of his bond.

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17 Carolinians Held In Slaying of Negro

GREENVILLE, S. C., Nov. 29.—(AP)—Two more arrests were made today in connection with the slaying of George Green [illegible] Taylor, negro, by a masked mob on November 16, bringing to 17 the number of arrests in the case.

11-30-33

Those arrested today were M. R. Freeman and E. E. Parnell. The warrants for them, charging murder, were sworn out before Magistrate Lonie E. Smith by State Constable [illegible] Newman, who has been here for several days by order of the governor investigating the slaying.

Both the men were released on bonds of $2,000. The amount was set by an order signed by Judge C. J. Ramage, who is presiding over common pleas court here.

James S. Allison, who was arrested Monday, and J. F. Westbrooks, taken into custody yesterday, were still in jail today. All other defendants have made bond and been released.

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FOUR MORE HELD FOR MOB KILLING

Telegraph

Total of Fifteen Arrests Made as Result of Negro's Death at Hands of Maskers

11-29-33

GREENVILLE, S. C., Nov. 28 (AP)—Four additional arrests, making a total of 15, were made today in connection with the nocturnal slaying of George Green, 73-year-old Negro, by a masked and hooded mob that invaded his home near Taylors in this county, Nov. 16.

Macon Ga

G. C. Banks, J. B. Davis, J. F. Westbrooks, and J. H. Bradley, all of Greenville county, were those taken into custody today.

Several of the 15 arrested since Fred Newman, state investigator, launched an inquiry into the slaying have posted bonds of $2,000 each and been released.

In his warrant, Newman charged that the Ku Klux Klan chapter of Greenville had been requested by the white landlord of Green to "do whatever was necessary" to get the tenant out of his home, but a statement issued in behalf of the organization denied that the Klan had any connection with the case.

Green's wife told officers her husband was shot by a member of a masked band when he resisted an effort upon the part of the mob to enter his home.

Charges of murder have been preferred against some of the defendants, while others are named in warrants as alleged accessories.

KLAN MURDER CHARGED

Five Members of Band Accused of Killing Negro

GREENVILLE, S. C., Nov. 25.—(INS)—Slaying of a negro tenant farmer was laid at the door of the Ku Klux Klan in a renewal of night-riding terrorism today in murder charges against five men.

Confessions which county authorities said they obtained from the five men stated they went to the farm shack of George Green, slain negro tenant, after C. F. James, landlord, had appealed to the Ku Klux Klan to oust the negro.

Murder charges have been lodged against G. L. Smith, H. J. Duncan, W. B. Harter, E. W. Davis and J. D. Daley. James and Andrew Monk are charged as accessories.

Lynchings - 1933
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COLUMBIA, S. C.
RECORD
OCT 21 1933

Shifting the Emphasis.

Ada Thompson, widow of Ben Thompson, negro, who was taken from the Ninety-Six jail and beaten to death, is suing Greenwood county for $2,000 damages, as the law allows in lynching cases.

And this haste, it seems to The Record, is unfortunate. It shifts the emphasis in the case from the criminal court to the civil court and the important fact is not that some person may be entitled to civil damages, which might wait, but that the laws of South Carolina have been violated in the brutal slaying of a man, a prisoner of South Carolina.

Easley, S. C. Progress
October 19, 1933

Ada Thompson, widow of the negro who was lynched at Ninety-Six some days ago, is suing Greenwood county for $2,000 for the death of her husband. A South Carolina law provides that relatives of a person lynched may recover at least $2,000 from the county. Four of the alleged participants in this lynching have been released from jail on bond

Sumter, S. C., Item
October 17, 1933

Bail Granted Another Ninety-Six Lyncher

Newberry, Oct. 16.—(AP)—Howard Webb, one of four men charged with the lynching at Ninety-Six of Ben Thompson, negro, was admitted to $2,500 bail here today by Chief Justice Eugene S. Blease while consideration of bail for two others will come up tomorrow before Judge Henry J. Johnson presiding in common pleas court.

W. K. Charles, Greenwood attorney for Webb, said his client expected to furnish the bond this afternoon and at the same time filed an affidavit in which Webb denied any connection with the slaying of the negro.

In the affidavit, Webb said he went with Chief of Police J. C. Rush of Ninety-Six to arrest Thompson who allegedly threatened a group of men with Burley Leopard, another accused in the lynching, who asked Rush to release the negro.

The officer told the men to "go home" and come back the next day for the trial, the paper said and Webb affirmed that he then did as the officer instructed and did not leave his home again that night.

Leopard was admitted to $2,500 bail last week at Abbeville. The other two charged in the lynching are Lefty Mayes and K. F. Morris.

Anderson, S. C., Record
October 17, 1933

Ada Thompson, widow of the negro who was lynched at Ninety-Six some days ago, is suing Greenwood county for $2,000 for the death of her husband. A South Carolina law provides that relatives of a person lynched may recover at least $2,000 from the county. Four of the alleged participants in this lynching have been released from jail on bond.

GREENVILE, S. C.
NEWS
OCT 21 1933

DEFINING "LYNCHINGS"

A suit filed to collect $2,000 from the county of Greenwood for the alleged lynching of a young negro who was taken from the Ninety Six jail may have the interesting result of bringing a judicial opinion as to just what constitutes legally, a lynching.

In the Ninety Six event, the "mob" was composed of a very small group of men who went about their work very deliberately. The affair seems to lie in the twilight zone between a "lynching" and just an ordinary murder.

All lynchings, in the legal view, are murders, but not all murders, of course are "lynchings." The state law does not provide for payment of any damages by counties for murders committed within their boundaries. And that, we must say, is rather fortunate for the solvency of South Carolina counties—considering the unusually high homicide rate which this state "enjoys."

BANNER
Abbeville, S.C.
OCT 19 1933

NOT LYNCHING

Greenwood County is being sued for $2,000 as the result of a negro being taken from a jail and killed. It's called a lynching in order that the county may be liable, under the law. Abbeville has narrowly escaped lynchings and the payments of money, but they would have been lynchings. The negro was killed, there is no doubt, but certainly we can't see who could construe the killing as a lynching. In a lynching the perpetrators are never known.

Pensacola, Fla. News
October 10, 1933

TWO HELD, TWO ARE SOUGHT IN NEGRO LYNCHING

Youth Is Taken From Jail And Beaten To Death By Four Whites

(By The Associated Press)

Ninety-Six, S. C., Oct. 10.—Two white men were held here today and officers were seeking two others following a coroner's inquest into the lynching of Bennie Thompson, a youthful negro with whom the four men had had an "argument" a few hours earlier.

The coroner's jury ordered Burley Leppard, a textile worker, and three of his companions held on charges of murder after Leppard admitted that they had taken the negro from his cell and whipped him with "automobile top tubes."

Two Sought

The other men implicated by Leppard were J. F. Morris, "Lesty" Mayes and "Toody" Webb. Leppard and Mayes were arrested late yesterday, but deputies were unable to locate the other two men.

"We and the others had some trouble with the negro at a cafe and he drew a pistol on us," Leppard told the coroner's jury. "The negro was arrested, and later in the night the four of us went to the jail and asked the jailer to turn him over to us."

Unlocked

The jailer refused their request he said, telling them they would have to see Police Chief Rush.

"When the chief came in," Leppard said, "we made the same request of him. He told us to wait until dark and come back and we would find the jail unlocked."

Chief Rush, however, denied that he had left the negro's cell unlocked, or that he had made such a promise to Leppard.

Blames Officer

Solicitor H. C. Blackwell, who attended the inquest, said he would ask the grand jury to indict the police chief as an accessory to the killing.

Leppard said he and his companions, after whipping the negro, left him by the roadside, still alive. Yesterday morning his scarred body was found by a small negro boy in plain view of the highway.

GREENSBORO, N. C.
NEWS
OCT 17 1933

WHAT'S THE USE?

Under the South Carolina state law, whereby relatives of persons lynched may recover damages of not less than $2,000 from the county in which the lynching occurred, the widow of Bennie Thompson, taken from jail at Ninety-Six and beaten to death, allegedly with co-operation of the chief of police, has instituted proceedings against the county of Greenwood.

The action drew prompt retort from Rupert F. Davis, county attorney, who said it would be contested as a question of fact whether Thompson's death was a lynching or a murder.

That contention brings on more talk. A lynching, in the generally accepted sense of the word, is invariably a murder; but a murder need not necessarily be a lynching. Webster's New International Dictionary, which is more or less a guide around the sanctum, defines the verb murder "to kill (a human being) unlawfully and with premeditation and malice, or willfully, deliberately and unlawfully." To lynch, however, is "to inflict punishment upon, especially death, without the forms of law, as when a mob captures and hangs a suspected person." Bennie Thompson was in jail, under the protection of the county and the state, awaiting trial on minor charges preferred against him by the confessed leader of the group who subsequently beat him to death.

To the lay mind, the definitions and their application seem comparatively simple, although there is no divining what may or can be done to simple definitions when they get into lawyers' hands, especially in states where there are racial justice and a more or less popular condonment of lynch law.

After all, however, the argument is probably so much wasted breath, as it is recalled that, let's see, how many years ago was it, a negro was taken from the Walhalla jail and his widow subsequently awarded, believe it or not, damages against Oconee county. Nowhere in the annals, however, is the account marked paid; nor has Oconee county, a rather difficult feat to accomplish at that, or any of the responsible officials thereof been sent to jail for failure to comply with a court order.

CHARLOTTE, N. C.
NEWS

OCT 16 1933

The Definition Stands

South Carolina has a law, a somewhat remarkable law, that relatives of a person lynched may recover $2,000 from the county in which the lynching occurred and that the county in turn is entitled to recover the amount of whatever judgment is rendered from the party or parties found guilty of the crime. Relatives of the Negro recently removed from the ~~jail at~~ Ninety-Six and flogged to death have brought such action against Greenwood county.

Which doesn't begin to dispel the contention that this was not a lynching but a murder. The popular if not the legal understanding of a lynching is that it is preceded by a crime for which the state itself, if given the opportunity, would demand nothing less than the death penalty. Criminal assaults by Negroes upon white women and murders of whites by blacks come in this category.

South Carolina's latest victim had committed, however, neither of these high crimes. He had simply waved what first was reported as a knife and later as a gun in the faces of a group of white men, and while we don't condone such behavior, least of all by reckless Negroes, no more does it at all justify the summary execution which followed.

Regardless of what court action the dead man's relatives may take, South Carolina still has a murder case on its hands. It is going to be extremely interesting to see what develops.

Columbia, S. C. Record
November 14, 1933

On a Greenville Chaingang.

Four Greenville county chaingang guards have been ordered held by a coroner's jury in connection with the investigation of the death of a negro convict following a flogging on October 24.

The Record knows nothing of the details of the case and does not attempt to sit in judgment on the four men. Greenville is investigationg the occurrence and may be expected to take such action as the facts warrant.

But the incident is additional testimony to the already demonstrated fact that chaingangs are sorry things at best, dangerous institutions, which any reason to believe that the chaingang had any the state could profitably do without. If there were especial value in reforming criminals there might be some excuse for the risks involved and the death of one more person might be less important than it is. But experience teaches no such thing and the state were it inclined to be "different" might abolish them all to its own considerable gain.

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5 HELD IN MURDER OF CAROLINA NEGRO

GREENVILLE, S. C., Nov. 23.—(AP)—A six-day investigation of the slaying of George Green, a 73-year-old negro, by a band of masked men, today had led to the detention of five persons in connection with the case.

One of them, J. D. Bailey, 50, was held on a charge of murder, while four others, whose identities officers declined to divulge, were held in jail here "pending further investigation." No formal charges had been lodged against them, officers said.

The aged negro was shot through the chest as he stood in his shack and resisted the entrance of the robed and hooded men. On the same night two negroes were taken from their home in the near-by town of Greer and severely flogged by a masked band.

No motive for the slaying of Green has been advanced.

(1)

Tennessee

Lynchings-1933
Legal Punishment of Lynchers

4139

TENNESSEE LYNCHING SCORED BY GOVERNOR

NASHVILLE, Tenn., Dec. 17.—(AP)—The lynching in Maury county last week of Cord Cheek, 19-year-old negro, was condemned by Governor McAlister tonight as a "very cruel, lawless thing."

Cheek was abducted here Friday shortly after being released from jail following the Maury county grand jury's failure to indict him in connection with an alleged attempted attack on a young white girl. Following an anonymous telephone call to the Maury county sheriff, the negro's body was found hanging to a tree.

"It was a disgrace on the state, I am sorry to say," Governor McAlister said today, following his return from a trip out of town.

"No right-thinking citizen can condone it."

Investigations have been started in both Davidson (Nashville), and Maury counties.

Criminal Judge Chester K. Hart said tonight that he was preparing a special charge to be delivered to the Davidson county grand jury tomorrow in connection with the affair.

GRAND JURY DISMISSED IN PROBE OF LYNCHING

NASHVILLE, Tenn., Dec. 22.—(AP)—The Davidson county grand jury was disbanded today by Criminal Judge Chester K. Hart, who was told that the investigation into the week-old lynching of Cord Cheek, 19, negro, was [illegible].

Cheek was abducted here and was hanged in Maury county, where the grand jury had failed to return an indictment charging him with an alleged attempted assault on a white girl.

The grand jury has heard testimony from five negroes who saw a group of white men take the victim from the home of relatives here, but Tom Proctor, foreman, said he had been notified that the attorney-general and sheriff had no additional evidence to submit.

A new grand jury will be selected by January 1.

JURY'S INQUIRY INTO LYNCHING CONTINUES

Commercial Appeal

Committee May Ask President Roosevelt to Intervene

BY HILTON BUTLER
Commercial Appeal Staff Correspondent

NASHVILLE, Dec. 2[illegible].—President Roosevelt may be asked to take a hand in the Cord Cheek lynching case now occupying the attention of the Davidson County grand jury.

It was learned here tonight that a group of Maury and Davidson county citizens were forming a "law and order committee" with the avowed purpose of asking the president to remove the postmaster of Glendale if the grand jury investigation implicates him in the lynching.

Has Been Summoned

Robert Hancock, the postmaster of the small office between Nashville and Columbia, is already under subpoena from the grand jury along with several other Maury County citizens.

L. A. Bauman, sheriff of Davidson County, said that Postmaster Hancock was one of the persons in whose names the automobile licenses of the death cars were issued.

The license numbers were taken by two Fisk students near the Nashville home from which the young negro was removed and taken to a point south of Nashville and lynched.

Anonymous letters were received here today by District Attorney General Atkinson and by newspapers, giving names of the alleged members of the mob.

General Atkinson and Sheriff Bauman, going down into Maury County for a first hand investigation of the case at the scene of the alleged attack by the negro upon an 11-year-old white child, were reported from Columbia to have made statements that they believed the negro had been guilty of the crime.

Claude Godwin, Maury County sheriff, made a blunt statement upon arrival here today for grand jury testimony that "nobody in Maury County seems to be sorry the nigger was killed and as long as negroes rape little girls in Maury County they will be killed and there is nothing anybody can do about it."

He added that he would put all the evidence he could collect before a Maury County grand jury, but that he was willing "to bet 10 to 1 that there will be no indictments."

OFFER $1,000 REWARD FOR MAURY LYNCHERS

Commercial Appeal

Governor and Judge Order Full Investigation

12-19-33

NASHVILLE, Dec. 18.—(AP)—Describing the lynching of Cord Cheek Friday night as a "disgrace," Governor McAlister today posted a $1,000 reward for arrest of the negro's slayers as the county grand jury meanwhile laid aside all other matters to push a "thorough and complete" investigation.

While the 19-year-old negro's body was found hanging from a cedar tree near Columbia, in Maury County, it developed that he was kidnaped from the home of relatives here, and therefore Davidson County authorities assumed jurisdiction.

Criminal Judge Chester K. Hart, in a special lynching charge, instructed the grand jury to "immediately take such steps as may be necessary to bring the guilty parties to justice."

Accused of an attempted attack on a young woman, the negro had been held in the Davidson County jail for safe keeping prior to his release Friday on instructions from Columbia, where the grand jury had failed to indict.

Governor McAlister's decision to post the reward was made after a committee showed him a resolution adopted by the Nashville Pastor's Association asking him to "sound a note for law supremacy throughout our state and to summon afresh all officials to do their full duty without fear or favor, that everyone may enjoy his right of trial by a court of justice."

University Protests

Resolutions deploring the lynching were adopted also by several organizations including a group of service men and another of negro citizens. The latter group indorsed Sheriff L. A. Bauman's action in trying to ascertain the idtentity of the lynchers, and pledged its co-operation in "erasing this stain upon the fair name of the state of Tennessee by the conviction and punishment of the guilty parties."

Dr. Thomas Elsa Jones, president of Fisk University (for negroes) who headed the committee calling on Governor McAlister, also called on District Attorney General Richard M. Atkinson to urge that the case be pushed.

General Atkinson said: "I am going into this for a full and impartial investigation."

General Atkinson meanwhile made public a letter he had received about a week ago from Claude L. Boyd, attorney general of the district of which Maury County is a part, saying that the girl's family did not want Cheek indicted, and that hence he would be released. General Atkinson said he believed the family's decision was due to a desire to save the girl from the humiliation of having to appear.

In Judge Hart's charge to the grand jury he pointed out that Cheek had been shot in the head, and it was not known whether the shot was fired here or in Maury County, but this was immaterial since "certainly the accessories before the fact are triable here."

The scene of the abduction was fixed by Dr. Jones in his conference with Governor McAlister as a residence owned by Fisk University.

NASHVILLE, Tenn., Dec. 18.—(AP)—Describing the lynching of Cord Cheek Friday night as a "disgrace," Governor Hill McAlister today posted a $1,000 reward for apprehension of the negro's slayers as the county grand jury meanwhile laid aside all other matters to push a thorough and complete investigation.

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Meanwhile at Columbia Chief Deputy Sheriff W. A. Pinkston said an investigation had been started, but little progress made. "All we know," he declared, "is what was in the papers."

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Governor McAlister's decision to post the reward was made after a committee showed him a resolution adopted by the Nashville Pastors' Association asking him to "sound a note for law supremacy throughout our state and to summon afresh all officials to do their full duty without fear or favor that everyone may enjoy his right of trial by a court of justice."

Resolutions deploring the lynching were adopted also by several other organizations, including a group of ex-service men and another of negro citizens. The latter group indorsed Sheriff L. A. Bauman's action in trying to ascertain the identity of the lynchers and pledged its co-operation in "erasing this stain upon the fair name of the state of Tennessee by the conviction and punishment of the guilty parties."

Tennessee's Lynchers Are Valued At $1,000

NASHVILLE, TENN., Dec. 19.—(AP)—Investigation of events preceding the lynching in Maury County Friday night of Cord Cheek, 19-year-old negro, will be resumed tomorrow by the Davidson County (Nashville) Grand Jury which will hear testimony of several Maury County residents.

12-20-33

The investigation was started on order of Criminal Court Judge Chester K. Hart, after it was disclosed that Cheek was abducted from the home of relatives here several hours before his body was found hanging from a cedar tree limb in Maury County.

Coincident with activity by county officials, Gov. McAlister announced a $1,000 reward for apprehension and conviction of those responsible for the crime.

The reward, Secretary of State Ernest S. Haston said, was the second largest ever offered by the State. A reward of $1,5000, he recalled, was offered in 1924 for the slayer of Samuel Smith, 16-year-old negro who was dragged from a hospital bed and lynched after he had been accused of shooting a white man.

Chattanooga, Tenn. Times
December 28, 1933

Reaction Against Lynching.

(Houston Post.)

Indicative of the strong reaction against the lynching evil, which has followed the wave of mob murders that hit the country a few weeks ago, is the action of the governor of Tennessee in offering a reward of $1,000 for the arrest and conviction of members of the mob that lynched a Negro in that state recently, and the announcement that the grand jury in the county where the lynching took place is making a thorough investigation.

Gov. McAlister has denounced the action of the mob in no uncertain terms, and is determined to bring the perpetrators of the crime to justice.

This lynching was all the more deplorable and inexcusable, because the victim had been exonerated of the crime of which he had been suspected, a grand jury having refused to indict him. Twelve white men had, after investigation, been unable to connect him with the offense for which he had been arrested. It is a practical certainty, therefore, that the victim of the mob was innocent of the crime for which he was hanged.

It is small wonder that the authorities of Tennessee are anxious to bring the members of that mob to justice.

From many outstanding American leaders have come stinging denunciations of mob violence and strong rebuke of lynchers since the San Jose tragedy last month. President Roosevelt, former President Hoover, Gov. Ritchie, of Maryland; former Gov. Sterling, of Texas, and others have unqualifiedly condemned murder by mob.

Another American statesman of a former period also had something to say about lynching. Only July 28, 1918, Woodrow Wilson, in an address, gave utterance to these immortal words:

"I say plainly that every American who takes part in the action of a mob, or gives it any sort of countenance, is no true son of this great democracy but its betrayer."

Tennessee Governor Offers Reward Of $1,000 For Arrest Of Negro's Slayers

LYNCHING PROBE RUSHED BY JURY NEAR COLUMBIA

Montgomery Advertiser

"Disgraced," Declares McAlister After Pastors Association Urges Action

12-19-33

NEGRO UNIVERSITY HEAD WANTS INQUIRY RUSHED

Montgomery Adv.

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Pastors Want Action

Gov. McAlister's decision to post the reward was made after a committee showed him a resolution adopted by the Nashville Pastors' Association, asking him to "sound a note for law supremacy throughout our State and to summon afresh all officials to do their full duty without fear or favor that everyone might enjoy his right of trial by a court of justice."

Resolutions deploring the lynching were adopted also by several other organizations, including a group of ex-service men and another of negro citizens. The latter group endorsed Sheriff L. A. Bauman's action in trying to ascertain the identity of the lynchers and pledged its cooperation in "erasing this stain upon the fair name of the State of Tennessee by the conviction and punishment of the guilty parties."

Dr. Thomas Elsa Jones, president of Fisk University (for negroes) who headed the committee calling on Gov. McAlister, also called on Dist. Atty. Gen. Richard M. Atkinson to urge that the case be pushed.

"I am going to do my duty," Gen. Atkinson said. "I am going into this for a full and impartial investigation.".

Letter Revealed

Gen. Atkinson meanwhile made public a letter he had received about a week ago from Claude L. Boyd, attorney general of the district of which Maury County is a part, saying the girl's family did not want Cheek indicted, and that hence he would be released. Gen. Atkinson said he believed the family's decision was due to a desire to save the girl from the humiliation of having to appear.

The letter added:

"If that negro comes back here, I am quite sure he will be killed. I want you to get a chance to talk to the negro (Cord Cheek) and tell him for me that he had better not ever come back to Maury County or anywhere near here, and that when he is discharged he had better go the other way and keep going.

Cheek, Gen. Atkinson said, declared that he had no intention of returning to Maury County.

The lynching of Cheek is the third in Tennessee this year but the first in which a negro was the victim.

Hart's Charge

In Judge Hart's charge to the Grand Jury he pointed out that Cheek had been shot in the head and it was not known whether the shot was fired here or in Maury County but this was immaterial since "certainly the accessories before the fact are triable here."

"To say the least of it," the charge continued, "a kidnaping has occurred within a stone's throw of the Davidson County Courthouse, and in broad daylight."

The scene of the abduction was fixed by Dr. Jones in his conference with Gov. McAlister as a residence owned by Fisk University and within two doors of the campus. Dr. Jones said that students at Fisk and Meharry Medical College (for negroes) held a mass meeting Saturday and decided to march on the Statehouse and City Hall with banners protesting the lynching. He dissuaded them from this, however, by promising to present the matter to authorities himself.

Greenville, S. C. News
December 31, 1933

AFTER A "QUIET" LYNCHING

Gov. Hill McAlister of Tennessees ranges himself with Governor Ritchie, of Maryland, and Governor Murray, of Oklahoma, in the warfare against the unreason of lynching. He has termed the mob murder of a negro at Columbia last week a disgrace to his state and has offered a rewanrd of $1,000 for the arrest of the murderers.

This is the sort of talk and action to be expected from the executive of a civilized Commonwealth. Tennessee has received a great deal of unfavorable publicity as the result of sundry events a few years ago in the village of Dayton. But after what Governor McAlister has done, the citizens of Tennessee can afford to look down their noses at the citizens of the state over which Governor Rolph presides. It is bad to have a "monkey law" on your statute books, but it is even worse to have a governor who publicly condones brutal and uncivilized outbreaks of mass violence.—Baltimore Sun.

Tennessean

NASHVILLE

TENNESSEE

DEC 29 1933

To Reopen Cordie Cheek Probe.

Leading citizens of Davidson County, spurred by the kidnaping in this county and the murder by a gang from another county of a negro youth, have banded together to support law and order, to protest against the lynching of that negro youth and to do their utmost to prevent "such catastrophes" in the future.

Following the mass meeting here Wednesday when the group was organized, Judge Charles Gilbert gave assurance that the next grand jury, to be selected Monday, will "leave no stone unturned" in probing the Cordie Cheek kidnaping and killing.

The negro youth was accused of attempting to attack a young white girl in Maury County. The case was considered by the Maury County grand jury and no true bill was returned. Upon the adjournment of the grand jury, Cheek, who has been held in the Davidson County jail, was released, there being no legal reason for holding him further. Within less than an hour he was taken by men in Maury County cars from the home of a relative in this city and was strung up to a tree in Maury County.

Clearly a crime was committed when the negro was kidnaped at his relative's home here. The sovereignty of this county was ignored by a gang from Maury County in the abduction of this negro. There is a crime for the Davidson County grand jury to investigate, and the new Central Committee has asked that especial care be taken in selecting men of the highest calibre to form the jury which will be entrusted with this investigation, when it is reopened next month.

If proper zeal is shown in the investigation of the Cheek kidnaping, it is not unlikely that the abductors can be brought to the bar of justice. That done, a signal victory will have been won for law and order.

Cordie Cheek was not killed as the result of the sudden inflaming of a community into hasty mob action. Weeks lapsed between the time of his alleged crime and his murder. The abduction was carefully planned to follow upon his release here and it was carried out in a cold and skillful manner. His abduction in Davidson County and his killing in this or Maury County were the result of well considered plans It was a gang killing rather than a mob lynching.

There may be doubt whether it can be established whether the negro youth was killed in Davidson County, but there is no doubt that he was abducted in Davidson and a law-respecting community wants the gang responsible for this crime brought to trial.

MEMPHIS, TENN.
COMMERCIAL APPEAL

DEC 25 1933

WHEELS OF JUSTICE MOVE

Governor McAlister will be strongly commended by the citizens of the State for promptly offering a reward of $1,000 for the apprehension of the parties engaged in the kidnaping and lynching of the eighteen-year-old Negro accused of criminal attack upon a Maury County girl a month ago but released from custody after the grand jury had failed to indict him.

His action does, indeed, "sound a note for law supremacy throughout our State," and is a "summons afresh to all officers of the law to let it be known beyond a shadow of a doubt that lynching will not be tolerated in Tennessee, and that those who take the law out of the hands of the court into their own hands, whatever the provocation, must expect themselves to pay the penalty the law provides."

The Governor recognized the fact that the crime was not merely directed against an individual, but against the State, society, government and the supremacy of law as the foundation defense of life and liberty.

The gravity, the audacity, the ruthlessness of the offense constituted such a challenge to public opinion and to every law enforcement agency that action quickly followed publication.

The demand for prompt apprehension and severe punishment of those engaged in the crime was immediate and unmistakable.

It was voiced in action taken by religious and educational bodies, by churchmen and laymen alike, by civic leaders and citizens prominent in every walk of life.

The unmistakable feeling was that the perpetrators of the crime had placed a stain upon the State which could be removed only by bringing them, whoever they may be, to the bar of justice, without delay, and compelling them to pay the penalty for their misdeeds and their utter disregard for the reputation and rights of the commonwealth and their communities.

The wheels of justice are in motion; but it is imperative that they be held firmly and courageously to their course till the ends of justice be so clearly and fully accomplished that the State of Tennessee is not a safe place for lynchers. —Nashville Banner.

Lynchings-1933
Legal Punishment of Lynchers.

Tennessee

4140

Progress Reported In Lynching Probe

Advertiser

HUNTSVILLE, TENN., June 13.—(AP)—Sheriff Esau Laxton said he was making progress today in his investigation of the identities of mob members who lynched two persons last Thursday but he was not ready to make an announcement he had expected today.

Thursday night a mob of about 25 persons forced its way into the jail and removed Jerome Boyett and Harvey Winchester, held on charges of murder. Several hours later their bullet riddled bodies were found near a road out from Huntsville.

"I am still making progress," Sheriff Laxton said tonight, "but I think it will take two or three days to clear up the investigation '

Boyett according to the sheriff, had confessed to the slaying of Sheriff G. B. Winnigham and his son, Floyd, of Pickett County. Winchester was being held on charges of slaying Eskar Thompson and Namon Perry at Winfield.

Montgomery, Ala., Advertiser
June 12, 1933

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Murphreesboro, Tenn. News-Jnl.
June 12, 1933

Huntsville Lynchings

Last week an armed mob of some twenty-five masked men stormed the Huntsville, Tennessee, jail and executed two prisoners who were accused of murder. The sheriff has since conducted an investigation and promises to bring certain members of the mob to justice. If he can identify and bring about the conviction of some or all of the hoodlums of the mob he will do a great service to law and order. Sheriffs, especially in the South, too often find it convenient to ignore lynchings and if the Huntsville officer keeps his promise he will establish a worthy precedent.

Athens, Tenn., Herald
June 15, 1933

LYNCH LAW IN SCOTT

"I have launched an investigtion that shall never end until the perpetrators have been found," declared Sheriff Esau Laxton, of Scott county, in speaking of the lynching of two white prisoners which a masked mob took from the county jail and inhumanly did to death.

Jerome Boyett, twenty-two years old, and Harvey Winchester, twenty-three, were probably bad characters, each being charged with a double murder, but four wrongs do not make two rights, and if sentiment was as strong as it seemed to be against these prisoners, doubtless convictions would have been had in the regular course of trial. As the case stands now the prisoners have been made to pay without the sanction of the law, in such a manner that many other men are themselves guilty of the same class of crime which they sought to atone.

Their punishment should be greater, if possible, because their strength was in numbers and their unreason greater than the reason of any one of them. A plowline brought from some hillside farm was fastened around Winchester's neck and one end held by a mobster, while, squealing, the helpless prisoner was forced to run in a circle as his body was riddled with shots. The evidence showed that Boyett was stripped naked and allowed to run through the brush as the lynchers took potshots at him, with so little chance to escape as a sportsman would give more to a rabbit.

This brings Scott countys' score up to seven in the past few years, it is said, as five others have been taken and hanged or shot. The perpetrators of such crimes should be as speedily brought to justice as can possibly be. It is hoped that the sheriff of the county is in deadly earnest in his promise. It may be that the sheriff could make himself mighty unpopular in some parts of the county by finding and convicting these mobsters; but such examples would do the county much good, and followers of law and order everywhere would applaud.

Chattanooga, Tenn. News
December 19, 1933

Stand Against Lynching

GOV. M'ALISTER has posted a reward of $1,000 for apprehension of those who lynched a Negro near Columbia this week. It is gratifying to the South for a Southern Governor thus to take his stand for law and against mob violence, in striking contrast to California's Gov. Rolph.

Other refreshing evidences of the public reaction against lynching were shown in Nashville yesterday. Criminal Judge Chester K. Hart, in a special charge to the grand jury at Nashville said "steps must immediately be taken to bring the guilty parties to justice." And the Nashville Pastors' Association asked the Governor "to sound a note for law supremacy throughout our State, and to summon afresh all officials to do their full duty without fear or favor, that everyone may enjoy his right to trial by jury." The Negro youth was seized in Nashville and taken to Columbia, where he was hanged.

Gov. McAlister's determined stand, and the posting of the $1,000 reward, should spur this State onward in the effort to stamp out lynching.

LYNCHING PROBED; REWARD OFFERED

Telegraph

Officers Investigating Death of Cord Cheek Friday Report Little Progress

12-19-33

NASHVILLE, Tenn., Dec. 18 (AP)—Describing the lynching of Cord Cheek Friday night as a "disgrace," Governor Hill McAlister today posted a $1,000 reward for apprehension of the Negro's slayers as the county grand jury meanwhile laid aside all other matters to push "a thorough and complete investigation."

While the 19-year-old Negro's body was found hanging from a cedar tree near Columbia in Maury county, it developed that he was kidnaped from the home of relatives here and therefore Davidson county authorities assumed jurisdiction.

Criminal Judge Chester K. Hart in a special lynching charge instructed the grand jury to "immediately take such steps as may be necessary to bring the guilty parties to justice."

Meanwhile, at Columbia Chief Deputy Sheriff W. A. Pinkston said an investigation had been started but little progress made. "All we know," he declared, "is what was in the papers."

Grand Jury Refused Indictment

Accused of an attempted attack on a young white girl near Columbia, the Negro had been held in the the Davidson county jail for safe keeping prior to his release Friday on instructions from Columbia where the grand jury had failed to return an indictment.

Governor McAlister's decision to post the reward was made after a committee showed him a resolution adopted by the Nashville Pastors' association asking him to "sound a note for law supremacy throughout our state and to summon afresh all officials to do their full duty without fear or favor that everyone may enjoy his right of trial by a court of justice."

Resolutions deploring the lynching were adopted also by several other organizations, including a group of ex-service men and another of Negro citizens. The latter group endorsed Sheriff L. A. Bauman's action in trying to ascertain the identity of the lynchers and pledged its co-operation in "erasing this stain upon the fair name of the state of Tennessee by the conviction and punishment of the guilty parties."

Nashville, Tenn. Banner
December 22, 1933

M'ALISTER AND RITCHIE

(Baltimore News)

Gov. Hill McAlister of Tennessee ranges himself with Governor Ritchie of Maryland and Governor Murray of Oklahoma in the warfare against the unreason of lynching. He has termed the mob murder of a Negro at Columbia last week a disgrace to his State and has offered a reward of $1,000 for the arrest of the murderers.

This is the sort of talk and action to be expected from the Executive of a civilized commonwealth. Tennessee has received a great deal of unfavorable publicity as the result of sundry events a few years ago in the village of Dayton. But after what Governor McAlister has done, the citizens of Tennessee can afford to look down their noses at the citizens of the state over which Governor Rolph presides. It is bad to have a "monkey law" on your statute books, but it is even worse to have a Governor who publicly condones brutal and uncivilised outbreaks of mass violence.

Lynchings - 1933

Virginia

4141

Legal Punishment of Lynchers.

RICHMOND, VA.
NEWS LEADER

JUL 1 5 1933

VIRGINIA'S LYNCHING LAW.

Is it true that, when a person is lynched in this state, it causes the state to pay a sum of money? If so, what is the amount and what is the money used for?—Mrs. J. H. C., Kinsale, Va.

No. Governor Byrd's anti-lynching bill, in its original form, imposed a fine of $2,500 on the locality when a person was lynched. The proceeds were to be paid the victim's heirs. The bill was passed, however, in February, 1928, without this proviso. As it now stands on the statute books, each member of a mob which injures a person is subject to imprisonment of not less than one year or more than ten years. If the victim is killed, every member of the mob is liable to trial for murder. Civil damages may be claimed by the family of the victim from any participant in a mob. Where a lynching oocurs, the governor is authorized to designate the attorney-general, or other special attorney, to assist in the prosecution, and he is empowered to spend whatever sums may be necessary "for the purpose of seeking out the identity and apprehending the members of such guilty mob."

Lynchings-1933

West Virginia

Legal Punishment of Lynchers.

4142

INDEPENDENT
Lewisburg, W. Va
JAN 20 1933

LYNCHING LAW UPHELD

The constitutionality of a statute providing for the recovery of $5,000 damages from the county court for each prisoner taken from a jail and lynched by a mob was upheld Monday by Circuit Judge Arthur P. Hudson at Charleston.

Overruling a demurrer of the Greenbrier county court to the declarations of the administrators of the estates of two negroes lynched Dec. 10, 1931, the judge ruled that the legislature had the right to enact such laws as deemed necessary in the exercise of police powers. The demurrer interposed by Prosecuting Attorney J. M. Holt of Lewisburg stated that the act was unconstitutional. The attack on the constitutionality was centered upon the contention that the legislature had attempted to usurp the powers of the judiciary and that the act inflicted punishment upon the county court without a judicial trial. Damages of $5,000 each are asked by Thelma Mullens of Leslie, administrator of the estate of Geo. Banks, and by Margaret Jackson of Huntington, administrator of the estate of Thomas Jackson. Banks and Jackson were taken by a mob from the Greenbrier county jail and hanged from a telephone pole along the Midland trail. The two suits are set for trial in circuit court at Charleston on Jan. 30.

[illegible]

Lynch Law to Be Tested in Court

Constitutionality of Indemnity Clause Is Questioned

The constitutionality of a section of the state anti-lynch law will be tested in the Kanawha circuit court during the next week, it was learned yesterday.

The constitutionality will be questioned in regard to that section of the law which provides for the payment of $5,000 by the county court of any county in which a lynching occurs to the dependents of the person or persons lynched.

The case, which comes from Greenbrier county, is styled Thelma Mullens, administratrix of the estate of George Banks, and Mrs. Margaret Jackson, widow of Thomas Jackson, against the county commissioners of Greenbrier county.

Greenbrier Lynching

The case involves suits for the recovery of $5,000 for the death of George Banks and $5,000 for the death of Thomas Jackson, who were taken by a mob from the Greenbrier county jail at Lewisburg and lynched about one mile west of that town on December 10, 1931.

LAW ASSESSES COUNTY $10,000 FOR LYNCHINGS

Afro-American

Families of Lewisburg W. Va. Victims to Get the Money

2-11-33

LEWISBURG, W. Va.—Judgments of $5,000 each against the county court of Greenbrier were awarded by Judge Arthur P. Hudson in Kanawha County Court last Monday, to the administrators of the estates of George Banks and Tom Jackson, who were taken from the Lewisburg jail on the morning of December 10, 1931, and lynched two miles west of this city by a mob.

Mrs. Thelma Mullens, a sister, is administratrix of the Banks estate while Mrs. Margaret Jackson, widow, is administratrix of her late husband's estate.

Banks and Jackson, under in[illegible]tment for the murder of Con[illegible]ble Joe H. Myles and Jack [illegible]own, both white, at Leslie, W. V[illegible]., were strung to the cross arms of a telephone pole on the Midland Trail and their bodies riddled with bullets. The white men were killed on the night of Nov. 22, 1931.

Suspects Freed

The two women were represented by T. G. Nutter, Charleston attorney. Following the lynching, Governor Conley ordered a strict investigation. Four persons were arrested but the grand jury of Greenbrier County refused to indict them. Following application for the appointment of administrators in the estates of the lynched men, Mrs. Mullens and Mrs. Jackson were appointed, each presenting a claim for $5,000 to the county court.

Damages were sought under a state statute providing for the recovery of the sum of $5,000 damages for each person taken from a jail by a mob of five or more persons and lynched. The Greenbrier court refused the claims and suit was begun at Charleston in the Kanawha County Circuit Court.

Appeal Denied

James H. White, the prosecuting attorney, filed a demurrer claiming that suit should have been begun in Greenbrier County Circuit Court and Judge Hudson upheld his contention. The Supreme Court, however, held that under the law, suit could be brought in any county in the state, and denied the appeal.

CHARLESTON, W. VA.
MAIL
JAN 29 1933

NEGRO LYNCHING CASE UP MONDAY

Hudson to Hear Greenbrier Suits; City Damage Suit Called for Tuesday

Two suits instituted for the recovery of $5,000 damages each for the lynching of two Negroes by a mob in Greenbrier county on December 10, 1931, will come up for trial in circuit court on Monday before Judge Arthur P. Hudson.

The actions were brought by Thelma Mullens, of Leslie, administrator of the estate of George Banks, and by Margaret Jackson, of Huntington, administrator of the estate of Thomas Jackson. Banks and Jackson were taken from the county jail at Lewisburg and hanged from a tree along the Midland trail. They were being held for the murder of Constable J. H. Myles, of Greenbrier county.

Judge Hudson on January 16 overruled a demurrer interposed by Prosecuting Attorney Joseph M. Holt, of Greenbrier county, attacking the anti-lynching statute as being unconstitutional. While the statute provides for a jury trial for the defendant, the Greenbrier county court, the proof would be confined to the plaintiffs showing that the lynchings occurred and that more than five persons were in the mob. It was indicated that a stipulation of fact may be reached between counsel for plaintiffs and Prosecutor Holt with the case being submitted to the court.

Set for trial Tuesday is the suit of Miss Edith O. Toler against the City of Charleston, asking damages for personal injuries received when struck by a falling limb in Truslow street.

INDEPENDENT
Lewisburg, W. Va.
FEB 3 1933

LYNCHINGS COSTLY!

Judgments are Given Sister and Wife of Negroes Hanged by Mob.

In the Kanawha county circuit court on Monday Judge Arthur P. Hudson awarded two judgments for $5000 each against the County Court of Greenbrier, the plaintiffs being Thelma Mullens, administratrix of Geo. Banks, and Margaret Jackson, administratrix of the estate of Tom Jackson. Banks and Jackson are the negroes who were taken from the Greenbrier county jail in Lewisburg early on the morning of December 10, 1931, and lynched from the crossarm of a telephone pole on Wilson hill almost two miles west of Lewisburg on the Midland trail, their bodies being riddled with shot and bullets by the mob which wreaked vengeance upon them. They were under indictment for the murder of Constable Joe H. Myles and Jack Brown at Leslie on the night of Nov. 22, 1931. The Mullens woman is a sister of Banks and the Jackson woman is Tom Jackson's widow. Gov. Conley ordered a strict investigation made of the lynching and all the power of the state police was called into play. Four persons were arrested in connection with the lynching, but the grand jury refused to indict and the personnel of the mob that lynched the negroes still remains a mystery.

After the lynching application was made for the appointment of an administrator in the estate of each of the dead negroes and Banks' sister and Jackson's widow were named and qualified. Each presented a claim to the county court for $5000 damages under a statute providing for the recovery of $5000 damages for each person taken from authorities or a jail by a mob of five or more persons and lynched. The court refused to allow the claims and suit was begun at Charleston in the Kanawha county circuit court. James H. White, then prosecuting attorney, filed a demurrer claiming that suit should have been begun in the Greenbrier county circuit court. Judge Hudson upheld his contention, but the supreme court held that suit could under the law be brought in any county in the state.

When Joe Holt became prosecuting attorney he entered a demurrer to plaintiff's suits, setting up the claim that the law was unconstitutional. Judge Hudson overruled him. Mr. Holt in attacking the constitutionality of the law charged that the law in effect was a bill of attainder, inflicting punishment against the county court without the right of a judicial trial. The statute, Mr. Holt asserted, was a legislative "usurpation" of the authority of the judiciary.

He took the position that the provision in the law for a trial by jury would avail nothing, because after the administrators proved the lynching and the fact that five or more persons constituted the mob there would be nothing for the court to do except award the damages.

Mr. Holt said that the action of the circuit judge would be appealed to the supreme court on similar grounds alleged in the demurrer which Judge Hudson overruled.

The court on Monday entered judgement after the right to a jury trial was waived by Mr. Holt. The case was presented on a stipulation of agreed facts, setting forth the incarceration of George Banks and Thomas Jackson for the murder of Constable J. M. Myles of Grenbrier county, their subsequent indictment, and their deaths at the hands of a mob.

If on appeal to the supreme court the judgments are affirmed the work of the mob will cost every taxpayer of Greenbrier county a levy of about 8 cents per $100 assessed valuation to pay the judgments, costs and interest.

Ronceverte, W. Va., News
Saturday, January 14, 1933

NEW PROSECUTOR MAKES DEMUR IN LYNCHING CASES.

Greenbrier county's new prosecuting attorney, Joe M. Holt, argued a demurrer in the Kanawha county circuit court at Charleston Wednesday, to two suits instituted there against the Greenbrier County Court asking the statutory $5,000 damages in each case for the benefit of the estates of the two Negroes lynched west of Lewisburg by a mob in December 1931.

Prosecutor Holt attacked the anti-lynching statute as a legislative "usurpation" of judicial authority, asserting that under the statute, the County Court would be deprived of property without due process of law and that the law in effect was a bill of attainder inflicting penalties without the intervention of the judiciary. The prosecutor further argued that although the state statute provides for a trial by jury, that there was nothing for the jury to decide, after the plaintiffs had proved that five or more men constituted the mob that entered the jail and took out the prisoners and hanged them, but to award damages in each case.

The damages are sought by Thelma Mullens, of Leslie, administrator of the estate of George Banks, and Margaret Jackson, of Huntington, administrator of the estate of Thomas Jackson. Banks and Jackson were in jail under indictment for slaying Constable Joe H. Myles and his deputy, Jack Brown, at a Negro dance hall at Leslie during a row which Myles and Brown were attempting to quell.

It was once held that the suits under the lynching statute should be tried in the Greenbrier court, and later this was reversed and suits instituted in Kanawha county.

FAIRMONT, W. VA.
TIMES

FEB 18 1933

Just Judgement

The judgement of $10,000 against Greenbrier County awarded to the estates of two negroes who were lynched there a year ago is approved by the Wheeling Daily News and the News says:

"Evidently, if any punishment is to be meted out for gross violation of the law, and inflicting an injury or injustice to individuals, a fine is the only punishment that can be imposed, and why shouldn't the county that permits, either by its negligence, or through misguided sentiment, a gross violation of the [illegible] the penalty for that vi[illegible]

"Probably if we had more $10,000 verdicts against careless and indifferent county officials, or careless and indifferent county courts, we would have more respect for the la weverywhere."

Lewisburg,
FEB 10 1933
W.Va.

"GREENBRIER MUST PAY."

Such is the heading in Earl Smith's Fairmont Times of an editorial in reference to the 10,000 judgments rendered against the Greenbrier county court by Judge Arthur P. Hudson in the Kanawha county circuit court for the death of Banks and Jackson, negroes indicted for murder, who were taken from jail here and lynched on Dec. 10, 1931. Commenting the Times says:

"Constitutionality of the law was upheld by Judge Hudson. This law is fair. Too often county authorities when faced by inflamed mobs, fail to give their prisoners proper protection. Mobs do not think but county officers should be forced to think. They should not be permitted to let passion rule them. Their duty is to see that their prisoners are given trial under the law.

"Greenbrier county should pay the damages that have been awarded the estates of the lynched negroes. We cannot condone mob rule. Lynching is the result of mob rule."

It is true that "lynching is the result of mob rule," but there was no mob rule in the entire affair. Neither were there any outbursts to lead to the belief that violence was intended toward the accused. The jail was taken by a surprise attack, no officers were "permitted to let passion rule them," but nevertheless the law-abiding citizens of Greenbrier county, preponderantly in the majority, must it seems inevitably pay for the lawless act of a small lota of the population working under cover of the night when all except those abroad on a secret and furtive mission are home in bed.

Wheeling, W. Va. Register
Tuesday, February 7, 1933

Through the Pocketbook

From the Morgantown Post

The verdict of Judge Hudson, of Kanawha county, in awarding the estates of two lynched negroes judgment for $10,000 against Greenbrier county may seem harsh and unfair to Greenbrier taxpayers, but this verdict must be considered in the light of the problem which it seeks to solve.

When the two negroes were taken from the Greenbrier jail by a mob and hanged to the cross arms of a telegraph pole, Greenbrier county committed an offense against the peace, dignity and name of the state which ought not to go unpunished.

If public sentiment in Greenbrier county had not favored this lynching or, at least, looked upon it with an undisturbed tolerance, the lynching would have been impossible.

Moreover, if the authorities of Greenbrier county had made any serious effort to prevent the lynching, it could not have occurred. The number of lynchings which have been consummated against firm and unyielding resistance by the authorities is so small as to be almost negligible. Only when the authorities offer no real resistance to the mob is it able to carry out its purposes.

The West Virginia legislature has provided, wisely we think, that the estate of any person who is lynched may recover a judgment against the county wherein the lynching occurred.

It ought not to be necessary to have this kind of law, but unfortunately it is true that even in the protection of human life, we must sometimes act upon the theory that you can't reach the people except through their pocketbook.

WEST VIRGINIA COUNTY LOSES APPEAL IN LYNCHING CASES

Defender 6-10-33
Chicago, Ill.

CHARLESTON, W. Va., June 9. — The supreme court of appeals of West Virginia has confirmed the decision of the circuit court of Kanawha county in the Greenbrier lynching cases in which the circuit court awarded $5,000 damages to the administrators of the estates of Tom Jackson and George Banks, who were lynched in Greenbrier county over a year ago.

Suit was brought by the administrators of the estates of Jackson and Banks in the circuit court of Kanawha county, although the lynchings took place in Greenbrier county. Greenbrier county filed demurrer to the declarations of the plaintiffs, alleging that Kanawha county circuit court did not have jurisdiction in the matter because the lynchings took place in Greenbrier county. The Capehart antilynch law provides that suit may be brought in any state court.

Appeal Cases to Supreme Court

The cases were appealed to the supreme court by Greenbrier county on the question of jurisdiction of the circuit court of Kanawha county, and the supreme court held that suits under the statute could be brought in any county in the state. Prosecuting Attorney White represented Greenbrier county and T. G. Nutter and Sam D. Lopinsky of the firm of Salisbury & Lopinsky represented the estates of Jackson and Banks.

After the supreme court decided that Kanawha county had jurisdiction, Greenbrier county court filed demurrer questioning the constitutionality of the Capehart act. But the lower court declared the act constitutional and awarded damages to the administrators of Jackson and Banks in the sum of $5,000 in each case, from which verdict the circuit court of Greenbrier county sought to appeal. On Monday, May 29, the supreme court handed down a decision refusing to review the action of the circuit court, thereby confirming the ruling of the circuit court that the act was constitutional.

State Must Pay

These suits were brought under the Capehart act, of which Hon. Harry J. Capehart, now assistant United States district attorney for southern West Virginia, is the author. The law was passed by the legislature of 1921. It was drawn after the statutes of Ohio and Illinois and provides that "the county in which a person is charged with crime, and wherein such person has been taken from a state, county or municipal officer and lynched and put to death, shall be subject to a forfeiture of $5,000 which may be recovered by appropriate action therefor, in the name of the personal representative of the person put to death, for the use of his dependent family or estate. Such action may be brought in any state court," the object in permitting suit to be brought in any state court being to give the plaintiff the privilege of getting away from local influence by taking the action to some county other than that in which the lynching took place.

Lynchings-1933
Legislation Relating to.

4390

BALTIMORE, MD.
POST

DEC 26 1934

MAKING A CASE

THE STATES this year are building up a fine case for the enactment by Congress next year of a federal anti-lynching law.

How many innocent men and women are lynched may be judged from a report of the Southern Commission on the Study of Lynching. The report found that out of 21 persons lynched in 1930 two "certainly" were innocent, 11 others "possibly" were. Mobs are not deterred by questions of sex, color or locality. They are not deterred by the innocence of their victims.

Tennessee's latest lynching, her third this year, runs the national total for 1933 to 27. Of these, four were whites.

Some believe that the federal government, under present laws, can intervene to punish lynchers in states where the law breaks down. In a brief just filed with the attorney general the National Assn. for the Advancement of Colored People cites a congressional act of 1870 making it a misdemeanor for an officer of the law to permit an inhabitant of any state to be deprived of the right to person or property. The citation was in justification for a plea for the federal government to punish the sheriff of Tuscaloosa County, Alabama, for failure to prevent a double lynching last August. The brief says:

"A government which can invade a sovereign foreign state to protect the lives of its citizens and exact reparation for a deprivation of their rights abroad, yet cannot, or will not, through lack of official courage to enforce the written law, protect its own citizens within its borders, abdicates to the mob."

Regardless of conflicting interpretations of existing law, the fact that the federal government has not felt free to act hitherto is sufficient evidence of the need for a federal anti-lynching law.

SAN ANGELO, TEX.
STANDARD

DEC 29 1933

ANTI-LYNCH LAW

Like almost everything else these days, the prospective congressional dispute over anti-lynching legislation promises to cut hit-and-miss across party lines.

For years, legislation has been pending to make lynching a federal instead of a state offense. Mainly, it has been urged by republicans, and several successive republican national conventions have gone on record for it. Much of the opposition has come from southern democrats who raised the issue of "state's rights."

The developments of the past few weeks, however, complicated this situation at the same time they were insuring an especially determined effort next session on the part of those organizations which long have advocated a federal anti-lynching law.

From a party viewpoint, the difficulty is that the lead in refusing to prosecute lynchers has been taken by a republican—Governor Rolph of resistance to law as occurred in late California — while such excessive resistance to law as occurred in late November on the eastern shore of Maryland has developed democratic signs of weakening in opposition.

Any such enactment still is a long way from the statute books.

Lynchings-1933
Legislation Relating to.

Gainesville, Fla. Sun
December 5, 1933

REVIVING THE DYER LAW

(Miami Herald)

Three lynchings, occurring within a few days of each other in three widely separated states, have aroused national attention, and, as a result, there will be repercussions in congress when it meets in January.

It is now announced that a federal lynching law will be introduced at an early day in congress and, with the present temper of the people, will probably find ample support in that body.

More than 10 years ago Representative Dyer of Missouri introduced a drastic bill in congress, which was passed by the house of representatives but was filibustered to death in the senate.

That bill provided, among other things, that a county in which a lynching occurs shall be mulcted in damages to an extent not to exceed $10,000, the money derived from the judgment to go to the families of the persons illegally executed.

Naturally, there was much public opposition to that particular provision of the Dyer bill. It would punish a large population for a crime in which they did not participate and which they would have prevented if they had been aware that a lynching was in prospect.

Aside from the question of the constitutionality of a federal law which, beyond a doubt, invades the police powers of the state, there is the question of absolute right, if the bill now in prospect incorporates the Dyer idea as to damages.

Edmund Burke said that he could not prepare an indictment for a whole people. This measure, if the Dyer proposition forms a part of it, would not only indict a whole county for the unlawful acts of a very few, but would convict all the inhabitants and impose damages upon them.

In spite of the recent failures of the three states to prevent lynching the invasion of the constitutional rights of the states would have more far-reaching consequences than does the occasional failure of justice in an individual state.

De Land, Fla.
Sun News
Dec-12-1933

REVIVING THE DYER LAW

(Miami Herald)

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Greeneville, Tenn. Democrat-Sun
December 14, 1933

ANTI-LYNCHING BILL

Washington Correspondence

Representative Tinkham, of Massachusetts, may think twice about renewing his anti-lynching bill campaign this winter. A favorite topic with him for years it has been very troublesome for his democratic colleagues across the aisle from the "solid south."

With a republican governor in California openly applauding lynchers in that state and a democrat in Maryland calling out troops to arrest alleged lynch mob members, the thing loses its partisan values

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Tallahassee, Fla. Democrat
December 20, 1933

Dyer Act Unfair and Unsound

An outbreak of mob violence in various sections of the country has revived discussion of the Dyer act which would have penalized each county where a lynching might take place $10,000 to be given to the family of the victim.

The Daily Democrat has consistently opposed mob rule and still does and would support any sane law to prevent lynchings. But the Dyer act is neither sane nor sensible.

The only conceivable excuse to penalize an entire county for the violence of a few would be to stir the citizenry to action to prevent lynchings. This might work in a few cases where the intention of the mob might be well advertised in advance, but if it did the result would be to reduce the number taking part and require more stealth and secrecy.

Since a band as small as 25 men can waylay an officer on a highway, seize a prisoner and hang him to a nearby tree before the citizens of the county could get into action, this would not be effective.

The penalty would be paid by the property owners and the lynchers might be irresponsible persons without holdings of any sort.

To avoid the penalty, lynching parties could take their victim across a county line and thus shelve the cost upon another county, another group of taxpayers.

There are even persons who would start false rumors and even give untrue testimony against members of their own families in order to collect the $10,000 reward.

The Dyer act has little to recommend it and much to be avoided. Mob rule can be put down by public opinion and by rigid law enforcement.

In Tampa not many years ago several persons were killed by guardsmen so that the state could legally execute a prisoner. If necessary, let officers show their determination to uphold the laws of organized society at the point of loaded guns. It is not the intended victim who should be protected but the laws we are living under.

CLEVELAND, O.
PRESS
DEC 4 1933

AN ANTI-LYNCHING LAW

UNLESS governors and local officials display more courage in curbing blood lust of mobs, Senator Costigan of Colorado will find the sentiment of the United States rolling up behind his promised federal anti-lynching bill by the opening of Congress. On Wednesday occurred another revolting lynching in Missouri, following the recent ~~mob~~ crimes in Maryland and California.

None believes that the federal government is a repository of the nation's conscience. We are not ready for the federalization of police powers. But just as it took the federal government to make effective war on kidnapers so it is necessary to invoke federal power to stop lynching.

Civilized America will not, cannot brook these barbarous outbreaks against the law. If sheriffs fail to hold their prisoners secure the state governments must move in and help them. If governors like California's Rolph invite and condone rabble rule, or, like Maryland's Ritchie delay adequate state protection, what is left but federal action?

A federal anti-lynching law has been discussed for years. The Dyer bill almost passed Congress in 1922 when it went through the House on a vote of 230 to 119 to be filibustered to death in the Senate.

There have been 27 lynchings already this year, compared with 10 for the whole year of 1932.

Since only a few states have passed adequate anti-lynching laws a federal law is required. It should have teeth enough to insure that the lowliest American, regardless of his race or the charge against him, gets the protection of due process of law as guaranteed by the Constitution.

Memphis, Tenn., Com'rcial Appeal
December 21, 1933

The Federal Lynching Bill

Senator McKellar chose an opportune time to express vigorous opposition to the proposed anti-lynching law. This measure has been before Congress a number of years. It is directed particularly against the south. Its sponsors, in the main, are northern Republicans who use their advocacy of the measure to solidify negro support behind them.

Southern members of Congress, supported by members from other sections of the country, who see in the measure dangers which cannot be justified by political expediency, have been able to prevent the passage of the bill. Lynchings in California, Maryland and Missouri no doubt have added something to the weight of influence for a federal law. It can be pointed out that it is no longer directed specifically against the south. It also affords southern representatives an opportunity to oppose the measure on its merits without being subject to the charge that their opposition is sectional.

The bill is exceedingly drastic. It provides for the removal of the sheriff and other officers responsible for the safekeeping of the victim. It provides that the family of the victim may obtain judgment against the officers and provides also, as we recall, a substantial payment of public funds to the victim's family.

The bill is a direct invasion of the rights of states. As Senator McKellar says, if the government should undertake to punish lynchers it could with equal justification relieve the states of responsibility for any or all criminal prosecutions.

The most important reason for opposing federal intervention in lynchings is that the states immediately would relinquish to the federal government all authority for the prosecution of such cases. A law enacted contrary to public opinion would result in the states giving the government little or no co-operation. The object of the law would thereby be defeated.

The states are putting forth their best effort to wipe out the stigma of lynching. The record is encouraging. The number of lynchings is gradually on the decline. The states can do this job themselves. It is their duty to do it. It is certainly outside the jurisdiction of the federal government to assume authority for prosecuting cases in which the states are solely concerned.

Speaker Rainey Backs Anti-Mob Bill

Anticipate Action in Both Houses Jan. 3

NEW YORK, Dec. 1.—Another milestone in The Chicago Defender's long fight for a federal antilynching law came in Washington Tuesday when Speaker of the House Henry T. Rainey, Democrat, of Illinois, gave assurance of immediate action on such legislation Jan. 3, 1934, in the lower house of congress.

Defender

"The bill," pointed out Speaker Rainey, "should be passed without a dissenting vote in the house of representatives.

"This week's events, particularly the public statements of the governors of Illinois, Florida, Utah and Virginia, insisting that law and order and not mob rule and lynchings must be insisted upon by those sworn to uphold the Constitution, shows the trend.

12-2-33

"Governor Ritchie's determined effort in sending national guardsmen to arrest lynchers on the eastern shore of Maryland proved conclusively the attitude, according to Speaker Rainey, "of Democratic public officials."

Chicago

The Chicago Defender was assured by Senator Hamilton F. Kean, Republican, New Jersey, Tuesday night that he was having a bill drawn up up by expert constitutional lawyers including a well-known Race authority, for introduction in the senate Jan. 3.

Senator Kean issued a strong public statement deploring the recent reoccurence of mob law and orgies of lynchings. "It is a moral issue, not a race matter," declared Senator Kean, the first United States senator to come out openly, backing The Chicago Defender's federal antilynching law.

EL PASO TEX.
HERALD
DEC 22 1933

Making a Case

THE states this year are building up a fine case for the enactment by congress next year of a federal anti-lynching law.

To the gruesome record of recent lynch horrors, Tennessee has added another. A negro, accused of attacking a white girl, was found hanging from a cedar tree near Columbia, his dead body riddled with bullets. The appalling brutality of the latest lynching lay in the fact that this mob victim had been arrested and then freed by action of the grand jury who found no evidence against him!

How many innocent men and women are lynched may be judged from a report of the Southern Commission on the Study of Lynching. The report found that out of ~~21 persons~~ lynched in 1930 two "certainly" were innocent, 11 others "possibly" were. Mobs are not deterred by questions of sex, color or locality. They are not deterred by the innocence of their victims.

Tennessee's latest lynching, her third this year, runs the national total for 1933 to 27. Of these, four were whites. California, Maryland and Missouri this year have joined the lynch states.

Some believe that the federal government, under present laws, can intervene to punish lynchers in states where the law breaks down. In a brief just filed with the attorney general the National Association for the Advancement of Colored People cites a congressional act of 1870 making it a misdemeanor for an officer of the law to permit an inhabitant of any state to be deprived of the right to person or property. The citation was in justification for a plea for the federal government to punish the sheriff of Tuscaloosa county, Alabama, for failure to prevent a double lynching last August. The brief says:

> A government which can invade a sovereign foreign state to protect the lives of its citizens and exact reparation for a deprivation of their rights abroad, yet cannot, or will not, through lack of official courage to enforce the written law, protect its own citizens within its borders, abdicates to the mob.

Regardless of conflicting interpretations of existing law, the fact that the federal government has not felt free to act hitherto is sufficient evidence of the need for a federal anti-lynching law.

4392

Lynchings-1933
Legislation Relating to.

The Federal Lynching Bill

Commercial Appeal
Memphis Tenn.
12-23-33

Senator McKellar chose an opportune time to express vigorous opposition to the proposed anti-lynching law. This measure has been before Congress a number of years. It is directed particularly against the south. Its sponsors, in the main, are northern Republicans who use their advocacy of the measure to solidify negro support behind them.

Southern members of Congress, supported by members from other sections of the country, who see in the measure dangers which cannot be justified by political expediency, have been able to prevent the passage of the bill. Lynchings in California, Maryland and Missouri no doubt have added something to the weight of influence for a federal law. It can be pointed out that it is no longer directed specifically against the south. It also affords southern representatives an opportunity to oppose the measure on its merits without being subject to the charge that their opposition is sectional.

The bill is exceedingly drastic. It provides for the removal of the sheriff and other officers responsible for the safekeeping of the victim. It provides that the family of the victim may obtain judgment against the officers and provides also, as we recall, a substantial payment of public funds to the victim's family.

The bill is a direct invasion of the rights of states. As Senator McKellar says, if the government should undertake to punish lynchers it could with equal justification relieve the states of responsibility for any or all criminal prosecutions.

The most important reason for opposing federal intervention in lynchings is that the states immediately would relinquish to the federal government all authority for the prosecution of such cases. A law enacted contrary to public opinion would result in the states giving the government little or no co-operation. The object of the law would thereby be defeated.

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ASSOCIATION AGAINST LYNCHING PROPOSED

Commercial Appeal

McAlister May Speak at Meeting Wednesday

12-23-33

BY HILTON BUTLER
Commercial Appeal Staff Correspondent

NASHVILLE, Dec. 22.—A statewide mass meeting to form an Anti-Lynching Association in Tennessee has been called for next Wednesday in Nashville. Governor McAlister will be sought as the principal speaker.

Judge John R. Aust, of Nashville, was named chairman of the committee to form the organization. All cities and counties were asked to have representatives at the meeting.

Commendation of the governor for his sharp expression against lynching after the Cord Cheek case here last week was made in a resolution adopted today by the committee laying plans for the organization.

Chattanooga, Tenn. Times
December 7, 1933

FEDERAL ANTI-LYNCHING LAW AGAIN.

Agitation for enactment by Congress of legislation making lynching a Federal crime, which attained considerable proportions several years ago and then died down as lynching subsided, would seem to be scheduled for revival.

Senator Costigan, of Colorado, has promised to have an anti-lynching bill ready for introduction when Congress meets next month. "Unless Governors and local officials display more courage in curbing blood lust of mobs," the Senator "will find the sentiment of the United States rolling up behind his promised bill," remarks the Knoxville News-Sentinel.

Are the States, especially those of the South, in which most of the lynchings occur, prepared to welcome a Federal anti-lynching law? Some idea as to what such a measure might contain may be gathered from the fact that the bill which some advocated several years ago called for the apprehension of lynchers by the Federal Government, for their trial in Federal Court, which would often be far from their homes, and for the imposition of fines on counties in which lynchings occurred.

The best way to prevent the passage of such a Federal law is for State and local authorities to protect their prisoners and, when lynchings do occur, to bring the lynchers to the bar of justice and punish them.

Anti-Lynch Meet in Buffalo Tonight

Daily Worker

Conference Tomorrow on Scottsboro Case

12-23-33

BUFFALO, N. Y., Dec. 22.—The City Council has been forced to grant the use of the Broadway Auditorium to the Provisional Committee for the Western New York Conference against lynching for a Scottsboro anti- lynching protest meeting tomorrow night.

New York

Attempts are now being made to secure the use of a local radio station for an announcement of the meeting. The League of Struggle for Negro Rights and the International Labor Defense are closely co-operating with the Provisional Committee and are urging all workers and sympathizers to make this meeting one of the biggest ever held in Buffalo.

Speakers will include Rev. T. Davis of the Friendship Baptist Church, James Campbell of the American Federation of Labor, I. Greenberg, attorney; and representatives of the L.S.N.R., the I.L.D. the Communist Party and the Steel and Metal Workers Industrial Union.

On Sunday an anti-lynching Conference will be held at the Masonic Temple at 2 o'clock, under the auspices of the Provisional Committee. Delegates are expected from many unions, churches, clubs, etc. It is expected that the conference will establish a permanent Committee of Action against lynching, and against all forms of discrimination and for the freedom of the Scottsboro boys.

ANTI-LYNCH LAW CONFAB SUNDAY

Informer

Houston.—A delegation of white and Negro citizens visited Austin Dec. 14 and 15, to see Governor Ferguson and obtain an interview for Daniel E. Gregory, father of David Gregory, Negro lynched in Kountze, Texas, and to present to Governor Ferguson certain demands which would help to prevent lynchings. Also to ask why she did not send the national guards to Kountze when for six days newspapers admitted the danger, the certainty of violence, a representative of the I. L. A. told The Informer.

The governor absolutely and definitely refused to see Mr. Gregory, or the committee; she would only see one spokesman, who presented the demands to her in the presence of her two secretaries, it was stated.

It was also said that a full report on steps that have been taken and plans for further action to prevent lynchings, will be made at a mass anti-lynching conference to be held Sunday, Dec. 24, at 2:30 p. m., at the Pilgrims temple, 222 W. Dallas, Houston.

BIG DAILY FOR ANTI-LYNCH LAW—SENATOR M'KELLER AGAINST IT

Atlanta Independent
12-23-33

A big boost was given the proposal of a Federal Anti-Lynching Law when a tentative endorsement of such a law appeared in an editorial of the great Atlanta Constitution. This was followed by a not very convincing argument against it by Senator Kenneth [illegible] McKellar of Memphis, Tenn., when in Nashville this week. Senator McKellar was reported as unable to see the need for a Federal Anti-Lynching Law, though approving the already enacted Federal statute against kidnapping.

The Atlanta Constitution editorial is as follows:

As a Federal Offense

(Editorial, Atlanta Constitution, Dec. 9, 1933)

As a result of the recent mob law outrages in widely separated section of the country, it is probable that a law making lynching a federal offense will be urged at the approaching session of congress.

The enactment of such a law would be in line with the action of congress in enacting a measure making kidnapping a federal offense when that crime became so general in its scope that it assumed the proportion of a national menace. The federal activities made possible by this law have resulted in greatly reducing the kidnapping evil, the apprehension and conviction of most of the criminals responsible for the kidnappings of the past six or eight months, and the prospect that the evil will soon be exterminated.

Now that mob law is no longer a sectional evil, the most conspicuous examples of it recently being

in states other than the South, it is not surprising that congress should deal with the evil in the same manner in which it proceeded against the kidnapping menace.

There is no room in the United States for mob law under any conditions. If our civilization is to be protected, the punishment for crime must be left to the courts. There is no midway ground.

A law making lynching a national offense would undoubtedly have a strongly deterren effect upon those inclined to place the authority of the mob above that of the courts.

Albany-Decatur, Ala. Daily
December 22, 1933

Lynching Law

The League for Industrial Democracy, in New York, this week adopted resolutions addressed to President Roosevelt and the two senators from New York, asking them to sponsor the Costigan anti-lynching bill in congress.

According to a dispatch in The Daily Herald, of Columbia, the resolutions were adopted with only one dissenting vote—that of a man who said that statements of Judge W. W. Callahan had been misunderstood in the Scottsboro trial.

The Daily agrees heartily with Senator McKellar, of Tennessee, that there is no reason whatever for passage of an anti-lynching law. There is no excuse to place a heavy financial burden, as suggested, on the people of any county in the United States because a lynching occurs within the confines of that county. It is entirely possible that the mob might be composed of citizens of some other sections, yet it is proposed to have the federal government automatically impose a $10,000 fine on the county within which the victim was found.

The proposed federal legislation will not prevent lynching, as reprehensible as lynching is. If criminals will stop committing crime—that will stop lynching, but nobody seems to have paid any attention to that feature.

If courts will mete speedy justice to convicted criminals—that will stop lynching, but again the enthusiastic members of the I. L. D. and similar organizations lose sight of that feature.

PASTORS BACK PROPOSED U. S. LYNCHING BILL

Oakland Tribune

Eastbay Ministerial Fellowship Adopts Resolution Approving Senator's Plan

California

Approval of a bill making lynching a federal offense, which is to be introduced by Senator E. P. Costigan of Colorado on the opening day of Congress next month, was voiced by the Eastbay Ministerial Fellowship, in session at the North Oakland Baptist Church yesterday afternoon. 12-20-33

The resolution followed addresses by three leading Negro ministers of Oakland. They were Dr. Gordon C. Coleman, host pastor; Rev. H. T. S. Johnson, Taylor Memorial M. E. Church, and Dr. Daniel G. Hill, First African M. E. Church.

SAD COMMENTARY

Pastor Johnson declared that "Lynching orgies are a sad commentary on Christianity in America." He pointed out that Christianity is now on trial, and declared there is a possibility that young people of the Negro race may turn to Communism in preference to Christianity. Communism, Reverend Johnson pointed out, does not draw a color line. He appealed to all white ministers to voice their convictions in the matter of race prejudice and lynching, not alone out of justice to the Negro race, but also to save Christianity.

Dr. Rudolph I. Coffee, former rabbi of Temple Sinai, lauded the Negro preachers and reminded the ministers that 560,000 Jews are now suffering persecution in Germany.

"Hitler is the most dangerous man in the world today," said Dr. Coffee. "Hitler is no messiah. He is a madman. If Hitlerism spreads throughout America, Christianity is doomed," said Dr. Coffee. "Hitlerism is already in the East. And just today I saw a Nazi emblem in an Oakland window.

"Let me commend those splendid churchmen of Germany, 4000 of them, who refused to cast out Jesus Christ from the Lutheran Church and set up Hitler in his place. That was the first time Hitler has had to back down," said Dr. Coffee.

DR. BAIRD PRESIDES

Dr. Jesse H. Baird, pastor of the First Presbyterian Church, presided. William H. Groat, executive secretary of the Oakland Council of Churches, announced 28 ministers signed up to participate in the annual pulpit exchange to be held January 7.

Attention was called to the United Christmas service to be held by Protestant churches of the city and the Masonic fraternity at the Scottish Rite Temple, 1547 Oak Street, next Sunday afternoon. Charles T. Besserer will begin an organ recital at 2:30, followed by the program at 2:45. Greetings are to be brought by Justice William Waste. Rev. Harold Camp is to give the invocation and Dr. J. H. Baird the benediction. Addresses will be offered by Robert B. Gaylord, past grand master, Grand Lodge, F. & A. M., and Dr. J. A. B. Fry, pastor of the Epworth Methodist Church, Berkeley.

CLEVELAND, O.
PRESS
DEC 29 1933

Urges Federal Law Against Lynching

To the Editor of The Press:

Nowhere else in the civilized and uncivilized world is lynching such an ingrained custom as it in in the United States. There have been twenty-nine lynchings already this year compared with ten for last. According to the studies for the last several years of the Atlanta Association of Southern Women for the Prevention of Lynching as well as those of the Chattanooga News, between two-thirds and three-quarters of the lynchings in this country ever since 1890 have had nothing whatever to do with offences or outrages against women while there has been a real doubt of guilt as to at least half of these victims of lynching and mob violence.

The majority of lynchings, especially of cotton belt lynchings, grow out of disputes between white landlords and their colored renters or share-croppers who are shot or hanged or beaten to death for almost nothing at all. It has been found that lynching is usually by a type of whites who are in economic conflict with the colored man. The mob is often know~~n to take~~ innocent lives in its lust for excitement and revenge.

State laws are ineffective in the south since the police are relatively weak in the semi-rural communities where lynchings are the most prevalent and where the southern police officer and the jurors are likely to be neighbors or acquaintances or friends. However by Article Four, Section Four of the Federal Constitution, the United States shall guarantee to every state in the union a Republican form of government, which provision would seem to open the way for federal intervention when a state by its own instrumentalities is unable to prevent lynching.

It is therefore of the utmost importance that the federal anti-lynching bill to be introduced in the Senate of the United States and in the House of Representatives next month shall be enacted into law and rigidly enforced to safeguard everyone against mistake and to insure that the lowest American regardless of his color or of the charge against him is properly identified at least for punishment, and that real force and meaning will be given to Article Five of the Constitution of the United States that no person shall be deprived of his life without due process of law.

Tom Ireland
Bulkley building.

BIRMINGHAM, ALA.
Post
DEC 20 1933

Making a Case

The various states this year are building up a fine case for the enactment by congress next year of a federal anti-lynching law.

To the gruesome record of recent lynch horrors, Tennessee has added another. A negro, accused of attacking a white girl, was found hanging from a cedar tree near Columbia, his body riddled with bullets. The appalling brutality of the latest lynching lay in the fact that this mob victim had been arrested and then freed by action of the grand jury who found no evidence against him.

How many innocent men and women are lynched may be judged from a report of the Southern Commission on the Study of Lynching. The report found that out of 21 persons lynched in 1930 two "certainly" were innocent, 11 others "possibly" were. Mobs are not deterred by questions of sex, color or locality. They are not deterred by the innocence of their victims.

Tennessee's latest lynching, her third this year, runs the national total for 1933 to 27. Of these, four were whites. California, Maryland and Missouri this year are among the states shamed by mob murder.

Some believe the federal government, under present laws, can intervene to punish lynchers in states where the law breaks down. A brief just filed with the attorney general cites a congressional act of 1870 making it a misdemeanor for an officer of the law to permit an inhabitant of any state to be deprived of the right to person or property. The citation was in justification for a plea for the federal government to punish the sheriff of Tuscaloosa county for failure to prevent the double lynching last August.

Despite California's Governor Rolph and others of his ilk, the rank and file of the American people will not condone mob outrages. Sooner or later, if local and state governments cannot stop men from taking the law in their own hands, the federal government will step in.

Lynchings-1933
Legislation Relating to.

4393

Miami, Fla. Herald
December 9, 1933

FEDERAL LAW AGAINST LYNCHING ADVOCATED

Georgia Council of Southern Women Speak Approval of Curbing Mobs

[BY THE ASSOCIATED PRESS.]

ATLANTA, Dec. 8.—The subject of a federal anti-lynching law was brought forward in the Georgia Council of Southern Women for the prevention of lynching here today, after the council had been told that 27 persons had suffered death in the United States this year to date through lynching.

Several members informally expressed approval of anything to curb lynching, but the council itself recommended that the association of Southern women for the prevention of lynchings consider the question at their meeting in Atlanta January 9.

The council expressed its "hearty appreciation" of the recent condemnation of lynching by President Roosevelt and Attorney General Cummings, and condemned the steps taken by Governor Ritchie of Maryland and Governor Park of Missouri in lynching cases in their states.

"These were the more notable by a contrast with Governor Rolph's abject surrender to the mob and the official inaction so commonly observed in such cases," the resolution by the council said, after several speakers had criticized the statement of the California governor relative to the San Jose lynching.

Of the lynchings by states this year, Mrs. Jessie Daniel Ames, executive director of the council, said that Georgia, Alabama, Louisiana and South Carolina had four each. Mississippi followed with 3, Tennessee 2, California 2, Maryland 1, Missouri 1, North Carolina 1, and Texas 1.

A letter was read to the council which Mrs. W. J. Neel of Forsyth, the chairman, said had been written to her by Governor Talmadge. The letter contained the following statement:

"Lynching is generally a culmination of the people's impatience and resentment of the technicalities and delays of the courts.

"Lynching in the last analysis is anarchy and shows a disregard of the law.

"If the same eeffort and zeal were put forth in upholding the law that the mob has to put forth in a lynching, this country would be served a great deal better."

Mrs. Ames told the council that "I think the women are very much less committed to the ark of the covenant of states rights than men."

Atlanta, Ga. Constitution
December 10, 1933

ANTI-LYNCH GROUP MAY MAKE STUDY OF ALL SUCH CASES

Personal investigation of every lynching in 1934 and publication of the "real story behind each" will be among the subjects for discussion by the Southern Association of Women for the Prevention of Lynching at its Atlanta meeting January 9.

The investigations would be made by members of the women's council of each state in which lynchings take place, said Mrs. Jessie Daniel Ames, executive director of the council. The results of the investigations would be printed in pamphlet form and distributed to the members of the council, law offcers, judges and other leading men and women.

Mrs. Ames stressed this personal investigation as one of the objectives before the southern women when she reported yesterday to the Georgia council that 27 persons had been lynched in the United States this year.

Another topic on the program at the January meeting is the suggestion for consideration of a federal anti-lynching law. This topic promises to be one of unusual interest.

Mrs. Attwood Martin, of Louisville, Ky., is chairman of the southern council, and Mrs. W. A. Newell, of Salisbury, N. C., is secretary-treasurer.

There will be delegates from 13 southern states in attendance.

Orlando, Fla., Sentinel
December 9, 1933

FEDERAL LYNCHING LAW DEMANDED

Georgia Council Of Women Ask Stern Ruling

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The council expressed its "hearty appreciation" of the recent condemnation of lynching by Pres. Roosevelt and Att'y Gen. Cummings and commended the steps taken by Gov. Ritchie, of Maryland, and Gov. Park, of Missouri, in lynching cases in their states.

PHILADELPHIA, PA.
MORNING PUBLIC LEDGER
DEC 3 1933

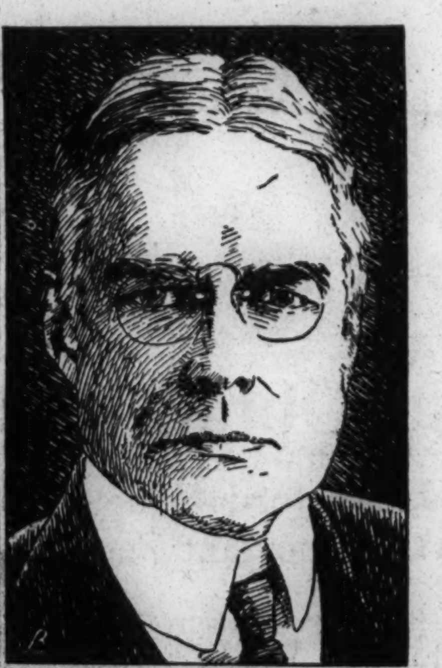
U. S. WILL ACT ON LYNCHERS

Congressional Leaders Planning Move To Penalize Negligent Local Officials; Respect for Law Called Biggest Need

By JAMES W. BOOTH

Washington, Dec. 2.

WITH lynchings last week in San Jose, Calif., and St. Joseph, Mo., and Maryland's Eastern Shore citizens rioting because of the arrest of four suspected leaders of the recent lynching at Princess Anne, the multiple dangers of mob violence are forcefully injected into America's already cumbersome crime problem.



GOVERNOR RITCHIE
Upholds Law in Maryland

So far this year twenty-seven lynchings have taken place in the United States, 150 per cent more than for the entire year of 1932, when ten lynchings were recorded. It is the worst year since 1926, when thirty persons were lynched. Only five States—Massachusetts, Connecticut, New Hampshire, Rhode Island and Vermont — have never had a lynching.

Spurred to action by recent demonstrations of mob violence in California, Maryland and Missouri, congressional leaders in Washington are planning the introduction of Federal anti-lynching legislation at the approaching session of Congress.

In 1922 the House of Representatives approved a Federal anti-lynching bill, but it was defeated in the Senate by a filibuster.

Although plans for formulating the new measure have not been completed, revival of the Dyer bill imposing penalties upon counties whose officers fail to protect prisoners from angry mobs has been suggested.

Meanwhile, Colonel James A. Moss, president general of the United States Flag Association, which is conducting a nation-wide crusade against crime, warns of the futility of mob violence, hysteria and emotion in curbing crime.

Sharply criticizing Governor Rolph, of California, for what he describes as "condoning murder by lynching," and upholding the action of Governor Ritchie, of Maryland, in ordering the arrest of the Princess Anne lynchers, he calls for the creation of a more healthy public opinion for respect of law.

Cites Lack of Respect for Law

"THE carnival of crime with which the country is afflicted today is due in no small measure to the lack of respect for the law which exists among our people," Colonel Moss declared. "This, in the minds of many outstanding leaders of thought, is the most serious problem with which the Nation is at present confronted.

"Crime cannot be curbed by mob violence and hysteria. Lynching is a crime and should be treated as such. It is wrong, and two wrongs do not make a right. Only through the orderly process of Government can crime eventually be stamped out.

"Lynching may instill fear in the heart of a kidnapper and criminal for a time, perhaps a week, perhaps a month, but it will never cause him to abandon his nefarious trade.

"When the Governor of a sovereign State of the Union upholds lynching and stimulates mob violence by promising to pardon those who might be proved guilty of lynching, as Governor Rolph is reported having done, he is not only delivering a staggering blow at the sanctity of the law but he is violating his oath of office which imposes upon him the obligation of upholding and maintaining the law.

What Rolph Could Have Done

"HAD Governor Rolph, upon the apprehension of Jack Holmes and Thomas H. Thurmond, promptly issued a public statement pledging the full power of his office and his personal effort to the end that the prisoners accused of the Hart kidnapping would be immediately brought to trial and that no delay would be tolerated in executing sentence in the event of conviction, he would have emphasized the power of the State and the law of the land to bring to justice those convicted of crime.

"With Governor Rolph's vigorous support these men could have been tried, and if convicted, hanged within a few days. Such a procedure would have set a wonderful example of how it is possible to dispose of criminals under the American system of Government.

"Instead of pursuing the sound and normal course—the course, in fact, to which he is sworn—Governor Rolph has contributed to mob violence. His action can have only an unfortunate effect on the solution of America's crime problem."

Would Smash "Unholy Alliance"

LOOKING at crime in the hard light of reality, Colonel Moss does not paint an encouraging picture of a speedy solution of the problem. He cites figures to show that crime in the United States has increased 350 per cent since 1900 and believes that it will be at least a generation, possibly two, before it is sufficiently curbed.

In eradicating lynching, as well as all other forms of crime, he contends that first the cause must be eliminated. The basic or primary cause of all crime, he contends, is nonenforcement of law because of lack of respect for the law.

By breaking up the "unholy alliance" that exists between corrupt Judges, law-enforcement officers, attorneys and the underworld, restricting the sale of small arms, preventing easy bail and curbing the narcotic drug traffic, some progress, he believes, will be made toward eradicating crime.

"But even with all these things accomplished," Colonel Moss said, "unless a healthy public opinion for respect for the law is created the objective will not have been reached. So-called mob justice will not accomplish it. Education is the only thing that will do it. It will take time, a generation or so possibly, but it can and must be done."

Palatka, Fla. News
December 9, 1933

-:- Other Editorials -:-

REVIVING THE DYER LAW

Three lynchings, occurring within a few days of each other in three widely separated states, have aroused national attention, and, as a result, there will be repercussions in congress when it meets in January.

It is now announced that a federal lynching law will be introduced at an early day in congress and, with the present temper of the people, will probably find ample support in that body.

More than 10 years ago Representative Dyer of Missouri introduced a drastic bill in congress, which was passed by the house of representatives but was filibustered to death in the senate.

That bill provided, among other things, that a county in which a lynching occurs shall be mulcted in damages to an extent not to exceed $10,000, the money derived from the judgment to go to the families of the persons illegally executed.

Naturally, there was much public opposition to that particular provision of the Dyer bill. It would punish a large population for a crime in which they did not participate and which they would have prevented if they had been aware that a lynching was in prospect.

Aside from the question of the constitutionality of a federal law which, beyond a doubt, invades the police powers of the state, there is the question of absolute right, if the bill now in prospect incorporates the Dyer idea as to damages.

Edmund Burke said that he could not prepare an indictment for a whole people. This measure, if the Dyer proposition forms a part of it, would not only indict a whole county for the unlawful acts of a very few, but would convict all the inhabitants and impose damages upon them.

In spite of the recent failures of the three states to prevent lynching the invasion of the constitutional rights of the state would have more far-reaching consequences than does the occasional failure of justice in an individual state.
—Miami Herald.

Miami, Fla., News
December 6, 1933

Ten years ago Representative Dyer of Missouri introduced in congress a federal anti-lynching bill. It was opposed by the southern states. Their representatives said such a law would be used to bring them again under the heel of federal military force.

Had that bill been passed instead of being killed by a filibuster in the senate, the fir t state to feel its force might have been the great northern state of California.

WASHINGTON, D. C.
STAR

DEC 1 1933

ROOSEVELT GIVEN ANTI-LYNCH PLEA

Thomas and Waldman Send Appeal to President for Public Declaration.

President Roosevelt had before him today a request from the Socialist party that he take steps to prevent further lynchings.

At the same time, the National Association for the Advancement of Colored People was working on an anti-lynching bill, to be presented to the next session of Congress, and sentiment against mob violence was growing in other quarters.

Speaking at Thanksgiving services at the Washington Hebrew Congregation, Rabbi Abram Simon assailed the recent lynchings in Maryland, California and Missouri.

Appeal in Telegram.

The appeal to the President was made in a telegram sent to him at Warm Springs, Ga., by Norman Thomas and Louis Waldman, heads of the Socialist party's Public Affairs Committee. The message follows:

"Gov. Rolph's shocking eulogy of lynchings has evidently accelerated wave of lynchings, which disgraces America. Urge that you use power and prestige of your high office to arouse decent sentiment of our country to check epidemics of sadistic terror by issuing public declaration against lawlessness, and on reassembling Congress specifically recommend to it Federal anti-lynching legislation."

Charges Right Maintained.

In a statement, Thomas, Socialist candidate for President in the last election, charged the Democrats "still maintain that the right to lynch people is of the essence of the States' rights principles for which they contend."

A campaign for anti-lynching legislation will be waged by the Socialists, Thomas said, and petitions will be circulated in an effort to obtain congressional support.

The bill being prepared by the National Association for the Advancement of Colored People will be introduced in Congress by Senator Costigan, Democrat, of Colorado, it was stated.

Chattanooga, Tenn. Times
December 4, 1933

Anti-Lynching Bill.

Representative Tinkham, of Massachusetts, may think twice about renewing his anti-lynching bill campaign this winter. A favorite topic with him for years, it has been very troublesome for his democratic colleagues across the aisle from the "solid south."

With a republican governor in California openly applauding lynchers in that state and a democrat in Maryland calling out troops to arrest alleged lynch mob members, the thing loses its partisan values.

SPRINGFIELD, MASS.
NEWS

NOV 28 1933

TO REPORT ON ANTI LYNCHING CONFERENCE

There will be a meeting tonight at the Worker's Center, 1141 Dwight street, cone Ringgold, at 8 o'clock, to present the reports of the delegates to the Eastern Anti-Lynching conference recently held in Baltimore. Leaflets announcing the meeting call on "Negroes who feel the effects of discrimination, segregation, and terrorism on your living conditions! White workers who know that only by unity with the Negro toilers can we achieve freedom for all!"

The leaflet invites them to come to "hear a definite program for building an organization to end the persecution of the bosses who want to separate the Negro and white workers in order to rule them more easily."

It states that "two delegates were elected to represent Springfield at this conference, which was made necessary by the intensification of the oppression of the Negro people, by the lynching of George Armwood, the legal murder of innocent Euel Lee, and the approaching trials of the Scottsboro boys in a town and court pervaded with an atmosphere of race hatred and lynch hysteria."

The meeting was also called to lay the basis for building a branch of the League of Struggle for Negro Rights in Springfield, which will take up the fight against local discriminations. Part of the program of the L. S. N. R. is as follows:—

For complete social, economic and legal equality for the Negro nation; to fight against Jim-Crowism, discrimination, and "white supremacy"; to enforce the death penalty for lynchers, and form self-defense groups of Negro and white workers; to enforce the right of Negroes to vote, hold office, and sit on juries; immediate improvement of the living conditions of Negroes; and the adoption by the United States Congress and the enforcement of the Bill of Civil Rights for the Negro people presented by the L. S. N. R. The meeting has been arranged by theInternational Labor Defenseand the Provisional committee for the League of Struggle for Negro Rights. Admission is free.

Lynchings-1933
Legislation Relating to.

4394

BALTIMORE, MD.
EVENING SUN
OCT 26 1933

One Anti-Lynching Law.

Governor Ritchie is at present busy studying anti-lynching laws. When new legislative ground is being broken, it is always well to see how others have gone about it. West Virginia enacted an anti-lynching law in 1921, and here are some of its provisions:

Any collection of individuals, five or more in number, assembled to offer violence, is defined as a "mob."

The putting to death of any person by a mob is defined as murder, and every person participating is declared to be guilty of murder.

Any person who participates in a mob for the purpose of inflicting damage or injury shall be subject to fine and imprisonment; if the mob does any damage he shall be guilty of a felony.

Those are a few of the provisions, but most interesting of all is the manner in which the law fastens ultimate responsibility not on individuals but upon the community. "The county in which . . . [the lynchee] has been taken from a state, county or municipal officer, and lynched and put to death, shall be subject to a forfeiture of $5,000," which goes to the dependent family or estate of the person lynched.

This scheme for placing the burden not merely on the individuals composing the mob, but on a county which countenances such a mob, is surely worth the Governor's consideration.

Columbia. S. C. Record
November 17, 1933

Repudiated.

When the gentlemen of the North and West, who believe that they can run things better in South Carolina than the South Carolinians can, come to propose:

Federal anti-lynching law, providing for federal action in punishing lynchers and peace officers in whose jurisdictions lynchings may occur.

Federal compulsion to require the states to provide for negro jurors, overturning and nullifying verdicts in instances where negroes are not permitted to serve on juries.

Federal child labor laws, prohibiting the employment of children on farms where there is still child labor in South Carolina despite the NRA codes.

Federal intervention to guarantee suffrage to the negroes or otherwise regulate heretofore state-controlled elections.

Federal supervision of education by means of federal aid for schools or through a federal department of education.

There will be those, opposed to federal intervention in these matters, who will realize that state rights involves more than a drink of liquor.

But South Carolina, by a majority of 3,214 votes, will be estopped from pleading state rights in opposing these federal invasions. South Carolina has repudiated the doctrine of state rights by a vote of 36,710 to 33,496.

◆

The hard part of religion to understand is why it makes people so mad at one another.

PLANS ANTI-LYNCH BILL

Colorado Senator Says Mob Violence Should Be Curbed

DENVER, Nov. 29.—(INS)—United States Senator Edward P. Costigan of Colorado said today that he would introduce an anti-lynching bill on the first day of the next session of Congress.

"If mob violence is to run riot in America, in place of orderly justice, the end of free government on this continent will have come," he declared.

SENATE WILL GET ANTI-LYNCHING BILL

Group for Welfare of Negro Says Here Measure Will Be Given to Next Session.

11-30-33

FEDERAL AID HELD VITAL

New York

Local, and State Units Called Unable to Act Against Mobs—Rolph's Impeachment Asked,

A Federal anti-lynching bill will be introduced in the United States Senate in January, the National Association for the Advancement of Colored People announced here yesterday.

Senator Edward P. Costigan of Coolrado will introduce the bill, Walter White, secretary of the association, said. The measure is expected to receive the support of Senators Hamilton F. Kean of New Jersey, Burton K. Wheeler of Montana, Henrik Shipstead of Minnesota and others who already have urged passage of such a law, he declared.

The bill is being drafted by the national legal committee of the organization with the assistance of experts in constitutional law. The association pointed out that it would be the second attempt of the organization to obtain the passage of a Federal law against mob violence. The first bill it drafted was introduced by Representative L. C. Dyer of Missouri and passed the House in 1922, only to be killed by a filibuster in the Senate.

Federal Action Demanded.

"We are seeking a Federal law against lynching," Mr. White said, "because our twenty-five years' experience has taught us that rarely if ever do local or State authorities act against mobs. Federal intervention is the only power local communities fear. Witness the drop in the lynching total from sixty-one in 1922 to twenty-eight in 1923, just after the agitation for Federal intervention.

"The anarchistic pronouncement of Governor Rolph [of California], the open battle against State law officers on the eastern shore of Maryland and the lynching Tuesday night in St. Joseph, Mo., demonstrate conclusively that a new power beyond the influence of neighbors and youthful speakesay habitués must step in if we are to have government by law instead of government by mobs.

"This association charges Governor Rolph with inciting the already wild Eastern Shore Marylanders to battle against the militia and Governor Ritchie. Governor Rolph told mobs all over the country in effect that Governors had no right to interfere, and especially to send soldiers, after 'the people' had decided what they wanted to do. We charge Governor Rolph with inciting the St. Joseph (Mo.) mob. The technique used by the Missourians was precisely that of the San Jose mob, even to the use of iron pipe to batter down the jail doors. There was the same spirit of 'let the people rule' advocated by Governor Rolph."

Ritchie Is Praised.

The association sent a telegram of congratulation to Governor Ritchie of Maryland, praising his "vigorous and uncompromising action," but urging him "to continue without letting up for Maryland is on trial as well as is the law."

Denunciations of Governor Rolph for the laudatory comment he made about the San Jose lynchers continued to mount yesterday with Jacob Panken urging the California Governor's impeachment and indictment on a murder charge.

Mr. Panken pointed out that "we are reaping the fruits of the whirlwind." Governor Rolph, he said, by his own statements knew that murder was about to be committed at San Jose. Because of the Califonria Governor's public statement, he said, "the lyncher, the lawless, the mobster is glorified. He has become a hero. God knows how this will end unless sanity prevails and the Governor of California brought to trial for his misdeeds."

Y. W. C. A. Assails Rolph.

The National Board of the Y. W. C. A. went on record as deploring Governor Rolph's attitude, and sent a telegram to Governor Ritchie "expressing its profound gratitude to him for his courageous efforts to bring to justice the leaders in the Princess Anne lynching."

The National Committee for the Defense of Political Prisoners sent a telegram to President Roosevelt asking for a "Federal rebuke" for Governor Rolph and dispatch of troops to Decatur, Ala., to protect the Negroes being tried there for implication in the Scottsboro case. The committee also urged Governor Miller of Alabama, to send troops to Decatur, and condemned Governor Parke of Missouri, for failing to order troops to fire on the mob that lynched the Negro at St. Joseph.

The International Labor Defense, a Communist affiliated organization, which is financing the defense of the Scottsboro prisoners, also "demanded" that troops be sent to Decatur, and urged the Federal arrest of San Jose lynchers, the impeachment of Governor Rolph and prosecution and the death penalty for the St. Joseph lynchers.

New York American

NOV 30 1933

Costigan to Offer Anti-Lynching Bill

DENVER, Nov. 29 (US).—United States Senator Edward P. Costigan, of Colorado, said today he would introduce an anti-lynching bill on the first day of the next session of Congress. He said:

"If mob violence is to run riot in America, in place of orderly justice, the end of free government on this continent will have come."

Miami, Fla. Herald
December 3, 1933

REVIVING THE DYER LAW

THREE lynchings, occurring within a few days of each other in three widely separated states, have aroused national attention, and, as a result, there will be repercussions in congress when it meets in January.

It is now announced that a federal lynching law will be introduced at an early day in congress and, with the present temper of the people, will probably find ample support in that body.

More than 10 years ago Representative Dyer of Missouri introduced a drastic bill in congress, which was passed by the house of representatives but was filibustered to death in the senate.

That bill provided, among other things, that a county in which a lynching occurs shall be mulcted in damages to an extent not to exceed $10,000, the money derived from the judgment to go to the families of the persons illegally executed.

Naturally, there was much public opposition to that particular provision of the Dyer bill. It would punish a large population for a crime in which they did not participate and which they would have prevented if they had been aware that a lynching was in prospect.

Aside from the question of the constitutionality of a federal law which, beyond a doubt, invades the police powers of the state, there is the question of absolute right, if the bill now in prospect incorporates the Dyer idea as to damages.

Edmund Burke said that he could not prepare an indictment for a whole people. This measure, if the Dyer proposition forms a part of it, would not only indict a whole county for the unlawful acts of a very few, but would convict all the inhabitants and impose damages upon them.

In spite of the recent failures of the three states to prevent lynching the invasion of the constitutional rights of the states would have more far-reaching consequences than does the occasional failure of justice in an individual state.

N. Y. SUN

DEC 4 1933

Federal Lynching Bill Urged

Roosevelt's Aid in Obtaining Fair Trial for Scottsboro Defendants Also Asked Here.

President Roosevelt has been called upon to support a Federal antilynching bill in Congress. A resolution asking him to support such a measure and to use his good offices to see that the defendants in the Scottsboro case received fair trials was adopted by a mass meeting of Jews, Catholics and Protestants yesterday in the great hall of City College at 139th street and Convent avenue.

The same resolution, adopted unanimously by the 1,500 persons there, decried Gov. James Rolph's approval of the San Jose lynchings as "encouragement to crime and the criminal elements through stimulating the spirit of lawlessness."

Speakers at the meeting were Bishop William T. Manning, Bernard S. Deutsch, president of the American Jewish Congress and president-elect of the Board of Aldermen; Alfred J. Talley, representing Cardinal Hayes, and Charles H. Tuttle, former United States Attorney.. All vigorously condemned Gov. Rolph and the lynchers.

Darlington Recants Approval.

Earlier in the day the Rev. Dr. Henry Darlington, pastor of the Church of Heavenly Rest, recanted his approval of Gov. Rolph's attitude toward the lynchings. In a brief statement to his congregation, which he read before his sermon, he said that he had sent the telegram of commendation to the Governor while he was "deeply stirred."

"Upon further consideration of the facts," he continued, "I have come to the conclusion that it should not have been sent. It is the duty of all good citizens to uphold the law, and I do not condone in any way the attempt of groups of individuals to take matters into their own hands."

While he was reading his statement a group of the students division of the League for Industrial Democracy were picketing the church, carrying placards assailing Dr. Darlington's stand. When they were informed of his change of attitude they departed, but not until they had brushed with a member of the congregation, Mrs. Mary Brown of 79 East Ninety-first street.

As she approached the church she snatched a sign from Louis Goldberg, 25 years old, of 1482 Forty-first street, Brooklyn and attempted to seize another carried by Lillian Migrath, 21, of Butler, N. J.

Patrolman Halts Trouble.

A crown assembled, and Patrolman Philip Callahan took the participants to the East 104th street station. There Mrs. Brown charged that the two students and a companion, William Chamberlain, 27, of Lakeside, Mich., a student at Union Theological Seminary, with disorderly conduct. They received summons to appear today in Harlem Court. Miss Migrath said later that the desk sergeant refused to entertain a counter charge against Mrs. Brown.

If Gov. Rolph's attitude toward lynching is condoned, the country is headed for disaster, Bishop Manning asserted at the mass meeting.

"At this great meeting of citizens of New York and all faiths we should, I think, do three things," said the Bishop.

"1. Let us send our sympathy to the great State of California in the shame and dishonor that has been brought upon it.

"2. Let us call upon all who hold public office in these United States to do their duty, to meet such situations like men, and in the name of right and justice to suppress such outbreaks with the whole strength and might of the law.

"3. Let us send word to Gov. Rolph that, in common with good citizens everywhere, we condemn and denounce the failure in duty, the betrayal in trust, the deliberate incitement to mob violence and lawlessness of which he stands guilty before the American people."

San Jose Minister Praised.

The Bishop then read a telegram from the Rev. Dr. Benjamin Gould, president of the Ministers Association of San Jose, stating that its members had publicly denounced mob violence. The following telegram was sent to Dr. Gould by the meeting:

"Your message received and read at mass meeting now assembled in New York representing all faiths. We who are here assembled send our congratulations to you and the ministers of San Jose and vicinity upon your faithful and courageous stand in behalf of law and justice. We join with you in your condemnation of mob violence, we call upon public officials everywhere to put down lynching with the whole strength of the law and we unqualifiedly condemn Gov. Rolph for the betrayal of trust and the incitement to mob lawlessness of which he stands guilty before the State of California and the people of the United States."

One incident marred the harmony of the meeting. A woman in the audience arose while Mr. Tuttle, the chairman, was speaking on the resolutions and took issue with him on their propriety.

She walked to the front of the hall and shouted that New York city should "wash its dirty linen" before daring to pass judgment on other parts of the country. During her outburst she spoke to Mr. Tuttle as "you dirty thing." After her harangue she stalked out of the hall. Her name was not learned.

ST. JOSEPH, Mo., Dec. 4 (A. P.).—Additional arrests in connection with the lynching of Lloyd Warner, nineteen-year-old Negro, were expected today by county and State officers.

With two men already in custody, county officers said they had information which they believed would enable them to identify leaders of the mob which last Tuesday night hanged and burned the confessed attacker of a white girl.

William O. Sawyers, an assistant State Attorney-General, said he expected to issue warrants for suspected mob leaders today.

Officers said both of the men in custody had denied being leaders of the mob, although both admitted being present at the time of lynching. One of those under arrest was Carl Fisher, 24, arrested, the police said, after he had attempted to sell a revolver allegedly stolen from the living quarters of Sheriff Otto Theisen. Officers declined to disclose the name of the other man

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UNIONTOWN, PA.
EVENING GENIUS

NOV 3 1933

Anti-Lynching Laws

AS A RESULT of the recent lynching in Maryland, Governor Ritchie has announced that a special session of the legislature called for this month will be asked to consider the enactment of an anti-lynching statute.

A great many of the states have enacted laws aimed at lynchings, but statistics indicate that lynchings still occur in states with such laws. Opinions differ as to how much effect the laws have had in reducing the number of lynchings.

Some of the laws merely provide that a sheriff or jailor responsible for the custody of a prisoner who is lynched may be removed from office by the governor on proof of negligence or cowardice. Several of the laws subject a sheriff or jailor to fine or imprisonment in such cases.

A number of the state laws attempt to forestall lynchings by providing for a special and speedy trial for a prisoner against whom threats of violence have become serious. However, lynchings occur of persons already under sentence of death.

Many of the laws provide fines and jail sentences for those convicted of unlawful personal violence against an individual. Where the violence results fatally, the guilty persons may be sentenced to death or life imprisonment. Most of the laws of this type differentiate between an active participant in the lynching and a mere spectator, but several laws provide that mere presence in a lynching mob justifies an indictment for murder.

Some state laws levy a fine against a county or municipality in which a lynching occurs. The dependents or heirs are generally the recipients of the fine. Several of the laws merely authorize the dependents or heirs of the victim to sue the county or municipality of the lynching. Attempts are made to relieve a county or city of unfair financial punishment by providing that the amount of the fine may be recovered by the city or county from the guilty individuals. A city or county fined for being the seat of a lynching is allowed by several laws to recover the fine from another county if the lynching mob originated in the latter.

Several states authorize a sheriff to organize a posse of citizens to protect a prisoner in danger of lynching, and provide punishment for those who refuse to join the posse. Others fine or jail those who refuse to be witnesses in a trial for lynching, and several disqualify from sitting on a jury in a lynching trial all who have shown sympathy with the lynchers.

Despite this mass of legislation, punishment is seldom meted out for lynching when local public opinion supports the lynchers.

In recent years, the Dyer-lynching bill has been regularly introduced in Congress. It passed the House in 1922 by a 2 to 1 vote, but was prevented by a filibuster from coming to a vote in the Senate. The bill provided federal punishment for state or local officers neglecting to provide proper protection for prisoners threatened with lynching, fined counties in which lynchings occurred, and subjected to fine and imprisonment individuals found guilty of lynching. There was considerable doubt of the constitutionality of the act even among those in sympathy with its aims.

MARION, O.
STAR

NOV 4 1933

Anti-Lynching Laws.

Maryland's recent lynching is having unexpected repercussions in political circles. Even Governor Ritchie, who has seemed sometimes to have proprietary rights on the governorship, has been shaken by the blast of indignation that has mussed things up generally.

A result of national interest is expected. Circumstances make it imperative that Maryland devise some kind of anti-lynching law. Governor Ritchie has announced that the special session of the legislature called for this month will be asked to consider enactment of a statute.

Serious consideration is being given a law, already in effect in some states, which enables the state to levy a fine against a county or municipality in which a lynching occurs. It is, perhaps, the most ingenious method of preventing lynching that has been attempted.

There are numerous other methods, of course, which have been tried here and there over the country. When it is recalled that there were eight lynchings in 1932 and 175 in 1889, the evidence seems to indicate material progress in suppression of the outrage by law.

It is significant, however, that punishment seldom is administered under existing laws when local public opinion supports the lynchers. In its desperation to remove the stain of its most recent lynching, Maryland should take this fact into account. The best method of stamping out lynching is to raise the level of intelligence high enough to remove the attraction of mob rule.

UNIONTOWN, PA.
HERALD

NOV 3 1933

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unfair financial punishment by providing that the amount of the fine may be recovered by the city or county from the guilty individuals. A city or county fined for being the seat of a lynching is allowed by several laws to recover the fine from another county if the lynching mob originated in the latter.

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New York Evening Journal

DEC 1 1933

Federal Lynch Law Urged In Appeal to Roosevelt

WASHINGTON, Dec. 1.—President Roosevelt today was urged to recommend anti-lynching legislation in the next session of Congress.

The plea, launched in the name of the Socialist party, which explained that Senator Costigan, of Colorado, would sponsor such a bill, was telegraphed to President Roosevelt at Warm Springs. The message, signed by Norman Thomas and Louis Waldman, stated:

"Governor Rolph's shocking eulogy of lynchings has evidently accelerated a wave of lynchings which disgraces America. We urge that you use the power and prestige of your high office to arouse decent sentiment of our country to check epidemic of sadistic terror, by issuing public declaration against lawlessness, and on reassembling of the Congress, specifically recommend to it Federal anti-lynching legislation."

TAUNTS DEMOCRATS.

The National Association for the Advancement of Colored People is co-operating with the Socialists in urging anti-lynching legislation, Thomas admitted, while flinging this taunt at the Democratic party:

"The Democratic Party seems to maintain that the right to lynch people is the essence of States' rights."

Walter White, secretary for the Association for the Advancement of colored people, said:

"Mob violence can only be wiped out through Federal power. Local or State authorities rarely act against mob outrages."

MARYLAND ACTS.

PRINCESS ANNE, Md., Dec. 1.—The Someret County grand jury will be called into session within a week to consider charges against four alleged ringleaders of the Princess Anne mob that lynched George Armwood, Negro, last October, Judge Robert F. Duer announced.

The four men were released on habeas corpus writs, after Governor Ritchie had ordered out a National Guard detachment to arrest them.

Judge Duer said that a definite date for the grand jury hearing will be set after a conference between associate jurists and the State's Attorney.

Three hundred Negro residents who were driven from their homes during the height of the town's anger over the Governor's action filtered back into town today as the feeling subsided, giving place to celebration of the release of the four men.

HOOVER, ROLPH CLASH.

SAN FRANCISCO, Dec. 1.—Former President Hoover and Governor Rolph appeared today as central figures in the aftermath of the lynching of Thomas Thurmond and John Holmes.

Following issuance of a statement in which the former President and twenty-five other prominent citizens deplored the lynching and attacked the Governor's stand, Rolph had countered with a declaration recalling the use of troops against bonus marchers during Hoover's Administration.

U Hoover retaliated with a prepared statement. It asserted that the Governor's reference to the bonus marchers was based on ignorance of the facts.

RECALLS SHOOTING.

Governor Rolph's reply to the statement of Hoover and 25 co-signers came in Sacramento, and said:

"The criticism of the former Jresident recalls the shooting hich occurred near the White House at the time of the bonus march.. I have never forgotten that tragedy, with its mowing down of marchers in the streets of Washington.

"That was the thought uppermost in my mind when I declined to order out the National Guard in San Jose.

"There was no shedding of innocent blood in San Jose. Compare that to the situation that developed near Mr. Hoover's White House. We fared much better in San Jose."

CHARGES IGNORANCE.

In direct reply to this, the former President said:

"One trouble with Governor Rolfe's statement is his gross ignorance of the facts. Not a single shot was fired, not a single person was injured by the tropps called out in Washington in response to the appeal of local authorities. The troops entered the bloodshed, which was then in progress through conflict between rioters and police.

"The issue here is plain and not to be obscured by such misstatement. The Governor has been advocating lynch law. It is a subversion of the very spirit of organized society. It is un-American. It is a reflection on the State of California. It is not supported by its citizens."

ROLPH'S RETORT.

From his office in the State Building in San Francisco, the Governor, enroute to a Thanksgiving dinner at the home of his son-in-law in Berkeley, issued the following answer to Hoover's statement:

"I do not think that the ex-President's statement calls for any response by me. His statements and mine speak for themselves: The American people think for themselves. It is unbecoming for me, as Governor of this State, to be carrying on a controversy with the ex-President.

"I cannot allow to stand, however, the ex-President's statement that I advocate 'lynch law.' On the contrary, I have said and I repeat that I always will have profound respect for law and the sane and orderly conduct of justice through the courts.

"And I repeat what it said in my original statement — that while the law should have been permitted to take its course, the people by their action have given notice to the entire world that in California kidnaping will not be tolerated."

New York Times

NOV 30 1933

SENATE WILL GET ANTI-LYNCHING BILL

Group for Welfare of Negro Says Here Measure Will Be Given to Next Session.

A Federal anti-lynching bill will be introduced in the United States Senate in January, the National Association for the Advancement of Colored People announced here yesterday.

Senator Edward P. Costigan of Colorado will introduce the bill, Walter White, secretary of the association, said. The measure is expected to receive the support of Senators Hamilton F. Kean of New Jersey, Burton K. Wheeler of Montana, Henrik Shipstead of Minnesota and others who already have urged passage of such a law, he declared.

The bill is being drafted by the national legal committee of the organization with the assistance of experts in constitutional law. The association pointed out that it would be the second attempt of the organization to obtain the passage of a Federal law against mob violence. The first bill it drafted was introduced by Representative L. C. Dyer of Missouri and passed the House in 1922, only to be killed by a filibuster in the Senate.

The association sent a telegram of congratulation to Governor Ritchie of Maryland, praising his "vigorous and uncompromising action," but urging him "to continue without letting up, for Maryland is on trial as well as is the law."

The National Board of the Y. W. C. A. went on record as deploring Governor Rolph's attitude, and sent a telegram to Governor Ritchie "expressing its profound gratitude to him for his courageous efforts to bring to justice the leaders in the Princess Anne lynching."

The Rev. George Drew Egbert, president of the Society for the Prevention of Crime, also made public a telegram sent to Governor Rolph on behalf of the society in which the Governor's reported remarks were described as "an attack on orderly government."

The National Committee for the Defense of Political Prisoners sent a telegram to President Roosevelt asking for a "Federal rebuke" for Governor Rolph and dispatch of troops to Decatur, Ala., to protect the Negroes being tried there for implication in the Scottsboro case.

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NEW YORK WORLD - Telegram

OCT 23 1933

WAR ON LYNCHING URGED

Roosevelt Asked ~~to Support~~ Federal Bill After Maryland Mobbing.

By the Associated Press.

WASHINGTON, Oct. 23.—President Roosevelt was asked today in a letter from the Women's International League to initiate and support federal anti-lynching legislation in the coming session of Congress.

The organization urged the step as a result of a recent lynching at Princess Anne, Md. Contending, "This crime, within two hours' distance of the Capitol of the United States, cannot help but sharpen the sense of duty of all responsible American citizens toward the minority race in our country."

N. Y. HERALD

OCT 23 1933

Roosevelt Asked to Back Federal Lynching Curbs

Women's International League Seeks Action by Congress

WASHINGTON, Oct. 22 (AP).—President Roosevelt was asked today in a letter from the Women's International League to initiate and support Federal anti-lynching legislation in the coming session of Congress. The organization urged the step as a result of a recent lynching at Princess Anne, Md., contending, "This crime, within two hours distance of the Capitol of the United States, cannot help but sharpen the sense of duty of all responsible American citizens toward the minority race in our country."

The letter continued: "During the last month we have been tremendously gratified by the concern on the part of the Federal government in taking action with regard to the crime of kidnaping. This menace, however, chiefly affects the lives and property of the wealthy and privileged members of our society. We believe that the state owes even a greater responsibility to the helpless in our nation.

"We would, therefore, Mr. President, ask if you will not immediately lend your great power to the solution of this hideous problem in American life, by openly declaring your intention of initiating and supporting Federal anti-lynching legislation upon the reconvening of the Congress."

New York American

OCT 23 1933

Anti-Lynching Laws Urged on Roosevelt

WASHINGTON Oct. 22 (AP).—President Roosevelt was asked today in a letter from the Women's International League to initiate and support Federal anti-lynching legislation in the coming session of Congress.

The organization urged the step as a result of a recent lynching at Princess Anne, Md., "within two hours distance of the Capitol of the United States."

RICHMOND, VA.
TIMES DISPATCH

OCT 21 1933

Our Anti-Lynching Law

THE Baltimore *Sun*, which usually is very charitably disposed toward GOVERNOR RITCHIE, is severely critical of him in the matter of the lynching of a Negro in Princess Anne County, Md. It scores him on two counts; first, for failure to send adequate forces into the disturbed area to protect the beleaguered man, and, second, for his coldness during the last session of the legislature toward a proposal to enact an anti-lynching law.

In the latter matter the paper says:

> What is needed is State authority and State power to go after lynchers. Such authority and power have been established in other States. The *Sun* urged in the last session of the legislature that they be established here. The governor did nothing. He will have another chance in the special session. He must not leave a zero record the second time.

Virginia is one of those States mentioned by the *Sun* which can go after lynchers, using all of its force against them. The law on this subject was enacted in 1928, at the instance of HARRY BYRD, who was then Governor. It imposes upon the Commonwealth's attorney the duty "to promptly and diligently endeavor to ascertain the identity of persons composing the mob and to have them apprehended and prosecuted." It reads further:

> Such attorney for the Commonwealth may be assisted in all such endeavors by the Attorney-General or other prosecutor designated by the Governor for such purpose; and the Governor shall have full authority to spend such sums as he may deem necessary for the purpose of seeking out the identity and apprehending the members of such guilty mob.

Under this law, lynching is defined as murder, and representatives of the estate of a lynched person may recover damages from the lynchers.

This is the sort of statute needed in Maryland.

BALTIMORE, MD.
POST

OCT 24 1933

GOVERNOR SEEKS ANTI-LYNCH LAW

Ritchie Urges Action to 'Revise Legal System' at Special Session Soon

"Drastic revision of the state's legal system in an attempt to forestall lynchings" was cited today by Governor Ritchie as being one of the four points to be considered by the special session of the General Assembly to meet shortly.

This action, the Governor's announcement said, is the direct result of the Princess Anne lynching last week.

It will embrace the passage of anti-lynching laws, "of a nature yet to be determined," and a revision of the state's legal system to expedite action in the courts. The Governor laid particular emphasis upon the necessity for increasing the speed of the county courts.

'No Details Now'

Asked whether or not he contemplated making specific suggestions to the Legislature, the Governor replied:

"I am not in a position to go into details now. I'm sorry; I'd like to have something more definite, but I can't. You're a little bit too early for me.

"All I can say is what I said at first. I'm going to study the question of preventing a recurrence of any such thing as that which happened last week. As to whether or not I'm going to present a plan to the Legislature, I can't say now."

'To Stop Lynchings'

"Will you propose an increase in the number of judges in the counties?" he was asked.

"Now you're asking me questions I can't answer right now. I don't know yet whether I'll ask for more judges or not. I first have to study the thing in more detail. All I can say now is that I'm going to do everything I can to work out a plan to stop lynchings."

Liquor Regulation

In addition to lynching, other points of the program for the special session are the regulation of liquor after repeal of the Eighteenth Amendment, the authorizing of counties to incur further indebtedness to get relief funds and the opening of the Patomic River to oyster dredgers.

The Governor stipulated liquor legislation as being first on the program, but in his announcement he went into considerable detail to discuss the anti-lynching program.

"This session is principally to regulate liquor," the Governor said "but the legal system will be examined with a view to bringing it up to a point where it can meet situations like that on the Eastern Shore last week.

'Counts Slow in Counties'

"These efforts will include consideration of an anti-lynching law and speeding up on trials.

"In Baltimore, where there are a considerable number of judges, trials are handled expeditiously.

"In the counties, there are only three judges to a circuit of three counties, with these jurists having to act in several capacities.

"Members of the bar in the counties are not so numerous. Attorneys many times have to appear in the conduct of a number of cases of the various kinds coming before the county court. These factors have a bearing on the docketing of cases."

The Governor was asked what provisions of an anti-lynching law he has under consideration, but he declined to amplify his statement.

Relief Legislation

The object of the relief legislation, it was explained, will be to enable counties better to meet the requirements for obtaining federal relief funds. The present law forces the locality, city, county or state, to put up 70 percent of the necessary amount. The federal government then contributes the remaining 30 percent.

Under existing laws the counties are unable to borrow to obtain 70 percent and are thus ineligible for federal funds. New legislation will be designed to remove these barriers.

The question of allowing oyster dredgers in the Potomac River is a relic of the last session of the General Assembly. At that time the proposal aroused bitter opposition and precipitated a filibuster.

BALTIMORE, MD.
MORNING SUN

OCT 25 1933

RITCHIE STUDIES ANTI-LYNCH LAW

Tells 45 Negro Baptist Pastors And Laymen He May Go To Legislature

WOULD SPEED TRIALS

Governor Tells Delegation He Will Do All Possible To Bring Lynchers To Justice

[By the Associated Press]

Annapolis, Oct. 24—After hearing a group of forty-five Negro Baptist ministers and laymen of Baltimore express their views on lynching and some of the problems of their race, Governor Ritchie today assured them that he would use all the power and authority he possessed to apprehend and punish the individuals responsible for the recent lynching of George Armwood.

The Governor also declared that he felt there was a strong sentiment on the part of a considerable portion of the people that there should be an anti-lynching law. He said he was giving it careful study "to see if something can be done." In addition, he pointed out the legal system of the State would be reexamined in an effort to speed up trials.

Say Prayer For Ritchie

The group, members of the civic committee of the Baptist Ministers' Conference of Baltimore City, left after praying that the Governor be given divine guidance and assuring him of their gratitude and cooperation. For nearly an hour they had heard him review his activities from the time he heard of Armwood's arrest to the present and the laws of the State governing criminal investigations.

Grouped around a table in the Governor's reception room, they closely followed his detailed narration of his conversations with the local authorities of Somerset county and Capt. Edward McK. Johnson, of the State police, the night of the lynching and the assurance he received that Armwood would be safe. Many of the ministers took notes during the Governor's statement and of his answers to their questions. Before they left the Governor shook hands with the members of the group.

Delegation Speakers

Junius Gray, pastor of the Psalmist Baptist Church, chairman of the committee, presided. The speakers were the Rev. G. A. Crawley, pastor of St. Paul's Baptist Church; the Rev. A. J. Payne, pastor of Enon Baptist Church; the Rev Albert Josiah Green, pastor of Grace Memorial Church; the Rev. E. W. White, pastor of Providence Church, and the Rev. J. Timothy Boddy, pastor of the Union Baptist Church.

Green, pointing out that the ministers represented 50,000 faithful, law-abiding citizens, read a resolution of the committee asking the Governor to use his office and influence:

To bring to justice every man on the scene of the lynching who was in any way aiding or abetting, whether or not they actually struck a blow.

To impeach every officer of the law "from the judge down and from the deputy sheriff up" who participated in the removal of Armwood from Baltimore and failed to protect him.

To use his influence with the Legislature to enact a law that would give every citizen of Maryland "that protection guaranteed in the Fourteenth Amendment to the Constitution of the United States."

Called Bigger Mistake

"That a great mistake was made in allowing Armwood to be carried back to Princess Anne no one will deny," the minister continued. "But this mistake will be nothing as compared to the mistake that will be made if these culprits are not run down and convicted."

Referring to the fifteen lynchings in Maryland in the last forty-five years, the Rev. Crawley declared that it appeared that the attitude of officers of the law regarding these lynchings had much to do with encouraging such affairs. He said that it seemed that they did not have a disposition to carry out fully the obligation they take when they enter into office. He pointed out that citizens had been killed by officers when the crimes for which they were arrested would have been punishable by imprisonment for "only a year or so."

"I would like to know what the colored man has done that he receive so little protection," he continued. "Or what it is that he should have done. I ask you to use your office to see that these kind of things are not repeated."

Payne prayed while all present stood. He asked that the "stigma of murder" be removed from the State.

WASHINGTON, D. C.
POST

OCT 23 1933

Curb on Lynching Asked of Congress

Women Request President to Seek Legislation.

Introduction of antilynching legislation in the coming session of Congress was asked of President Roosevelt yesterday by the Women's International League.

In a letter to the Chief Executive members of the league described lynching as "America's hideous problem." The letter urged that Federal authorities take a hand as they did in curbing the activities of kidnapers.

"Kidnaping chiefly affects the lives and property of the wealthy and privileged members of society," the letter read, "but we believe the State owes even a greater responsibility to the helpless in our Nation."

The letter cited Maryland's recent Eastern Shore lynching as a basis for the Presidential request.

BALTIMORE, MD.
POST

OCT 24 1933

NEW LAW ISN'T ENOUGH

THE NEWS that Governor Ritchie now favors an anti-lynching law is gratifying. Now that ~~another mob has~~ done its work, the lesson which should have been learned after the first lynching has finally taken effect.

A bill should be carefully worked out, and should be passed at the special legislative session.

But we are faced with something more important than the bill.

A law—any law—is valuable only if the public knows it is going to be enforced. There was plenty of law against the two lynchings which have occurred on the Eastern Shore. The anti-lynching law may help a bit; it may simplify the problem of punishing mobsters, but actually it is far from essential.

Actually, the men who committed last week's lynching can be punished if the authorities want to punish them.

And that is the crux of the whole matter. There is no point in passing any more laws as long as the public has eloquent evidence that the authorities have not the will or the wit to enforce them.

Neither Governor Ritchie nor any other officials can cover up the present situation merely by passing a high-sounding bill for the future. The law should be passed, but first and most important, potential lynchers must be shown that we have a state government; that laws mean something; that they are enforced. That can be done only by punishing the men who became beasts last Wednesday.

If Governor Ritchie still insists that he doesn't know how to accomplish this, we take the liberty of referring him to an editorial printed in these columns last Saturday, outlining a simple plan.

N. A. A. C. P. ANTI-LYNCHING BILL CARRIES INDICTMENTS AGAINST OFFICERS WHO SUBMIT TO MOBS

Black Dispatch
11-3-33 Oklahoma City

CONGRESS TO GET PROPOSED ACT

Urge Appeals For Enactment Of Bill Be Sent To President Roosevelt

NEW YORK, Nov. 2.—A new federal anti-lynching bill is being drafted by the legal committee of the National Association for the Advancement of Colored People, is was announced here today.

"It is plain to everyone that the states are unwilling or unable to stop lynching," said Walter White, N. A. A. C. P. secretary. "The officers of the law either aid the lynchers actively or else stand idly by and let the mob do its work. Governors order investigations which never discover anything. Grand juries find no evidence for indictments. In the two Tuscaloosa, Ala., lynchings of August 12 and the Ardwood lynching in Princess Anne, Md., October 18, we have the plainest proof that action by the federal government is needed if lynching is to be stamped out.

"We call upon every branch of the N. A. A. C. P. and every organized group of colored people in every community to test their congressmen and senators first according to their willingness to vote for a federal anti-lynching bill. No man who refuses to vote for such a bill can be a true representative of Negro voters, no matter what else he stands for. We urge them to write or call in person upon their congressmen before the November election and secure their pledges to vote for such a bill.

"A personal investigation of the Ardwood lynching by Louis L. Redding of Wilmington, Del., member of the N. A. A. C. P. legal committee reveals anew the necessity for this legislation. The association is intensifying a nation-wide, relentless campaign on lynching and additional details will be announced from time to time."

The N. A. A. C. P. also urges all individuals everywhere to write President Roosevelt and urge the federal government to stop lynching.

Lynchings-1933
Legislation Relating to.

4397

OAKLAND, CAL.
TRIBUNE

JAN 27 1933

Anti-Lynch Bill Before Assembly

SACRAMENTO, Jan. 27. — An anti-lynching bill was introduced in the Legislature today by Assemblyman William F. Knowland of Alameda County, and Frederick Roberts of Los Angeles.

The measure would define lynching to be "the taking by means of a riot of any person from the lawful custody of any peace officer" and would define the penalty therefor to be imprisonment in the State prison for not more than 20 years.

The authors of the measure explained that many other states have anti-lynching laws and that their measure is designed to bring California into uniformity with statutes in these other states.

THE ANTI-LYNCHING BILL

Call 2-17-33
Kansas City Mo.

The anti-lynching bill introduced in the legislature answers a need that has been very real since the burning of the half-wit boy at Maryville. Missouri has never broken out virulently with lynching, but it has carried a rash for many years. Maybe at last it realizes mob must be stopped altogether.

This anti-lynching bill comes not because of any special demand by Negroes. The state seems to be awakening to the dreadful loss it suffers when communities throw away law and civilization and debauch themselves in blood.

Negroes would have seen long ago that they lose little when the mob lynches an alleged rapist if they had not been so deeply ashamed. The individual killed is little compared to what the whites lose when communities run amuck and an indifferent state does not punish them. Excuse lynching as they do, yet down in their heart of hearts white people know they kill because they want a part in the killing, not because the law will be lax in convicting and punishing a Negro accused of the "usual" crime. The law convicted two white men in Joplin and hanged them for rape. It certainly would be as stern with any Negro. Missouri has lynched Negroes because it wanted to, not because there was the slightest excuse.

If this anti-lynching legislation is really in line with the thinking of the white people of the state, it means they are sick of seeing their relatives and associates howling like savages about a burning man. They want to rescue their self-respect which after all is the law's strongest bulwark.

Once the law frowns upon summary punishment at the hands of a mob, we may look forward to the day when the courts also will give even-handed justice. It is the man, not his race, that commits crime and ought to be punished. Let's have no more lynching in our court or out of it, either by judge and jury or by mob.

PASADENA, CAL.
POST

APR 2 1933

ASSEMBLY VOTES 'LYNCHING LAW'

Measure Prescribes Penalty For Crime in California

SACRAMENTO, April 1. (INS) —Lynching was defined as a crime punishable by no more than twenty years in prison by the terms of a bill approved by the state assembly today and sent to the Senate for action. At present there is no lynching law in California.

The measure, introduced by Assemblyman William Knowland of Oakland and Frederick Roberts of Los Angeles, specifies that taking of any person from the custody of a peace officer by force constitutes lynching. If the victim should be murdered a murder charge would supersede the lynching charge.

Act to Curb Mob Violence In State Legislature

Measure Introduced in House Would Make Counties Pay $5,000 to Victims' Relatives. Provides Punishment for Mob Members and Negligent Officials.

Afro American
Baltimore Md.
3/4/33

ANNAPOLIS, Md. — An anti-lynching bill, which will impose upon counties a fine of $5,000 for every lynch victim and provide punishment for members of the mob as well as negligent officials, was introduced in the House of Delegates, Friday.

The measure, which was prepared by Delegate Alexander Goodman, Fourth district, Baltimore, follows along the lines of a similar measure passed by the Virginia State body.

Defines "Mob"

The bill defines a "mob" as five or more men who act together with the intent of doing damage to person or property without due process of law. Four sets of penalties are are provided by the measure.

When a mob sets out with the intention of doing damage to any person or property, whether they accomplish their purpose or not, according to the bill, each and every member of such a mob has committed felony and is subject to fines of not less than $100, not more than $1,000, and prison terms of from one to ten ears. If the action of such a mob results in the injury of person or property the fines ma reach $5,000.

Counties Responsible

The bill sets forth that the county in which the mob forms and in which the victim is arrested, is responsible for the lynching or injury to person or property, even when the victim may be taken to another county, and must be held responsible for such damages as result.

In turn, counties may impose fines on officials, who, through negligence, or lack of proper protection, allow a person in their custody to be lynched or injured.

On Juries

The bill also disqualifies for jury service any person who, by word or deed, indicates that he condones, or is in favor of, mob violence for any cause.

Delegate Goodman told the AFRO-AMERICAN just prior to introducing the measure that the bill was favored by a large number of the delegates and that he believed there would be no serious opposition to it.

ALHAMBRA, CALIF.
POST-ADVOCATE

MAR 29 1933

Severe Punishment Demanded in State on Lynching Charge

SACRAMENTO, Mar. 29. (AP)—Lynching would be a crime punishable by imprisonment up to 20 years, under terms of a bill approved today by the Assembly crime problems committee. Lynching is defined in the bill as the taking of a person from custody of a peace officer by means of a riot.

Authors of the proposal are Assemblyman Frederick Roberts of Los Angeles and William F. Knowland of Alameda.

CHICO, CAL.
ENTERPRISE

MAR 29 1933

Asks 20 Yr. Term Lynching Penalty

SACRAMENTO, March 29.—(AP)—Lynching would be a crime punishable by imprisonment up to 20 years under terms of a bill approved today by the assembly crimes problems committee. Lynching is defined in the bill as the taking of person from custody of a peace officer by means of a riot.

Santa Barbara, Calif.
PRESS

MAR 30 1933

NEW LYNCH LAW

SACRAMENTO, March 29.—(AP)—Lynching would be a crime punishable by imprisonment up to 20 years, under terms of a bill approved today by the assembly crime problems committee. Lynching is defined in the bill as the taking of a person from custody of a peace officer by means of a riot.

OAKLAND, CAL.
TRIBUNE

MAR 30 1933

20-Year Term for 'Lynching' Approved

SACRAMENTO, March 30—(AP)—Lynching would be a crime punishable by imprisonment up to 20 years under terms of a bill approved today by the Assembly crime problems committee. Lynching is defined in the bill as the taking of a person from custody of a peace officer by means of a riot. Authors of the proposal are Assemblyman Frederick Roberts of Los Angeles and Wm. F, Knowland of Alameda.

LOUISVILLE, KY.
COURIER JOURNAL

MAY 25 1933

ANTI-LYNCHING LAW WEAK

The hearing on the application of the Caldwell County Jailer for reinstatement is another instance to show that merely enacting a law in conformity with popular opinion does not suffice to execute the popular will. John W. Taylor, of Princeton, raises a quite serious objection to holding the hearing at Frankfort, 200 miles from where the Jailer's prisoner was lynched.

No provision seems to have been made for the expenses of witnesses. The Jailer, being interested in regaining his position and supported by his political friends, can be depended upon to present everything favorable to himself. Kentucky, which has been disgraced by an unpunished assault on one of its jails and the lynching of a citizen, is a party, as Commonwealth's Attorneys are wont to say in criminal proceedings. In a criminal case the law presumes the defendant to be innocent until his guilt is proven beyond a reasonable doubt; but in this case the law presumes the Jailer to be guilty of neglect of duty so great as to merit the forfeiture of his office and the burden is on him to prove that he did everything he could to protect his prisoner. It is important to have all the evidence against him at the hearing; but who is there to go to that expense if the State does not?

According to Mr. Taylor's summary of the Jailer's story, a mob kicked in the door of his apartment at the jail and took the prisoner. The Jailer's wife, who has been appointed Jailer in his place by the County Judge, slept through the noise upstairs. The Sheriff's force was out scouring the county for a robber and the police were absent from the city hall next door to the jail. The grand jury exonerated the Jailer and could identify none of the mob. Governor Laffoon, in whose judicial district the lynching took place a year ago, did not remove the Jailer, as the law directs, until the National Civil Liberties Union demanded action.

It isn't practicable to take that door the mob kicked in to Frankfort, though Mr. Taylor's description of it makes the door an important exhibit. The general average of citizenship in Caldwell is high and it probably would be beneficial to hold a public hearing at Princeton. This, according to another national association, quoted by Mr. Taylor, is the fourth lynching in Caldwell County and the seventh in that judicial district for which no one was punished. That's a bad record. Good citizens should be shown who is to blame.

If the case against the Jailer is fully presented, it will be because a national organization has raised the money, employed an attorney and arranged to convey the witnesses and evidence 200 miles to Frankfort. As Mr. Taylor says, the Governor could leave Frankfort to hold this hearing as easily as he left the capital to make a speech against mobs to the Association of Southern Women for the Prevention of Lynching; but, since he may do as he pleases, the law should be strengthened by placing the duty on some officer to rebut the defense and providing for the necessary expenses.

Find Old Federal Statutes Covering Lynch Prosecution

WASHINGTON.—Two little used sections of the Federal laws were dug up and made the basis of a request of the Department of Justice for prosecution of Sheriff R. L. Shamblin, of Tuscaloosa, Alabama, as the result of the lynching of two prisoners by an Alabama mob recently.

A delegation headed by Charles H. Houston, vice dean of the Howard Law School and a member of the District Board of Education, and Allen Taub, white, of the International Labor Defense, brought the two statutes to the attention of Attorney General Homer S. Cummings last Thursday.

The Attorney General asked that briefs be submitted to him and said that if he should be convinced of his authority to proceed under the law, he would do so.

Enacted in 1909.

The statutes were enacted in 1909 and although little used, there've been various prosecutions under them. Incidentally they were on the statute books during all the time there was agitation for enactment of a Federal anti-lynching law. If held applicable to such a case as the one in Alabama, in which Dan Pippen, 18; A. T. Harden, 16, and Elmore Clark, 28, were turned over to a mob by Sheriff Shamblin and the next day the bodies of two of them were found underneath a tree, handcuffed together, riddled with bullets, and a day later the third was found in hiding, wounded, it can be generally applied to cases of mob violence.

The two laws are sections 19 and 20 of the act of March 4, 1909, codifying, revising and amending the penal laws of the United States. They come under the subdivision dealing with offenses against the elective franchise and civil rights of citizens.

$5,000 Fine Provided.

Section 19 is as follows:

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than ten years, and shall, moreover be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States."

Section 20 is as follows:

"Whoever, under color of any law ordinance, regulation, or custom willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges or immunities secured or protected by the Constituon and laws of the United States, or to different punishments, pains, or penaltie account of such inhabitant b

alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000, or imprisoned not more than one year or both."

Courier

AN ANTI-LYNCHING LAW

THE recent increase in the number of lynchings culminating in the latest horror in Princess Anne, Maryland, brings again to the attention of Negroes the necessity for an anti-lynching law. We have been lamentably negligent in pushing this progressive and protective legislation. There is no better time than the present to do so. It can be done if we put enough effort, time and money behind it.

10-28-33

The National Association for the Advancement of Colored People is the only logical organization to organize and further the campaign for such a law. It almost succeeded in getting such a law passed several years ago. It can succeed now where it failed before IF NEGROES WILL GIVE IT THE SUPPORT THEY SHOULD. In order to do so, however, it must have ample funds to pay talented lobbyists in Washington. That money must be given by Negroes themselves. The best way to contribute to such a campaign is for every Negro to immediately take out a membership. That costs but one dollar, or slightly less than two cents a week.

Pittsburgh Pa.

Those with long memories can remember the widespread favorable effect of the full page advertisements placed in several newspapers by the N. A. A. C. P. at the time when the first anti-lynching law campaign was at its height. This can and should be done again on a much larger scale, and the N. A. A. C. P. will do it if Negroes will only support the organization financially. Considering the present state of race relations in the United States, there is no censure too sharp for the colored person who withholds his or her membership.

Lynching must be attacked nationally, just as kidnaping is being fought. It has been demonstrated time and again that local and state officials will not or cannot cope with the evil. It is up to the government to do it. But the government will not do it unless an aroused Negro population brings tremendous, intelligently directed pressure. The time to do it is now, and the way to strengthen the hand of the N. A. A. C. P. is to become a member without delay. If there were as many N. A. A. C. P. members as Negro church members in the United States, this evil could be forever banished from the nation.

BALTIMORE, MD.
EVENING SUN
OCT 19 1933

Proposes Anti-Lynching Action At Special Session

Goodman Wants Assembly To Adopt New Law When It Meets To Draft Liquor Legislation

An anti-lynching bill Delegate Alexander Goodman, Democrat, of the Fourth district, introduced at the last session of the Maryland Assembly, will be reintroduced at the special session to be held next month to frame new liquor control legislation, Mr. Goodman said today. He added he would press anew for its passage.

At the last session the measure was referred to the Judiciary Committee and in the press of bank and budget legislaiton it died there. Briefly, it would make the county in which a mob outbreak occurs financially liable to the victim or his estate.

Measure Indorsed

The bill was indorsed editorially and otherwise when it was introduced in the 1933 session of the Assembly and was termed by one of its indorsers "a sound legislative approach to the lynching problem." Its principle, it was stated, already is recognized in the Maryland code in cases in which a mob damages property.

The Goodman measure designates as a mob any group of five or more persons gathered to offer violence to the person or property of any one supposed to be guilty of a law violation. The death of anyone at the hands of such a group would be murder. Heavy penalties are provided for mob offenses.

Suggests $5,000 Forfeit

The county in which a lynching occurs would be required to pay to the family or estate of the victim $5,000, collectable by State court action. Any county officer failing to comply with the provisions of the bill would be subject to punishment.

A county in which a mob formed and took its victim elsewhere still would be liable to the $5,000 forfeit. Counties through which the mob passed would be liable only if their officers aided or encouraged the offense.

Other Provisions Cited

Any county sued for the forfeit provided for in the bill would be entitled to sue for its return from any officer it considered negligent in his duty, the principle being that a county whose officers fail to protect individuals in their personal rights is responsible for the failure.

Mr. Goodman said Maryland now has no legislation bearing on the specific offense of lynching. To proceed against lynchers, those sections of the code dealing with conspiracy and assault must be invoked.

Lynchings-1933
N.A.A.C.P., Reports on.

4398

LYNCHINGS ROSE 180% IN NATION LAST YEAR

Total Was 28, Against 10 in 1932, Negro Advancement Group Declares in Review.

Times
1-2-34
New York

The National Association for the Advancement of Colored People, through its secretary, Walter White, made public yesterday its review of twenty-eight known lynchings last year, calling attention to an increase of 180 per cent in "mob murder" over 1932, when ten lynchings were reported. During 1933, the report said, there was a "surprisingly large number of instances of apparent collusion between law officers and mobs."

The double lynching at San Jose, Calif., on Nov. 26 of Thomas H. Thurmond and John Holmes, both white, "was unquestionably made possible by the studied failure of Governor James H. Rolph Jr. to send the National Guard, as requested by the Sheriff," it was asserted.

"In this instance, and for the first time in American history," the report continued, "the Governor of an American State actually condoned a lynching and promised to pardon any lynchers convicted of the crime."

In this "collusion of law officers and mobs" the association saw "an ominous tendency likely to grow to threatening proportions unless curbed by drastic legislative action."

The report showed that Alabama had five lynchings during 1933; Georgia and Louisiana, four each; South Carolina and Tennessee, three each; California and Mississippi, two each; Florida, Maryland, Missouri, North Carolina and Texas, one each.

Thirteen of the lynch victims were shot to death and two of the bodies burned, the report said. Eight were hanged and two of their bodies burned. Three were beaten to death, two were hanged and shot, one was beaten and shot and one was beaten, shot and strangled.

Collusion Between Law Officers and Mobs Seen as Most Ominous Tendency Evident In 1933 Lynching Epidemic

Journal and Guide
1-6-34
Norfolk, Va.

Special to Journal and Guide

NEW YORK, N. Y.—In making public its compilation of 28 known lynchings during the past year, the National Association for the Advancement of Colored People, through Walter White, its secretary, called attention this week not only to the nearly 200 percent rise in mob murder during 1933 from the total of ten for 1932, but to the surprisingly large number of instances of apparent collusion between law officers and mobs.

In the double lynchings at Tuscaloosa, Ala., on August 13 of two Negro youths, Dan Pippen and A. T. Hardin, while being taken from Tuscaloosa to Birmingham for safekeeping, the victims were taken by the mob without any apparent effort on the part of the officers to protect them.

At Clinton, S. C., on July 4th, four white men experienced no difficulty in "spiriting" the victim from the jail. The same thing happened in the lynching on October 8, of Bennie Smith at Ninety Six, S. C., where an alleged lyncher when arrested claimed the chief of police left the jail open.

There seems little doubt that the lynching of George Armwood at Princess Anne, Md., on October 18 was made possible by the local judge's assurance to Governor Albert C. Ritchie that Armwood would be in no danger if returned from Baltimore whence he had been taken.

The double lynching at San Jose, Calif., of Thomas H. Thurmond and John Holmes (both white) on November 26 was unquestionably made possible by the studied failure of Governor James H. Rolph, Jr., to send the National Guard as requested by the sheriff.

"In this instance, and for the first time in recent history," Mr. White said, "the governor of an American state actually condoned a lynching and promised to pardon any lynchers convicted of the crime."

In this collusion of law officers and mobs, the Association's secretary sees an ominous tendency likely to grow to threatening proportions unless curbed by drastic legislative action.

Alabama Leads

The lynching record by states for 1933 is topped by Alabama with five, followed by Georgia and Louisiana with four each; South Carolina and Tenessee with three apiece; California and Mississippi with two each, while Florida, Maryland, Missouri, North Carolina, and Texas each lynched one.

Journal and Guide
1-6-34
Norfolk, Va.

Four of the mob victims were white, twenty-four were Negroes.

The alleged offenses for which the victims were lynched are listed as murder (7), attack on white woman (3), attempted attack on white woman (2), insulting white woman (3), assault on white man (1), wounding white man (1), quarrel with white man (3), planning suit against white man (1), killing in search of another (1), stealing (1), offense unknown (4).

Rape Seldom Charged

Of the 28 recorded lynchings, the association calls attention to the fact that rape, the alleged excuse for lynching, was charged only in three instances, while attempted rape was charged only in two instances.

At best, then, rape or attempted rape was charged in only five instances or about 18 percent of the total lynchings. In the Cordie Cheek lynching on December 16 at Columbia, Tenn., the victim was mobbed despite failure of the grand jury to indict him for attempted assault.

How Victims Were Lynched

Thirteen of the lynch victims were shot to death and two of the bodies burned, eight were hanged and two of their bodies burned, three were beaten to death, two were hanged and shot, one was beaten and shot, and one was beaten, shot, and strangled.

A Federal anti-lynching bill is to be introduced in Congress by Senator Edward P. Costigan of Colorado, it has been announced.

NEW YORK DAILY NEWS

JAN 1 1934

1933 Lynchings, 28, Are 200 P. C. More Than 1932

Lynchings in 1933 increased 200 per cent. over the previous year in the United States, Walter White, secretary of the National Association for the Advancement of Colored People, announced yesterday. He vigorously attacked the policy of Gov. James H. Rolph Jr. of California and other law officers.

Of the twenty-eight victims of mob vengeance, four were white, twenty-four colored and all were men.

Alabama led the lynch States list with five; Georgia and Louisiana, each four; South Carolina and Tennessee, each three; California and Mississippi, each two, and one each for Florida, Maryland, Missouri, North Carolina and Texas.

LYNCHING TOLL 28; PRESIDENT APPEALS

Argus

An Increase Of 180 Percent Over 1932 Is Reported By The N.A.A.C.P

Roosevelt Asks Action In Address.

1-5-34

NEW YORK, Jan. 5.—There were 28 lynchings in the United States in 1933, a 180 per cent increase over the previous year when 10 mob slayings were reported, the N. A. A. C. P. announced Tuesday through National Secretary, Walter White. At the same time it was announced that an anti-lynching bill sponsored by the association was ready for introduction in the 73rd Congress, during its first regular session, which opened Tuesday.

St. Louis

Only 4 White Victims

Four of the victims lynched last year, were white men and the remainder colored and the "mob killings" were distributed among states as follows: Alabama 5, Georgia and Louisiana 3 each, California and Mississippi 2 each; Florida, Maryland, Missouri, North Carolina and Texas 1 each.

The report declared there was a "surprisingly large number of instances of apparent collusion between law officers and mobs, in which there was an ominous tendency likely to grow to threatening proportions unless curbed by drastic legislative action."

To Introduce Bill

It was said Senator Castegan (Dem.) Colorado, has promised to sponsor the anti-lynching bill, backed by the association, and Senator Wagner (Dem.) New York, has given his approval.

The measure gives Federal power to act when states and counties fail to prosecute lynchers, and allows for punishment of officers derelict in their duty in protecting prisoners.

President Denounces Crime.

WASHINGTON, D. C., Jan. 4.—President Roosevelt stepped out of the usual practice of the Country's Chief Executive Tuesday and delivered his own annual address to Congress at the opening of the first general session of the 73rd Congress. He let it be known that the country's highest legislative body should work for the advancement of the recovery program which has been launched in the country. He took an opportunity to strike at organized crime including lynching. He asked a

Argus
1-5-34
St. Louis

stringent "preventive or regulatory measures" in the nation's business affairs and a governmental and public war against crime.

The President denounced tax evaders and stock gamblers and speaking of organized crime said:

"In the other category, crimes of organized banditry, cold-blooded shooting, lynching and kidnaping have threatened our security.

"These violations of ethics and these violations of law call on the strong arm of the government for their immediate suppression; they call also on the country for an aroused public opinion."

Opelika, Ala. News
December 22, 1933

LYNCHINGS FOR YEAR REACH TOTAL OF 28; 5 WERE IN ALABAMA

New York—(AP)—The lynching of Cord Creek, 20-year-old negro, near Columbia, Tenn., brought the total number of lynchings in the United States so far this year to twenty-eight, according to the records of the National Association for the Advancement of Colored People.

This compares with only ten last year and is the highest total since 1926, when thirty-four were listed.

The records, which extend back to 1889, show that 3,686 persons have been lynched since that year. The highest number for any one year was 226 in 1892. In recent years lynchings have shown an irregular decline until last year, the lowest total of ten was reached. The increase this year sends the curve upward once more.

The 1933 total of 28 comprises 24 negroes and 4 white men. By states the figures for 1933 show:

Alabama, 5; Florida, 1; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 2; North Carolina, 1; South Carolina, 3; Tennessee, 3; Texas, 1; California, 2; Missouri, 1. All were negroes except two in Tennessee and two in California.

The 1932 records list lynchings as follows:

Arkansas, 1; Florida, 2; Georgia, 1; Kansas, 1; Kentucky, 1; Louisiana, 1; Ohio, 1; South Carolina, 1; Texas, 1. Of these eight were negroes and two white. One of the white men was lynched in Kansas the other in Kentucky.

Miami, Fla., News
January 7, 1934

Lynchings and Law

There were 28 known lynchings in 1933, an increase of 180 per cent over the 10 of the preceding year. Reporting this rise, the National Association for the Advancement of Colored People finds also "a surprisingly large number of instances of apparent collusion between law officers and mobs." In California Governor Rolph not only refused to heed the plea of the sheriff for the aid of the National Guard, but condoned the lynching and promised to pardon any of the participants convicted. Elsewhere sheriffs delivered their prisoners to the mobs. The association sees in these acts "an ominous tendency likely to grow to threatening proportions unless curbed by drastic legislative action."

Though the lynching suspects arraigned in Maryland go free, others may not fare so well. One of the most impressive steps against the evil has been taken in Missouri, where a grand jury voted indictments against 11 persons, three of them for first degree murder, and recommended ousting of the sheriff and members of the police department. In South Carolina a few days ago four more lynching suspects were indicted for murder. A Tennessee grand jury is under special instructions to investigate a lynching and "promptly indict" the perpetrators if their identity can be discovered.

The common argument of those who condone lynching is that the failure of the courts effectively to do their work makes it necessary or at least excusable. This is poor logic. The Tennessee mob which lynched its victim after a grand jury had freed him for lack of evidence is typical of the fairness and wisdom with which mobs may be expected to serve the ends of justice.

In any event and whatever the relation to lynching, there have been all too many cases in which the law has broken down. The tightening up of the judicial system would be none the less imperative if lynching were unknown. The Association of Grand Jurors of New York County calls for complete revision of state and federal criminal laws and procedure, modeled along the lines of the Canadian system, "to speed up justice." Certainty of punishment once guilt is established is more important.

The federal government in its fight on organized crime has given an example which individual communities if they will can copy. Sure justice is possible, but not through the agency of the mob.

BOSTON, MASS.
MORNING GLOBE

JAN 3 1934

LYNCHING

FIGURES compiled by the National Association for the Advancement of Colored People reveal that the number of lynchings during 1933 rose 180 percent over what it was in 1932; there were 10 such crimes in 1932 and 28 last year. To find an increase in this form of communal madness is discouraging since the general trend has for many years been away from the cruel ferocity of mob violence.

There have been 4311 persons lynched in this country since 1885: of these 1051 were white men and 3260 were Negroes. In 1892 we sank to our lowest depths of recent years when 255 persons were thus killed, and it was not until 1909 that the number was brought below 100 to remain there. There has never been a year in which less than 10 lynchings took place.

After making all due allowances for the emotional strain of the past three years which undoubtedly has greatly shortened the tempers of our people the record remains a ghastly one. Apologize as we may, the stark fact remains that the United States is the only civilized country on earth which still has to deal with this soul-destroying species of crime.

Nashville, Tenn. Tennessean
January 1, 1934

SEES OMINOUS TENDENCY IN LYNCHING COLLUSIONS

NEW YORK, Dec. 31—(AP)—Walter White, secretary of the National Association for the Advance of Colored People, said today that he considered "the collusion" of law officers and mobs in lynchings during 1933 "an ominous tendency likely to grow threatening."

The society issued statistics on 28 know lynchings during 1933 which, White said, was a "200 per cent rise in mob murder from the total of ten for 1932."

In condemning the alleged collusion of law officers and mobs the association called particular attention to what it said were the circumstances surrounding lynchings at Tuscaloosa, Ala., at Clinton, S. C.; at Ninety Six, S. C., at Princess Anne, Md., and at San Jose, Calif.

"The double lynching at San Jose of Thomas H. Thurmond and John Holmes, both white men, on November 26," White said, "was unquestionably made possible by the studied failure of Governor James H. Rolph, Jr., to send the National Guard as requested by the sheriff.

"In this instance and for the first time in recent history the governor of an American state actually condoned a lynching and promised to pardon any lynchers convicted of the crime."

NEW YORK
MIRROR

JAN 3 1934

Lynching the Constitution

A report of the National Association for the Advancement of Colored People shows that lynchings in the United States, with 28 known cases, have increased 180 per cent over last year. Twenty-eight nooses are dangerous to liberty and to the Constitutional throat as well. Congress, when it opens, should furnish legal backing to that great American document sturdy enough to resist the outlaw's arm. While the American fathers wrote their historic charter of liberty on white paper, they made no stipulation in color.

Lynchings - 1933
N.A.A.C.P., Reports on.

Brooklyn, N. Y. Eagle

JAN 2 1934

28 LYNCHINGS IN 1933

Twenty-eight lynchings occurred in 1933, making an increase of 160 percent over 1932, according to the report issued yesterday by Walter White, secretary of the National Association for the Advancement of Colored People.

Chattanooga, Tenn. Times
January 1, 1934

CHARGES OFFICERS AIDES TO LYNCHERS

Colored Advancement Scribe Says Law in 'Collusion.'

Denounces Gov. Rolph for Not Sending Guards—Statistics for Year Set Forth.

NEW YORK, Dec. 31 (AP).—Walter White, secretary of the National Association for the Advancement of Colored People, said today that he considered "the collusion" of law officers and mobs in lynchings during 1933 "an ominous tendency likely to grow threatening."

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"The double lynching at San Jose of Thomas H. Thurmond and John Holmes, both white men, on Nov. 26," White said, "was unquestionably made possible by the studied failure of Gov. James H. Rolfe, Jr., to send the national guard as requested by the sheriff.

"In this instance and for the first time in recent history the governor of an American state actually condoned a lynching and promised to pardon any lynchers convicted of the crime."

The association's statistics on lynching by states for the year were:

Alabama, 5; Georgia and Louisiana, 4; South Carolina and Tennessee, 3; California and Mississippi, 2; Florida, Maryland, Missouri, North Carolina and Texas, 1.

Other statistics showed:

Four of the mob victims were white, twenty-four were Negroes.

Alleged offenses for which victims were lynched: Murder, 8; attack on white woman, 3; attempted attack on white woman, 2; insulting white woman, 3; assault on white man, 1; wounding white man, 1; quarrel with white man, 3; planning suit against white man, 1; killing in search of another, 1; stealing, 1; offense unknown, 4.

Thirteen of the victims were shot to death and two of the bodies burned; 8 were hanged and 2 of their bodies burned; 3 were beaten to death; 2 were hanged and shot; 1 was beaten and shot, and 1 was beaten, shot and strangled.

Lynching's Ominous Growth

Literary Digest
1-13-34
New York
Vol. 117.
No. 2.

An increase of 180 per cent in the number of lynchings in 1933 over 1932 in the United States was made public by the National Association for the Advancement of Colored People last week. The compilation was reported by Walter White, Secretary of the Association, and reveals that there were twenty-eight lynchings in 1933 as compared with ten in the previous year. The report also calls attention to the "surprizingly large number of instances of apparent collusion between law officers and mobs."

Of the double lynching at San Jose, California, on November 26, of Thomas H. Thurmond and John Holmes, both white, the report said:

"In this instance, and for the first time in recent American history, the Governor of an American State actually condoned a lynching, and promised to pardon any lynchers convicted of the crime."

In this "apparent collusion between law officers and mobs," the Association saw "an ominous tendency likely to grow to threatening proportions unless curbed by drastic legislative action."

The report showed that Alabama had five lynchings in 1933; Georgia and Louisiana, four each; South Carolina and Tennessee, three each; California and Mississippi, two each; Florida, Maryland, Missouri, North Carolina and Texas, one each.

New York Times

JAN 2 1934

LYNCHINGS ROSE 180% IN NATION LAST YEAR

Total Was 28, Against 10 in 1932, Negro Advancement Group Declares in Review.

The National Association for the Advancement of Colored People, through its secretary, Walter White, made public yesterday its review of twenty-eight known lynchings last year, calling attention to an increase of 180 per cent in "mob murder" over 1932, when ten lynchings were reported. During 1933, the report said, there was a "surprisingly large number of instances of apparent collusion between law officers and mobs."

The double lynching at San Jose, Calif., on Nov. 26 of Thomas H. Thurmond and John Holmes, both white, "was unquestionably made possible by the studied failure of Governor James H. Rolph Jr. to send the National Guard, as requested by the Sheriff," it was asserted.

"In this instance, and for the first time in American history," the report continued, "the Governor of an American State actually condoned a lynching and promised to pardon any lynchers convicted of the crime."

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Columbia, S. C. State
January 1, 1934

"COLLUSION" CHARGED TREND IN LYNCHING

New York, Dec. 31—(AP)—Walter White, secretary of the National Association for the Advancement of Colored People, said today that he considered "the collusion" of law officers and mobs in lynchings during 1933 "an ominous tendency likely to grow threatening."

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Thirteen of the victims were shot to death, and two of the bodies burned; eight were hanged and two of their bodies burned; three were beaten to death; two were hanged and shot; one was beaten and shot; one was beaten, shot and strangled.

Lancaster, S.C.,
News
January 23, 1934

LYNCHING'S OMINOUS GROWTH

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CHARLESTON, W. VA.
MAIL

JAN 8 [illegible]

Lynchings Increase

Cause for national shame is contained in the figures showing an increase of 180 per cent in lynchings last year. A total of 28 persons were victims of mob murder as against 10 in 1932.

The figures were announced by the National Association for the Advancement of Colored People.

Not all of the lynchings occurred in the South, although that section of the country was the scene of most of them. Alabama headed the list with five to its discredit. One of the most sensational acts of mob violence was the double lynching in California, with both victims being white, which brought from the governor a statement condoning the lynching and promising pardons to any persons convicted of taking part in it.

That lynchings often represent "collusion of law officers and mobs" is a conclusion reached by the association and one which seems amply justified. Even though officers are not active participants in the violence, their failure to make use of the full powers of their office to prevent such outbreaks often smears their hands with blood.

West Virginia's record with respect to lynchings has not always been clean, but that it was unmarred last year is a matter of which the citizens of this state without one exception should feel proud.

CHELSEA, MASS.
EVENING RECORD

JAN 3 1934

LYNCHING

Figures compiled by the National Association for the Advancement of Colored People reveal that the number of lynchings during 1933 rose 180 per cent. over what it was in 1932; there were 10 such crimes in 1932 and 28 last year. To find an increase in this form of communal madness is discouraging since the general trend has for many years been away from the cruel ferocity of mob violence.

There have been 4311 persons lynched in this country since 1885; of these 1051 were white men and 3260 were Negroes. In 1892 we sank to our lowest depths of recent years when 255 persons were thus killed, and it was not until 1909 that the number was brought below 100 to remain there. There has never been a year in which less than 10 lynchings took place.

After making all due allowances for the emotional strain of the past three years which undoubtedly has greatly shortened the tempers of our people the record remains a ghastly one. Apologize as we may, the stark fact remains that the United States is the only civilized country on earth which still has to deal with this soul-destroying species of crime.—Boston Globe.

NORWICH, CONN.
BULLETIN

JAN 3 1934

1933'S LYNCHINGS

Although it was hoped, when it was shown at the end of 1932 that there had been but eight lynchings that year, that such a record indicated that we were rapidly approaching the time when there would be no more lynchings, that law and order would get proper recognition and that mob rule would cease to be, it was too much to expect.

Lynchings have had their ups and downs. Good educational work among the people of the states where it was practiced has had good effect and the reductions in such deliberate taking of life were most certainly welcome. But the ebb tide has been followed by a flood tide, and 1933's record reveals 28 instances where there was a refusal to respect constitutional rights and an unwillingness to let the law take its course. In some of these instances the lynchers had hastened the inevitable outcome. They punished crime by committing another. There were other instances where persons were killed without their guilt being established and, as usual, there were those cases where capital punishment was inflicted for crimes which carried no such penalty under the law.

Not only because of the increase in the number of lynchings, but because of the manner in which support and encouragement were given to it, was 1933's record conspicuous. The National Association for Advancement of Colored People points to the surprisingly large number of instances where there was apparent collusion between officers of the law and the mobs, and the whole country knows what a disgraceful position was taken by the governor of California in endorsing the double lynching that occurred in that state, where he even promised that if any attempt was made to convict the lynchers and it succeeded he would grant them a pardon.

Fortunately, this attitude was not general. It was just the opposite of other governors who insisted upon the arrest and prosecution of the guilty, although that encountered in Maryland a surprising lack of cooperation on the part of the court.

But it was apparent that all sentiment does not give support to the lynching fever for there were 37 instances where the officers of the law were alive to their responsibilities and took steps that prevented mobs from staging lynching bees, resulting in the saving of 48 persons from such violence. Had those 48 attempts been added to the 28 cases where the lynchers were successful, it would have been the severest kind of indictment upon the states in which such cases occurred and upon the nation as a whole for not taking a more determined stand against such criminal activity on the part of those who profess to be stirred by crime.

MIAMI, FLA.
NEWS

JAN 7 1934

Lynchings and Law

There were 28 known lynchings in 1933, an increase of 180 per cent over the 10 of the preceding year. Reporting this rise, the National Association for the Advancement of Colored People finds also "a surprisingly large number of instances of apparent collusion between law officers and mobs." In California Governor Rolph not only refused to heed the plea of the sheriff for the aid of the National Guard, but condoned the lynching and promised to pardon any of the participants convicted. Elsewhere sheriffs delivered their prisoners to the mobs. The association sees in these acts "an ominous tendency likely to grow to threatening proportions unless curbed by drastic legislative action."

Though the lynching suspects arraigned in Maryland go free, others may not fare so well. One of the most impressive steps against the evil has been taken in Missouri, where a grand jury voted indictments against 11 persons, three of them for first degree murder, and recommended ousting of the sheriff and members of the police department. In South Carolina a few days ago four more lynching suspects were indicted for murder. A Tennessee grand jury is under special instructions to investigate a lynching and "promptly indict" the perpetrators if their identity can be discovered.

The common argument of those who condone lynching is that the failure of the courts effectively to do their work makes it necessary or at least excusable. This is poor logic. The Tennessee mob which lynched its victim after a grand jury had freed him for lack of evidence is typical of the fairness and wisdom with which mobs may be expected to serve t ends of justice.

In any event and whatever the relation to lynching, there have been all too many cases in which the law has broken down. The tightening up of the judicial system would be none the less imperative if lynching were unknown. The Association of Grand Jurors of New York County calls for complete revision of state and federal criminal laws and procedure, modeled along the lines of the Canadian system, "to speed up justice." Certainty of punishment once guilt is established is more important.

The federal government in its fight on organized crime has given an example which individual communities if they will can copy. Sure justice is possible, but not through the agency of the mob.

Lynchings-1933
N.A.A.C.P., Reports on.

4400

New Orleans, La., Item
January 6, 1934

The Lynch Record

AN ugly record is complete—lynchings rose 180 percent in this Country last year. The 1932 total was 10, that for 1933 was 28. The National Association for the Advancement of Colored People reports for 1933 "a surprisingly large number of instances of apparent collusion between law officers and mobs." In this it sees "an ominous tendency likely to grow to threatening proportions unless curbed by drastic legislative action."

Immediately following the San Jose outrage we heard much talk of a national anti-lynch law. Passage of such legislation may be advisable. It must not be forgotten, however, that the final responsibility for extirpating lynching rests upon the people of our individual American communities.

In the era before prohibition many communities decided that they would have done with the liquor traffic. By local option they put it outside their town and city limits. This undoubtedly has been the most effective ban upon intoxicants ever applied in America. State prohibition was less effective, national prohibition abjectly failed.

This same scale of diminishing returns upon governmental edicts is likely to hold true with lynching. Any county, village, or town which the leaders of thought and government determine shall be guiltless of lynching will usuallly be free of it, whether State or Federal government act toward that end or not.

The lowbrows and roughnecks almost invariably do all the lynching. But the better class of citizens can usually control them if they really try. Occasional exceptions appear. But the intelligent elements control most communities.

Lenoir, N. C. News-Topic
January 8, 1934

LYNCHINGS IN U. S. REACH 28 IN YEAR

The lynching of Cord Creek, 20 year old negro, near Columbia, Tenn., Dec. 15. brought the total number of lynchings in the United States so far this year to 28, according to records, revealed at New York.

This compares with only 10 last year and is the highest total since 1926, when 34 were listed.

The records, which extend back to 1889, show that 3,686 persons have been lynched since that year. The highest number for any one year was 226 in 1892. In recent years lynchings have shown an irregular decline until last year the lowest total of 10 was reached. The increase this year sends the curve upwards once more.

The 1933 total of 28 comprise 24 negroes and four white men. By states show:

Alabama, 5; Florida, 1; Georgia, 4; Louisiana, 2; North Carolina, 1; South Carolina, 3; Tennessee, 3; Texas, 1; California, 2; Missouri, 1. All were negroes except two in South Carolina and two in California.

Lynchings-1933
N.A.A.C.P., Reports on.

4401

MILWAUKEE, WIS.
WISCONSIN NEWS
JAN 28 1933

Fewer Lynchings

A hopeful sign of better race relations in the South is afforded by the decrease in lynchings last year as compared with 1931.

According to figures from the New York headquarters of the National Association for the Advancement of Colored People, there were eleven lynchings in 1932, whereas in 1931 there were fourteen. Two of the persons lynched last year, moreover, were whites.

Lynching is not confined exclusively to the South, one of the 1932 cases being in Ohio. And, considering the North's record for murder and assassination, it is perhaps not too much to conclude that "lynch law," once among the most sinister types of crime, is becoming a relatively minor matter. The impromptu executions of gangsters and of innocent bystanders at the hands of gunmen in the great Northern cities make most parts of the South look like Sunday school communities by contrast.

Anderson, S. C. Mail
Tuesday, February 7, 1933

DENY LYNCHING

MARION, Feb. 7.—(AP)—Marion county authorities today denied the statement of the National Association of Colored People that a person was lynched in this county last year and pointed to records which they said proved there has never been a lynching in Marion county. The association listed the death of Henry Campbell, killed in this county last year, as a lynching. Authorities contend Campbell was not lynched but was shot while resisting arrest.

Columbia, S. C. State
Wednesday, February 8, 1933

ALLEGED LYNCHING DENIED BY MARION

Marion, Feb. 7—(AP)—Marion county authorities today denied the statement of the National Association of Colored People, that a person was lynched in this county last year and pointed to records, which they said proved there had never been a lynching in Marion county.

The association listed the death of Henry Campbell, killed in this county last year, as a lynching. Authorities contend Campbell was not lynched but was shot while resisting arrest.

Aiken, S. C. Journal & Review
Wednesday, February 1, 1933

NO LYNCHINGS IN STATE

South Carolina's Slate Clean for Two Years

A resolution supporting the "lynch less south" program was adopted a the second annual meeting of th South Carolina Council of the Assc ciation of Southern Women for th Prevention of Lynching, held in Cc lumbia recently.

A report showed no lynchings i South Carolina in 1931 and 1932.

Among those attending the meet ing were Mrs. George E. Davis, o Orangeburg, chairman; Mrs. Roge Fairy, of Orangeburg, secretary Miss Jessie King and Mrs. Roy Jones of Columbia; Mrs. Mason Carroll of York, and Mrs. Jessie Danie Ames, a dirtctor of the Souther Council. Atlanta.

4401

Mullings, S. C., Enterprise
Thursday, February 2, 1933

HENRY CAMPBELL REPORTED LYNCHED

Reported by Asso. For Advancement Of Colored People

IF SO, WHERE?

Local Attorney Has Been Asked To Inestigate Report

New York, Jan. 30.—The National Association for the advancement of colored people announced today that its records disclosed reports of 11 lynchings in 1932, compared with 14 in 1931. Two of those named were white, the remainder negroes.

Aged negro, February, body found in pond, Breaksville, Fla.

David Tillus, April 1, Crockett, Tex.

Richard Read (white), April 13, St. Francis, Kas.

Walter Merrick, (white), May 31 Princeton, Ky.

Luke Marion, June 7, Ironton, Ohio.

Henry Woods, June 7, Jasper, Fla.

Henry Russell, August 29, Newton, Ga.

Frank Tucker, Sept. 16, Crosset, Ark.

Shadrock Thompson, Sept. 16, Warrenton, Va.

Henry Campbell, November, Mullins, S. C.

Williams House, Nov. 19, Wisner, La.

"Satisfaction at this slight progress," said Walter White, secretary of the association, "must be tempered by the knowledge that Quasi-legal lynchings, shootings by members of posses, hasty court trials with results virtually dictated by mobs, as in Scottsboro, Alabama, are little if any better than open and unashamed mob murder.

"The lynching spirit remains the focal problem of law enforcement in America."

The above article appearing under an Associated Press date line lists the name of Henry Campbell, Mullins, S. C. lynched in November, 1932.

There was no lynching in Marion county during 1932. The name of Henry Campbell is a familiar name in this county, but the circumstances under which he met violent death has not been learned in Mullins, and it is not known in Mullins in what State this lynching occurred, if it did occur.

Warren Derrick, local attorney, has been asked to write to the Secretary of the National Association for Advancement of Colored People, which is responsible for origin of the above article and ascertain the facts in the matter.

Thibodaux, La., Journal
Saturday, January 21, 1933

FEWER LYNCHINGS

The number of lynchings during 1932 were less than those in recent years. The figures of the Tuskegee Institute are eight and those of the National Association for the Advancement of colored people are seven, the discrepancy being explained because of different definitions used by the two organizations in defining what a lynching is. Figures for previous years running back from 1932 are 13, 21, 10, 11, and 16 in 1927.

Southern sentiment has mobilized against lawless killings, although it is only fair to bear in mind that the South is not the only region where groups tak the law in their own hand Southern women, in particular have publicly expressed condem nation of lynchings, and thei leadership causes the Bosto Globe to say that "these wome deserve the hearty support o enlightened public opinion every where. They are doing for th honor of their States a wor which will one day be recognize as heroic." There is also a grow ing determination upon the par of officers of the law to protec their prisoners in their custody

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BOSTON MASS HERALD
FEBRUARY 8, 1933

PREDICT EFFORT TO LYNCH NEGRO

Groups to Ask Ely Not to Send Alleged Murderer Back to Virginia

CHARGE HE IS USED TO SHIELD ANOTHER

The National Association for the Advancement of the Colored People and other reform groups interested in the methods of administration of justice in southern states yesterday entered the fight to block extradition from Massachusetts of George Crawford, Negro, accused of murdering a wealthy Virginia widow and her maid.

Claiming that Crawford, if extradited, wouldl receive an unfair trial, that racial prejudice would run amuck, and that an attempt would be made to lynch him, a white investigator for the association testified that influential persons in Virginia were reported trying to obtain Crawford's conviction in order to shield the real murderer.

Although defence counsel offered an alibi and said it would prove Crawford innocent, witnesses for the reform groups indicated they intended to make a "cause celebre" of the proceedings and would ask Massachusetts authorities to pass judgment on the methods of dealing justice in Virginia.

QUESTION FOR GOV. ELY

Possibility was seen that Gov. Ely, who recently wrote to Gov. Moore of New Jersey, in behalf of Robert E. Burns, fugitive from a Georgia chain gang, himself might be called upon to decide whether a fugitive held in Massachusetts would receive fair treatment in a southern state.

The hearing room was crowded with witnesses when the extradition proceedings were resumed yesterday before Asst. Atty.-Gen. Stephen D. Bacigalupo, who will report to Gov. Ely in a few days.

J. Weston Allen, former attorney-general and counsel for Crawford, alias Charles Smith, alias Taylor, accused of killing Mrs. Agnes Boeing Ilsley, sportswoman, and her maid, Nina Buckner, in Middleburg, Va., Jan. 13, 1932, introduced Miss Helen Boardman of New York, white investigator for the Negro association.

Residents of Middleburg informed Miss Boardman that "mob riots reigned at the time of the crimes," she declared. "Residents expressed the opinion that there would have been a lynching if Crawford was captured at the time."

"Many of the persons interviewed felt something was being covered up and said the whole county would be at the trial," she said.

FEARED RAILROADING

"They believed he had no chance of acquittal and it would be better if he were tried in Alexandria. Many believed he would be railroaded to the chair as sure as fate. The residents interviewed believed the lynching would be by the rich people."

She said Roy Smeaton, justice of the peace at Middleburg, had told her he felt someone was being protected and that, because of his attitude, he had received threats. Other responsible persons told her that they felt Crawford, if involved, was only an accomplice.

She quoted Gen. William Mitchell, former head of the army aviation service, as saying he was sure Crawford was guilty and that if he had been caught a year ago, "there would have been a burning."

A drug clerk identified as Bowley told her certain "rich" and influential persons were so anxious to shield someone they would "be glad to have Crawford convicted."

Seven Negroes provided Crawford's alibi, claiming they saw him in Boston from November, 1931, through 1932. Three of them, Basil F. Hutchins, business man; Anthony Bailey, deacon of a large Negro church, and Irving Washington, friend of Crawford, placed him in Boston during January

N. Y. SUN

JUN 26 1933

FEWER LYNCHINGS

Still, There Were Ten of Negroes in 1932.

Ten lynchings of Negroes were reported during 1932, according to the twenty-third annual report of the National Association for the Advancement of Colored People, made public today. The figure was four less than in the previous year, the report states, "but satisfaction at this slight progress must be tempered by the knowledge that quasi-legal lynchings are little if any better than open and unashamed mob murder."

Field workers for the organization found widespread unemployment in the communities they visited during the year. It was estimated that more than 3,500,000 Negroes were jobless.

The report contains accounts of a campaign to have the War Department correct the treatment, "bordering on peonage," of Negroes employed on the Mississippi flood control project and of a protest by the organization at the refusal of the Hoover Dam contractors to employ Negro workmen at Boulder City, Nev. Later, a number were hired.

Atlanta, Ga. Journal
December 17, 1933

Lynchings for Year Reach Total of 28; 4 Were in Georgia

NEW YORK, Dec. 16.—(AP)—The lynching of Cord Creek, 20-year-old negro, near Columbia, Tenn., Friday night brought the total number of lynchings in the United States so far this year to twenty-eight, according to the records of the National Association for the Advancement of Colored People.

This compares with only ten last year and is the highest total since 1926, when thirty-four were listed.

The records, which extend back to 1889, show that 3,686 persons have been lynched since that year. The highest number for any one year was 226 in 1892. In recent years lynchings have shown an irregular decline until last year, the lowest total of ten was reached. The increase this year sends the curve upward once more.

The 1933 total of 28 comprises 24 negroes and 4 white men. By states the figures for 1933 show:

Alabama, 5; Florida, 1; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi 2; North Carolina, 1; South Carolina, 3; Tennessee, 3; Texas, 1; California, 2; Missouri, 1. All were negroes except two in Tennessee and two in California.

The 1932 records list lynchings as follows:

Arkansas, 1; Florida, 2; Georgia, 1; Kansas, 1; Kentucky, 1; Louisiana, 1; Ohio, 1; South Carolina, 1; Texas, 1. Of these eight were negroes and two white. One of the white men was lynched in Kansas, the other in Kentucky.

Birmingham, Ala., News
December 16, 1933

LYNCHINGS SHOW GAIN OVER NATION

Alabama Leads States, With 5 Reported For Year

NEW YORK—(AP)—The lynching of Cord Cheek, 20-year-old Negro, near Columbia, Tenn., Friday night brought the total number of lynchings in the United States so far this year to 28, according to the records of the National Association for the Advancement of Colored People.

This compares with only 10 last year and is the highest total since 1926, when 34 were listed.

The records, which extend back to 1889, show that 3,686 persons have been lynched since that year. The highest number for any one year was 226 in 1892. In recent years lynchings have shown an irregular decline until last year the lowest total of 10 was reached. The increase this year sends the curve upward once more.

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Alabama, 5; Florida, 1; Georgia, 4; Maryland, 1; Mississippi, 2; North Carolina, 1; South Carolina, 3; Tennessee, 3; Texas, 1; California, 2; Missouri, 1. All were Negroes except two in Tennessee and two in California.

The 1932 records list lynchings as follows: Arkansas, 1; Florida, 2; Georgia, 1; Kansas, 1; Kentucky, 1; Louisiana, 1; Ohio, 1; South Carolina, 1; Texas, 1. Of these eight were Negroes and two white. One of the white men was lynched in Kansas, the other in Kentucky.

Records of lynchings since in the last decade follow: 1923, 28; 1924, 16; 1925, 18; 1926, 34; 1927, 21; 1928, 11; 1929, 12; 1930, 25; 1931, 14; 1932, 10; 1933. 28.

NAACP LISTS 28 LYNCHINGS FOR 1933

Afro-American

Association Blames Collusion Between Mob and Law, Sees 200 Per Cent Increase.

1-6-34
Baltimore, Md.

NEW YORK.—In making public today its compilation of 28 known lynchings during the past year, the National Association for the Advancement of Colored People, through Walter White, its secretary, called attention not only to the nearly 200 per cent rise in mob murder during 1933 from the total of ten for 1932, but to the surprisingly large number of instances of apparent collusion between law officers and mobs.

There seems little douubt, the report says, that the lynching of George Armwood at Princess Anne, Md., on October 18, was made possible by the local judge's assurance to Governor Albert C Ritchie that Armwood would be in no danger if returned from Baltimore whence he had been taken.

The lynching record by states for 1933 is topped by Alabama with five; followed by Georgia and Louisiana with four each; South Carolina and Tennessee with three apiece; California and Mississippi with two each, while Florida Maryland, Missouri, North Carolina and Texas each lynched one. Four of the mob victims were white, twenty-four were Negroes.

The alleged ocenses for which the victims were lynched are listed as murder, 8; attack on white women, 3; attempted attack on white women, 2; insulting white women, 3; assault on white man, 1; wounding white man, 1; quarrel with white men, 3; planning suit against white man, 1; killing in search of another, 1; stealing, 1; offense unknown, 4.

Of the 28 recorded lynchings, the association calls attention to the fact that rape, the alleged excuse for lynching, was charged only in three instances, while attempted race was charged only in two instances. At best, then, rape or attempted rape was charged in only five instances or about 18 per cent of the total lynchings.

In the Cordie Cheek lynching on December 16 at Columbia, Tenn., the victim was mobbed despite failure of the grand jury to indict him for attempted assault.

Thirteen of the lynch victims were shot to death and two of the bodies burned, eight were hanged and two of their bodies burned, three were beaten to death, two were hanged and shot, one was beaten and shot and one was beaten, shot and strangled.

A Federal anti-lynching bill is to be introduced in Congress by Senator Edward P. Costigan of Colorado, it has been announced.

NAACP SAYS 28 LYNCHED

Chronicle
1-6-33
Boston, Mass.

Eighteen more than Record of Preceding Year—ILD Claims Forty-seven for Same Period

New York—In making its compilation of 28 known lynchings during the past year, the NAACP, through Walter White, its secretary, called attention not only to the nearly 200 per cent rise in mob murder during 1933 from the total of ten for 1932, but to the surprisingly large number of instances of apparent collusion between law officers and mobs.

In the double lynching at Tuscaloosa, Ala., on August 13 of two Negro youths, Dan Pippen and A. T. Hardin while being taken from Tuscaloosa to Birmingham for safekeeping, the victims were taken by the mob without any apparent effort on the part of the officers to protect them. At Clinton, S. C., on July 4, four white men experienced no difficulty in "spiriting" the victim from the jail. The same thing happened in the lynching on October 8 of Bennie Smith at Ninety Six, S. C., where an alleged lyncher when arrested claimed the chief of police left the [illegible] open. There seems little doubt that the lynching of George Armwood at Princess Anne, Md., on October 18, was made possible by the local judge's assurance to Gov. Albert C. Ritchie that Armwood would be in no danger if returned from Baltimore whence he had been taken. The double lynching at San Jose, Calif., of Thomas H. Thurmond and John Holmes (both white) on November 26 was unquestionably made possible by the studied failure of Gov. James H. Rolph, Jr., to send the National Guard as requested by the sheriff.

"In this instance and for the first time in recent history," Mr. White said, "the governor of an American state actually condoned a lynching and promised to pardon any lynchers convicted of the crime."

In this collusion of law officers and mobs, the Association's secretary sees an ominous tendency to grow to threatening proportions unless curbed by drastic legislative action.

The lynching record by states for 1933 is topped by Alabama with five; followed by Georgia and Louisiana with four each; South Carolina and Tennessee with three apiece; California and Mississippi with two each, while Florida, Maryland, Missouri, North Carolina and Texas each lynched one. Four of the mob victims were white, twenty-four were Negroes.

The alleged offenses for which the victims were lynched are listed as murder (8), attack on white woman (3), attempted attack on white woman (2), insulting white woman (3), assault on white man (1), wounding white man (1), quarrel with white man (3). planning suit against white man (1), killing in search of another (1), stealing (1), offense unknown (4). Of the 28 recorded lynchings, the Association calls attention to the fact that rape, the alleged excuse for lynching, was charged only in three instances, while attempted rape was charged only in two instances. At best, then, rape or attempted rape was charged in only five instances or about 18 percent of the total lynchings. In the Cordie Cheek lynching on December 16 at Columbia, Tenn., the victim was mobbed despite failure of the grand jury to indict him for attempted assault.

Thirteen of the lynch victims were shot to death and two of the bodies burned, eight were hanged and two of their bodies burned, three were beaten to death, two were hanged and shot. one was beaten and shot and one was beaten, shot and strangled.

Lynchings - 1933
Prevented

Alabama.

4402

Talladega, Ala., Home
August 23, 1933

THE MOB OGRE.

The Madison county sheriff, who with his warden and deputies, successfully thwarted efforts of a murderous mob to secure a negro held in the Huntsville jail on a charge of assaulting a Morgan county woman, realized his responsibility as an officer of the law and his duty to the state. Too much cannot be said in praise of his action and that of his fellow officers. But while the state is grateful for this display of courage and intelligence in handling a bad situation, it is again shamed by the action of parties unknown in killing a negro in Morgan county near where the alleged assault occurred. This latter act shows the temper and brutality of a mob. If the negro in the Huntsville jail is guilty, the victim of unknown hands cannot be, and his slayers lose even the flimsy mob excuse of only seeking swift and certain punishment for the heinous crime of rape, and protecting womanhood from the necessity of appearing in court in her shame. The incidents in Tuscaloosa and Morgan counties furnish dual reasons why mob action must not be tolerated. On the one hand the prestige of the courts and respect for law and order are trampled under foot, and on the other, an inflamed mob even loses what little sense it may have when it sets out on a mission of vengeance, and wantonly murders innocents by the wayside. The latter spirit endangers the safety of any and every person, white or black. The spirit that would put one man to death would do likewise to another, without the slightest excuse, when once the blood lust is aroused and uncurbed. The last ten days are heart-sickening to a native born Alabamian, who has spent his life and labor in a state he loves, and not even the knowledge that within its confines are men and women who will battle to end this terrible savagery, can remove the shame. Favored communities which have been free of such occurences should not sit complacently by, for what has happened in one place, can, and will happen in another, unless the public conscience is aroused against lawlessness in all its forms. In just a few days we have seen this mob ogre jump from a county which contains the seat of the state's learning and culture, to the North into a county of some of Alabama's best and most treasured traditions. Verily, the entire state has been placed on trial before the bar of world public opinion. Scottsboro, Tuscaloosa and Decatur. There will be a next, if the enlightened part of our population, which thanks be, is in the majority, is not constantly on guard and in unceasing opposition to the things which are destructive to the very foundations of the state and society.

Negro Who Shot Miners Sent To Birmingham Jail

BIRMINGHAM, ALA., Nov. 28—(AP)—Fearing mob violence, Sheriff A. N. Barrentine of Walker County today brought William Winston, 28, negro, to the Jefferson County jail here for safekeeping.

Advertiser

Winston is charged with assault with intent to murder in connection with the shooting of Travis Benton, 25, and Buck Guthrie, 19, both white miners at

11-29-33

Holly Grove, Ala., Sunday afternoon.

Sheriff Barrentine said Benton's condition was critical and that feeling in Walker County was such that he feared mob action.

The officer said the negro shot the two white men as they stopped him to ask if he had not made insulting remarks to Benton's sister.

Troops Ordered To Tuscaloosa

Advertiser
8-1-33

Communist Intervention In Negro Trial Responsible For Move By Governor

At the request of Circuit Judge H. B Foster, in a long distance telephone conversation yesterday with Gov. Miller, 65 Tuscaloosa National Guardsmen, 60 enlisted men and five officers, attending the field training camp at Fort McClellan with their regiment, the 167th Infantry, were transferred back to Tuscaloosa to report to Judge Foster and the county sheriff for duty in connection with the trial of three negroes there today for the slaying of Miss Vaudine Maddox on June 12.

After talking with Judge Foster, the Governor communicated with Col. Hartley A. Moon, adjutant general, who issued the necessary order for the transfer. The troops under command of Maj. M. Torrey Jemison, of Tuscaloosa, traveled by motor convoy.

While no disorder had been anticipated during the trial of the negroes, the recent announcement of the International Labor Defense that it would employ counsel for them, alleging they were victims of a "frame up," it was thought might have a disturbing effect by stirring up feeling that would react against the defendants, it was learned.

The presence of an adequate force of guardsmen to augment and cooperate with the sheriff and his deputies was therefore regarded as necessary as a precautionary measure in preserving order while the trial is in progress.

Lynchings-1933 I
6
Prevented

Alabama

4404

Memphis, Tenn., Com'rcial Appeal
August 2, 1933

TROOPS SAVE NEGROES FROM MOB VIOLENCE

Alabama National Guardsmen Forced to Use Tear Gas.

TUSCALOOSA, Ala., Aug. 1.—(UP)—National guardsmen used tear gas here late today to break up a mob of several hundred persons attempting to attack three negroes accused of murdering a girl.

The guardsmen also saved from the mob's attack two attorneys sent from New York and Birmingham by the International Labor Defense to Defend the Negroes. Several guardsmen accompanied the attorneys on a train for Birmingham.

Circuit Judge Henry B. Foster had ruled earlier in the day that the negroes must be represented by local counsel, thus shoving out of the case the I. L. D. attorneys, Irving Schwab of New York and Frank Irwin of Birmingham.

Trial of two of the negroes, Dan Pippen, 18, and Elmore Clark, 28, scheduled to start today, was postponed indefinitely. The third, A. T. Hardin, 16, faces trial later in juvenile court.

A company of national guardsmen was ordered here from Anniston by Gov. Miller last night as a precautionary measure.

The negroes are charged with the murder of Miss Vaudine Maddox, 18, found assaulted and beaten to death in a wooded spot off a little-used road after she had been missing from her home three days.

The defendants told the court today that they did not want to be represented by I. L. D. attorneys, who have figured in the Scottsboro case. The court ordered them tried by appointed local counsel, including John. D. McQueen, widely known criminal lawyer and former president of the Alabama Bar Association.

I. L. D. Lawyers Held To Blame For Racial Rifts

Advertiser
8-4-33

TUSCALOOSA, ALA., Aug. 3.—(AP)—William P. Bloom, merchant and former vice-commander of the Alabama department, [illegible] Legion, today made public a copy of a letter he had written Rabbi Stephen Wise, in New York, asking his influence in keeping the International Labor Defense from trying to interfere in the trial of Dan Pippen, Jr., 18-year-old negro charged with murder.

"I wish to [illegible] to use all of your good influence to the end that no representatives of the International Labor Defense be allowed to come to Tuscaloosa, when the Pippen murder case comes up again," Bloom wrote.

"We wish to use every possible means to the end that the spirit of perfect harmony and understanding between the Jews and Gentiles shall not be disrupted by outsiders coming in to spread hatred and malice among the masses."

Bloom said he spoke the unanimous sentiment of Tuscaloosa Jews, who resented the intrusion of I. L. D. lawyers, two of whom were Jews, from New York.

National Guardsmen escorted the three I. L. D. attorneys, Irving Schwab and Allan Taub of New York and Frank Irvin of Birmingham—from the city after Judge Henry B. Foster, Tuesday had held they had no authority in the Pippen case. The trial was postponed indefinitely.

Pippen and two other negroes are charged with the slaying of 21-year-old Vaudine Maddox.

TRIAL POSTPONED AS COURT RULES OUT I.L.D. LAWYERS

8-5-33

THREE THOUSAND TUSCALOOSA COUNTIANS MILL ABOUT COURT HOUSE AS HEARING OPENS; NATIONAL GUARD TROOPS ARE CALLED OUT; ATTORNEYS SPIRITED AWAY UNDER MILITARY ESCORT

Birmingham, Ala.

Tuscaloosa, Ala., Aug. 2—Things have settled to a normal state in this usually quiet Alabama city, following a day of some considerable excitement Tuesday when the case of Dan Pippen, 18-year-old Negro youth, was called in Judge Henry F. Foster's court. A crowd estimated variously from two to three thousand persons milled about the court house, guards prevented them crowding into the court room.

Governor B. M. Miller had ordered National Guard troops to the scene on Monday night to be on duty for the trial. The order for the Guardsmen, it is said, was requested by Judge Foster and the sheriff of Tuscaloosa County.

The presiding judge had appointed three leading attorneys of Tuscaloosa to defend the youths, but when the case was called Tuesday morning I. L. D. attorneys from Birmingham and New York presented their claims as counsel for the accused. Considerable time was taken in an effort to determine who were the authorized attorneys for the defense.

I. L. D. attorneys asked a postponement of the trial as they had not had time to talk with the defendant and prepare a defense, and succeeded in getting into the record that the alleged partial confession of one of the youthful defendants was obtained by beating and coercion.

Brief testimony was taken as to what set of attorneys were the proper representatives for the defendant and Pippen's parents denied giving I. L. D. attorneys any authority to represent the boy.

The court ruled against the Labor Defense attorneys and postponed the trial for the reason, it is said, that the jury heard part of the dispute over who should defend the accused.

Feeling ran so high against the attorneys that they were spirited out of Tuscaloosa Tuesday evening and reached Birmingham by train, with members of National Guard escorting them.

Dan Pippen, Jr., 18; Elmore Clark, 28, with a third, A. T. Harden, who is a juvenile, are charged with the murder of Vaudine Maddox, 21-year-old white girl, near her farm home in Tuscaloosa County last June 12th.

Scottsboro, Ala., Age
August 3, 1933

the negro trial at Tuscaloosa this week, Judge Henry B. Foster took steps to prevent a repetition of the Scottsboro affair and appointed three of the ablest lawyers of the Tuscaloosa bar to defend the negroes. He stated that he did not want the interference of the I. L. D. lawyers. The negroes on trial had said they did not want their interferences. The best negroes of the county said they did not want them. However, the lawyers showed up at the trial and were politely escorted out of town by the State militia and told to say out. Had it not been for outside interference, there would never have been the notiriety attached to the Scottsboro case.

Columbus, Miss. Dispatch
August 4, 1933

WITH OTHER EDITORS

T28

THE PROPER WAY

(Huntsville, Ala., Times)

THREE negro boys go on trial at Tuscaloosa today, accused of attacking and then killing a young white woman of that county.

The evidence, which is entirely circumstantial, points strongly to their guilt.

But instead of having a repetition of the Scottsboro case, the presiding judge of the Tuscaloosa criminal court has taken steps that will avoid all semblance of that unhappy Jackson county trial, which has been the cause of unwarranted cost and undesirable national notoriety.

Judge Foster, in the Tuscaloosa trial today, has drafted three of the best members of that bar to serve as attorneys for the accused negroes, without cost.

One of the defense lawyers is a former president of the Alabama Bar Association; another is a former district judge; the third is an outstanding member of the Tuscaloosa bar.

A small detachment of the Tuscaloosa national guard has been called out, not to picket the courthouse, or to stand watch in the courtroom, but to remain at the armory as a precaution against any trouble.

The manner of Judge Foster in handling the trial has brought an appeal from 20 negro ministers of Tuscaloosa county that "outside influences" desist from interfering in the case, or injecting themselves into it in any way.

The reference was unquestionably to the International Labor Defense, which made itself so obnoxious in ~~the~~ Scottsboro and other negro cases of more recent date.

"We feel that the fair-mindedness and Christian integrity of citizens of this community will see to it that justice is given in these cases, and our conviction is that the defense of these cases ought to be left in the hands of competent local lawyers", said the statement given out by the negro ministers.

A fair trial is insured the accused negro youths, under the procedure adopted by Judge Foster.

Other judges of this state will do well to study and emulate the example of this Tuscaloosa jurist, when criminal attack and murder charges against negroes, where public feeling is running high, and impartial justice is a difficult matter, are being sifted or tried.

National Guard Leader Denies Mob Threatened Attorneys In Tuscaloosa

Advertiser 8-3-33 Montgomery Ala

TUSCALOOSA, ALA., Aug. 2.—(AP)—Maj. Torrey Jemison, commander of First Battalion, 167th Infantry, Alabama National Guard, in charge of troops here yesterday, today issued a statement denying remarks attributed to him in Birmingham last night where he escorted three attorneys of the International Labor Defense.

"I consider these statements not only untrue, but unfair to Tuscaloosa citizens and Tuscaloosa guardsmen," said Major Jemison. "The crowds which gathered, both around the A. G. S. Station and the courthouse were very cooperative with the guardsmen, and at no time did it become necessary to use physical force against anyone.

"One tear gas bomb was used to disperse a group which became disorderly a block from the courthouse. At the station the group was very quiet.

"I recall, that the train stopped somewhere between Tuscaloosa and a point several miles beyond Cottondale, but the train did not stop at Cottondale and I saw no crowd there. I am told that a group of about 15 gathered to watch the train pass.

"The three attorneys whom were assigned to protect were not touched by anyone at anytime, while being escorted from the circuit court room in Tuscaloosa until they were delivered to officials in Birmingham.

"The only statement given by me in Birmingham was a conversation with Chief McDuff of an official nature and concerning only my orders from Judge Henry B. Foster to the effect that the three lawyers be safely escorted from Tuscaloosa to Birmingham.

"I personally desire to commend the crowd for the cooperation and fine temper which it displayed throughout the demonstration. All statements attributed to me as to unruly conduct of the crowd are without foundation."

Maj. Jemison and several members of the National Guard detachment escorted Frank Irvin, of Birmingham, Irving Schwab and Allan Taub, of New York, from Tuscaloosa to Birmingham, because of feeling of resentment against them after attempting to intercede in the trial of Dan Pippen, Jr., and Elmore Clark, negroes, charged with murder.

Birmingham Police Quoted In Jemison Mob Statement

BIRMINGHAM, ALA., Aug. 2.—(AP)—Three International Labor Defense attorneys ruled out of participation in the trial of two negroes accused of killing a white girl were twice threatened by crowds as National Guardsmen hurried them from the hearing at Tuscaloosa, Maj. M. T. Jemison reported to police here.

The trial of the first of the negroes, Dan Pippen, Jr., 18, was called at Tuscaloosa yesterday and Attorneys Irving Schwab and Allan Taub of New York, both associated with the Scottsboro attack cases, and Frank B. Irvin of Birmingham sought to join defense counsel.

National Guardsmen had been ordered to Tuscaloosa and Judge Henry B. Foster said they were requested because of a public demonstration with several hundred persons around the courthouse and "expressions of resentment against outside lawyers injecting themselves into a case over the protest of representative negroes here and also the expressed wishes of the defendant, his father and mother."

After Pippen and his mother and father told the court they desired representation by attorneys other than Schwab, Taub and Irvin, Judge Foster ruled the three out of the case and postponed the trial along with that of Pippen's co-defendant, Elmore Clarke, 28.

The Pippens testified Charles La France and Jacob McGuire had been retained in the case.

The International Labor Defense lawyers, Maj. Jemison reported here, were hustled from the courtroom under military escort and guardsmen had to use their bayonets to push through the crowd. Tear gas was used in an attempted dispersal on the way to the train.

At Cottondale, Maj. Jemison went on, the air line on the train was broken by two men who leaped from it as it stopped. A crowd of approximately 100 men was gathered along the track but did not try to board before the train moved away. When the attorneys arrived here, they wore slough hats and were without coats as a means of disguising their identity. Local officers were sent back to Tuscaloosa to get their automobile.

Pippen, Clarke and A. T. Harden, a juvenile, were indicted for murder in the waylaying and attacking of Miss Vaudine Maddox, 21, on her way to visit a neighbor in rural Tuscaloosa County June 12.

The I. L. D. attorneys did not indicate here whether they would press their claim of right to defend the negroes in future procedure. The venire had heard part of the argument over who should appear for the negroes and fear of prejudice led to postponement.

I. L. D. Officials Says Barring Was 'Illegal'

NEW YORK, Aug. 2.—(AP)—William L. Patterson, national secretary of the International Labor Defense, today characterized the barring of three attorneys from the trial of Dan Pippen, Jr., in Tuscaloosa, Ala., as "entirely illegal."

He said the attorneys were retained by relatives of the defendant and that the I. L. D. "will continue to fight" for their recognition in the case.

SLAPPED IN THE FACE

Advertiser 8-3-33 Montgomery Ala

Men may hold their temper when struck on the chin with a closed fist. They may strike back. But if they are wise they will not let their own anger lick them.

But it is hard for men to control anger when slapped in the face. A slap does not injure, it stings; it stings the pride more than it gives physical pain.

Now the International Labor Defense League has long since quit striking Alabama with its closed fist.

The gifted gentlemen sent to Alabama to taunt prejudice and indignation have slapped Alabama in the face. They have stuck pins in the temper of the people here.

And why? Because they believed that if they taunted long enough, if they slapped our cheeks enough times, if they continued to stick pins in our side that eventually we would lose our heads and strike back.

That is just what the ILD agitators want.

Nothing pleases them more than to point to mob disorder—or even public resentment that they may be able to construe as mob disorder.

For every mistreated ILD slanderer in Alabama there are hundreds of additional ILD friends flocking into the temples of ignorance.

Open resentment of the ILD insult-spewer in Alabama means the addition of hundreds of names to the International Defense League membership in the East.

Should bodily harm come to one of these scavengers by enraged Alabama hot heads, it is to be expected that the International Labor Defense sympathizers should gain by the thousands.

Alabamians must hold their temper.

But again to the honest liberals of the East we beg: Please keep these belled buzzards out of Alabama!

Tuscaloosa Trial Delay Granted

Advertiser 8-2-33

Effort Of I.L.D. Attorneys To Enter Case Balked By Family Of Defendant

Montgomery, Ala.

TUSCALOOSA, ALA., Aug. 1.—(AP)—Judge Henry B. Foster this afternoon ruled that attorneys employed by the International Labor Defense had not been retained to defend Dan Pippen, Jr., 18-year-old negro, on charges of slaying Miss Vaudine Maddox, 21, and then postponed the case indefinitely. Pippen was indicted with two other negroes for the slaying.

The attorneys, Frank B. Irvin, of Birmingham; Irving Schwab and Allan Taub, both of New York, and associated in the Scottsboro case, were given a national guard escort when they left the city this afternoon.

Judge Foster, who asked the guard to protect the attorneys sent here by the I. L. D. said, in regard to the troopers' presence and escort:

"The guard escort was ordered, due to a public demonstration with several hundred persons around the courthouse and expressions of resentment against outside lawyers injecting themselves into a case over the protest of representative negroes here and also the expressed wishes of the defendant, his father and his mother.

"There is no feeling against the negroes here and guards were not needed to protect the defendants."

Judge Foster ruled that the three attorneys did not represent the negro, after Pippen, his father, Dan Pippen, Sr., and his mother, Lucindy Pippen, had testified they wished Charles LaFrance and Jacob McGuire, retained in behalf of the negro, to defend him.

A motion to postpone the case was then made by LaFrance who pointed out that the venire summoned for jury duty had heard part of the argument regarding which attorneys should represent the negro to the prejudice of the case. Judge Foster granted the motion.

When the case was called, Irvin presented claims that he and his associates, Schwab and Taub, had been retained by Pippen's mother, presenting documents to substantiate the contention.

Lucindy Pippen, however, while on the stand was shown the document, purportedly signed by her and authorizing Irvin to act for her son, and denied having ever seen it.

Judge Foster's ruling followed a few moments later.

Irvin Schwab and Taub were offered national guard escort outof the county by Judge Foster who earlier had said the troopers had been requested solely to safeguard the I. L. D. attorneys, as there was no feeling against the negroes here.

The three attorneys left for Birmingham late this afternoon without signifying whether they intended to press their claims to represent the negroes in future proceedings.

Advertiser

Crowd Halts Train Carrying Disguised I. L. D. Attorneys

8-2-33

BIRMINGHAM, ALA., Aug. 1.—(AP)—An apparent attempt at Cottondale, near Tuscaloosa, to take three I. L. D. attorneys from a train on which they were being escorted from Tuscaloosa to Birmingham by Alabama National Guardsmen was reported to Chief of Police Fred H. McDuff tonight by Maj. M. T. Jemison, in charge of the National Guard unit.

Maj. Jemison told Chief McDuff that the air line on the train was broken at Cottondale by two men who leaped from the train when it stopped. Major Jemison said approximately 100 men were gathered along the railroad track. The train proceeded after a short halt Major Jemison said, without any move on the part of the crowd to get on board.

Montgomery Ala

Advertiser

The three attorneys, Allan Taub and Irving Schwab, of New York, and Frank Irwin, of Birmingham, today were ruled out of participation in the trial of two negroes at Tuscaloosa on charges of slaying a white woman.

They were brought to Birmingham under National guard escort on request of Judge Henry B. Foster, of Tuscaloosa who presided at the trial and issued the order barring them from the trial.

Major Jemison said tear gas was used near the Tuscaloosa courthouse in an attempt to disperse a crowd which he estimated at more than 1,000. The guard officer said the guardsmen were forced to fix bayonets to keep the crowd back while the attorneys were being taken to the train. He said he recognized one of his best friends in the crowd and that he had to threaten him with a pistol before he would stay back.

When they arrived here, the attorneys were dressed in slouch hats, and were without coats in addition to other methods to conceal their identity.

They remained at the Birmingham City Hall while local officers went to Tuscaloosa to obtain the attorney's automobile.

Troops To See Job-Hunting Lawyers To Birmingham

The 65 National Guardsmen, five officers and 60 enlisted men sent to Tuscaloosa Monday for duty in connection with trial there yesterday of three negroes charged with the murder of Miss Vaudine Maddox, were under orders last night to return to Ft. McClellan after they had escorted to Birmingham three International Labor Defense attorneys who appeared at Tuscaloosa to defend the negroes.

The attorneys are Irvin Schwob and Allan Taub, of New York, and Frank B. Irvin, of Birmingham. Taub and Schwob served as defense counsel in the submitting to the Supreme Court of Alabama of appeals in the Scottsboro cases.

Under the orders issued by Adjt. Gen. Hartley A. Moon, by direction of the Governor regarding the sending of the troops to Tuscaloosa, the Guardsmen, all of whom reside in or near Tuscaloosa, were to terminate their period of special duty when they had accompanied the three lawyers named to Birmingham.

When called Monday the citizen soldiers were undergoing field training at Ft. McClellan with their regiment, the 167th Infantry, having arrived there Sunday.

Trial of the negroes at Tuscaloosa was postponed by Circuit Judge Henry B. Foster yesterday afternoon.

Jefferson County Warden Denies Whipping Charge

BIRMINGHAM, ALA., Aug. 1.—(AP)—Warden F. L. Erwin, of the Jefferson County jail, this afternoon said that Dan Pippen, Jr., was not struck or otherwise harmed while confined in jail here for safekeeping.

Pippen had testified in Tuscaloosa he was beaten by "somebody" while incarcerated here for safekeeping pending trial on charges of murdering Miss

Lynchings - 1933

II

Alabama

4405

Prevented

Maddox.

"I was present each time the negroes were questioned by officers or any one else, and they were not harmed," Warden Erwin said. "They were very orderly prisoners and never gave us a minute's trouble."

8-2-33

Pippen, A. T. Harden and Elmore Clark were confined here several days, while officers were investigating the Tuscaloosa County slaying.

Advertiser 8-3-33 Montgomery Ala.

FOR JUSTICE, CALL OFF THE BELLED BUZZARDS

Dan Pippen, Jr., is an 18-year-old Negro on trial in Tuscaloosa, on charges of assaulting and murdering a white girl.

Two other Negroes are being tried for the same offense. But today we are concerned with the case of Dan Pippen.

This youth is charged with a crime for which the death penalty may be given in Alabama, as in most States.

The people of Alabama, through their courts, have only one interest in the trial of Dan Pippen. If he is guilty as charged the people want him punished as a jury sees fit.

If Dan Pippen is not guilty the people want the boy acquitted, and they want a continued search for the guilty person or persons.

Pippen's interest in the case is of more vital interest—to Pippen.

He is facing death.

The Negro, whether innocent or guilty, wants to save his own life. Right now nothing else matters. He does not want to sit in the electric chair at Kilby Prison.

Pippen does not want to be a martyr.

But Pippen is by way of becoming a martyr against his will. He is about to become a martyr because of the interference of organizations which hold "principle" above the value of human life.

Yesterday the Negro and his parents made it known that they had not retained three aggressive attorneys representing the International Labor Defense League who had thrown their brief cases on the defendent's table.

The Negro and his parents made it plain that they wanted counselors who would protect the interest of their client. They made it plain that they did not wish to risk the Negro's neck in the hands of men whose controlling purpose is to place the case in the headlines of the nation's newspapers, to foment hatred among the people living here and against the people living here—even at the price of human life.

The court has ruled out the attorneys retained by the International Labor Defense League, as courts would rule out any lawyer attempting to "defend" a prisoner against the prisoner's will.

But the ILD scavengers are not through with this case.

They have made their first point. They have succeeded in arousing the resentment of Tuscaloosa citizenry

The next move will be a barnstorming tour of the country, sobbing songs of oppression, preaching hatred, spreading lies—all in the name of Principle.

In describing such cattle as the International Labor Defense League hatred-distillers, Elmer Davis writes in this month's Harper's Monthly: . . . "Persons of principle are usually more interested in the vindication of the principle than in the fate of the victim who happens to exemplify it."

Mr. Davis is writing of the zealous souls whose greatest passion is protesting—protesting for the sake of making martyrs of hapless individuals who are fighting for a life or for freedom.

But the ILD and kindred organizations which have sent evangels of hate into Alabama to arouse race prejudice, to make bigots, to manufacture fake martyrs, are without principle. They are without mercy or pity. They care not for saving the lives of their victims nor for human justice.

Alabamians must insist upon fair and just trials for the most humble.

But the people here will not be swayed from the course of justice out of fear of outside sentiment.

Alabama juries must find defendants innocent or guilty as the evidence dictates. They must not and they will not be swayed in either direction by outside interference.

But to the so-called liberals in the East and in the South we make this plea:

Make any sane investigation of Alabama courts you wish. Employ any competent, honest defense attorney needed by any defendant in an Alabama court who wants your help.

Look upon these cases as they are—as criminal trials in which only one question is to be settled, the guilt or the innocence of the defendant.

But in the name of common decency and justice to the respectable people of a sovereign State and to the men on trial, call off the belled buzzards whose only motive is to foment trouble!

NEGRO BOYS WERE LYNCHED BY WELL-ORGANIZED GROUP, I. L. D. ATTORNEY REVEALS

Allen Taub, in Interview, Describes Events That Led to the Lynching of Framed Negro Lads

Daily Worker 8-15-33 New York N.Y.

NEW YORK, Aug. 14.—The story of the events leading up to the brutal lynching of Dan Pippin, Jr., and A. T. Hardin, 18 and 16 years old respectively, by [illegible] Tuscaloosa, Ala. "[illegible]izens", was told today by Allen Taub, one of the lawyers forced from the murdered boys' defense by the local lynch court.

Taub told the story to a Daily Worker reporter—a story which proves that the lynching was perpetrated not by a 'frenzied mob,' but by a well-organized group intent on the boys' death.

"The announcement of the I. L. D. that it would enter the case of Pippen, aroused furious hostility among the ruling whites," Taub declared. "They terrorized the local Negroes; they called mass meetings of leading Negroes of Tuscaloosa and demanded that they pass resolutions against the I. L. D. Sheriff R. L. Shamblin refused us permission to see the defendants in jail, saying that he was not satisfied that we were the attorneys, although we had retainers signed by all the nearest-of-kin.

Armed Guards At Court

"We arrived at the Tuscaloosa courthouse on the morning of the trial, Aug. 2, at 9 o'clock. There was an immense crowd in front of the courthouse, and the corridors were jammed.

"Inside the building, barricading the entrance to the stairway, was a high wooden fence. Guarding this entrance were armed deputies.

"When we entered the courtroom, we found every seat taken. Many of the leaders of Alabama's ruling class were there, among them William Brandon, formerly governor of Alabama. There were many other officials, and quite a number of judges and former judges from other parts of Alabama.

Defense Needed Time

"Frank Irwin, our co-attorney in the case, a native of Birmingham, rose in court to make the following statement: that he had been retained by the defendants in the case; that he had gone to the jail in Tuscaloosa to see the defendants, but was not allowed to consult with them; that he had succeeded in seeing only young Pippen in the Jefferson County Jail in Birmingham; that although he had written the clerk of the court of his retainer in the case, he was not notified according to legal procedure of the date of the trial, but had to find this out through other channels; that because he had not been permitted to see his clients, he felt himself to be unprepared to proceed at once with the case and therefore asked a continuance. Irwin then showed the court the retainers signed by Dan Pippen, Jr., and by the nearest-of-kin of the other defendants.

"All this time the militia was being held in readiness half a block away, and the crowds at the courthouse door and in the corridors were as menacing as ever.

"A Sad Duty Indeed"

"At this point John D. McQueen, one of the attorneys appointed by the court for the defendants, called for a recess. The five 'defense' lawyers appointed by Judge Henry B. Foster, the lawyers for the prosecution and the judge himself, all retired for consultation.

"When they came back, McQueen arose and spoke words that had a startling resemblance to the words of Stephen Roddy, Ku Klux Klan lawyer appointed to 'defend' the Scottsboro boys at their first trial. "This is a sad duty, indeed," said McQueen. Defending these men is not something that I would have wished for myself. We are here just to carry out our duty, and we are here under direction of this court.'

"The state then put on the stand young Dan Pippen and forced from him a repudiation of the retainer he had signed in jail. Pippen had been thoroughly beaten in jail, and the bandages about his head had been removed only a few days before the trial.

I. L. D. Telegram Read

"A telegram was put into the judge's hands. It was from William L. Patterson, secretary of the International Labor Defense. It exposed in no uncertain terms the frame-up nature of the charge against the defendants; it denounced the attempts to terrorize the defendants and to keep the I. L. D. out of the case; it held the judge responsible for the safety of defendants and lawyers, and it expressed the determination of the I. L. D. fight for Negro rights.

"When Judge Foster read this telegram, the pretense of 'fairness' dropped from him like a mask. He clenched his hands and began to shout: 'I'll kill the son-of-a-bitch who wrote this telegram. I'll make him answer for this.' One of the deputies said: 'You don't have to do it, judge; we'll do it for you.'

"The militia now entered the building. They cleared it of all spectators and all clerks and other workers. National guardsmen surrounded the courthouse.

Lawyers Taken Away

"We were taken down to the ground floor, dressed in slouch hats, our coats were taken from us. Disguised in this way, we passed out of the building in single file and entered the cars provided by the guardsmen.

"When we got to the Tuscaloosa station, we found a crowd waiting for us. They shook their fists in our faces and cursed us. On the train, we were led into a private compartment, in which we remained throughout the trip.

"Thirteen miles out of Tuscaloosa, at Cottondale, the train came to a sudden stop. We found out later that the airline had been cut to hold the train while a lynch crowd boarded the car. We heard heavy footsteps tramping the corridors, searching for us. Once we heard someone say distinctly: 'There's three of them.' Probably about 100 men passed through the train at Cottondale. Finally the airline was repaired and we got into Birmingham.

"In Birmingham we were met by eight policemen and nine national guardsmen with mounted rifles. They put us in a patrol wagon and drove us to the city hall. Chief of Police Fred McDuff said that he had been informed of a group from Tuscaloosa headed for Birmingham. During our stay in the city hall, there were constant telephone calls from the lynchers asking our whereabouts. A policeman came in and reported that 20 autos were on the way from Tuscaloosa.

"There is no question that this

lynch group had been organized against us by the ruling whites of Tuscaloosa, who then had a fine excuse for driving out attorneys pledged to show the frame-up nature of the case and raise issues of Negro rights."

Advertiser

8-2-33

Montgomery

Ala.

LIBERAL PAPERS, PLEASE COPY

The Advertiser, during the last two years, has been a zealous student of unsalted propaganda intended to arouse oppression-complexes, and sectional and racial hatred.

Not that this paper's interest in the efforts of some groups to arouse passionate prejudices among people in Alabama and outside of Alabama, is new. Nothing of the kind.

The Advertiser for more than 100 years has fought prejudice and bigotry in Alabama. It will continue to do so.

We mention this in no boastful spirit though this paper is proud of stands it has taken in the past. We merely mention it as a reminder to strangers and new friends and new enemies that this paper need not apologize for being what too many so-called liberal journals, including even some great Southern newspapers, have chosen to call "sectionally prejudiced."

True enough The Advertiser holds the interest of Alabama above that of any other State. It always has held the interests of the people here close to its heart. It intends to do so in the future.

But that same interest has been responsible for this paper's attack on home-grown bigotry through the tumultuous ante-bellum days when The Advertiser fought Know-Nothingism in Alabama. It has continued to do so up to the present time.

During the progress of the infamous Scottsboro case this paper believed that it was as capable of passing judgment on the trials as any other lay journal. And this paper believes that it was and is more capable of passing judgment on such cases in Alabama than any lay journal outside the State.

In the Scottsboro case and in other rape and murder trials in Alabama to which the International Labor Defense League has lent its helping hand, the press of the country, not excepting conscientious Southern papers in nearby States, has been harsh with the courts and people here.

The Nation, The New Republic and similar high-and-mighty liberal journals, and a few Harlem-inspired newspapers have been absurdly harsh in their condemnation.

But the press as a whole did not have and does not have any intention of being antagonistic toward the people in Alabama. Acting on available information, and spurred no doubt unconsciously by propaganda concocted by well-meaning sentimentalists and misinformed zealots as well as paid hate distillers, too much of the press either took much for granted or made hasty decisions in the Scottsboro and Decatur trials of the eight Negro rapists.

This was more to be regretted than resented.

There are, however, a few newspapers in the South—just as there are a few individuals—which have mistaken a yearning for applause for a sense of liberalism. These papers and these individuals think they are being courageous by taking a stand against their own people. Not that it does not take courage to point to the evils at home. It does take courage.

But sometimes it is hard to forsake applause from the sidelines. Sometimes it takes more courage to forsake applause from afar than it does to invite the displeasure of the home folks.

This week the Governor of Alabama sent National Guardsmen to Tuscaloosa to safeguard International Labor Defense attorneys who are defending three Negroes charged with raping and murdering a 16-year-old white girl.

To the liberal press we direct attention to this item.

How long will it be before the ILD penmen will be telling how it became necessary for State troops to be sent to guard lawyers who were trying to save the lives of innocent boys who were framed by the Alabama bigots?

How long will it be before lies, similar to the "Scottsboro" atrocity stories, will be heaped upon the people living in the East?

Now The Advertiser has not formed an opinion as to the guilt or innocence of the three Negroes being tried in Tuscaloosa. That city is more than 100 miles from Montgomery. This paper has not yet investigated the case, and it would not care to pass judgment on a case which by all rights should be tried before a jury of 12 honest men who may hear and weigh the evidence.

Will the so-called liberal journals remain as unbiased?

It is feared that too many of them will not.

The people of Alabama have every reason to believe that the International Labor Defense League and the lawyers representing the league will throw as much mud against the map of the State as possible.

It has been done before.

The Advertiser, as an Alabama newspaper devoted to the interests of the people here, can only regret the possible unsalted propaganda which is swallowed by the Eastern press and the people of the East.

But The Advertiser, as will all law-abiding Alabamians who care for justice, will resent the lying propaganda which it expects once again will flow from the acid-dipped pens of the ILD slanderers.

The conscientious liberals who endorse the sending of the ILD trouble-makers into Alabama are foolish.

This State is impatient with their tactics. A people can stand just so much unscrupulous, conscienceless slander.

Why should a Roman circus be made of every capital criminal case in Alabama by organizations which are concerned with the show and not the welfare of the men they pretend to defend?

Why should such buzzards flock to Alabama every time there is a criminal trial involving Negroes?

Selma, Ala. Times
August 8, 1933

INTERNATIONAL LABOR DEFENSE REPULSED AGAIN IN ALABAMA

Following announcement that the Internationa Labor Defense was planning to employ counsel t aid in defending three negroes charged with th murder of a young white woman, a group of colored ministers of Tuscaloosa and other leaders o the race in that community have made an appea to "outside influences" to refrain from injecting themselves into the trial. The petition was issue through the Tuscaloosa Colored Citizens Committee and stated that those signing it were convinced that the proper authorites would see to i that justice was done in the cases involved.

This action is in line with a request made recently by a negro under death sentence in Birmingham who asked that the International Labor Defense not interfere in his case and is therefor the second rebuke in the last few weeks from colored sources to outsiders seeking to cast reflections on Alabama court methods.

The sooner the leaders of the I. L. D. and similar organizations learn that the better elements of the colored citizenship of Alabama resent interference in trials of negroes in this state, just as the white citizens are opposed to outside influences in such affairs, the better it will be for all concerned.—Anniston Star.

Chattanooga, Tenn. News
June 22, 1933

ALABAMA MOB FAILS TO LOCATE NEGROES

Band Disperses After Storming Tuscaloosa Jail.

Tuscaloosa, Ala., June 22.—(A. P.)—A mob of approximately 150 whit men and youths congregated abou the Tuscaloosa county jail last nigh and demanded two Negroes held i the slaying of a white girl, but dispersed after officers convinced them the prisoners had been spirited away

Circuit Judge H. B. Foster and Sheriff R. L. Shamblin addressed the group which left after two of their numbe who said they knew the Negroes, Dan Pippen, Jr., and A. T. Harden, wer conducted through the cells and faile to find the prisoners.

Later a part of the mob went t the city jail and demanded that the be allowed to search the cells for th Negroes, but departed upon orders o Chief of Police H. D. Billingsley and a group of officers. None of the group appeared to be armed, the officers said.

The victim of the slaying, Miss Vaudine Maddox, 21-year-old farm girl, was found with her head crushed by a heavy rock in rural Tuscaloosa county, sixteen miles from here. The coroner said she had been attacked

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N. Y. EVENING POST

AUG 23 1933

JAIL UNDER GUARD IN LYNCH THREAT

Alabama Mob, Failing Twice, Promises to Come Back "1,000 Strong"

HUNTSVILLE, Ala., Aug. 23 (AP).—Patrols armed with guns and tear gas guarded the Madison County jail today against a promised third attempt to lynch a Negro after an unsuccessful mob left the jail with a declaration they would return "a thousand strong" to get the prisoner.

Sheriff Ben Giles immediately ordered all deputies to duty to resist any attack on the jail. Threats of violence were reported.

Early to day, however, the scene was quiet and the Sheriff said: "The Negro is still in jail and I intend to see that he stays there." He added that he was ready for any eventuality should the threatened mob turn up today.

The Negro, Thomas Brown, twenty-three, was identified by a mother of seven children as the man who held a knife at her throat and attacked her at Decatur, in adjoining Morgan County. The prisoner was hurried here when a crowd assembled at the Morgan County jail after his arrest.

A Grand Jury is investigating the lynching of two Negroes and wounding of a third in Tuscaloosa County. The three were accused of killing white girl.

Lynchings—1933
Prevented

Alabama

4406

No Further Attempts Made To Lynch Negro

* * *

Gov. Miller Praises Madison County Sheriff For Thwarting Two Mobs

Advertiser
8-24-33
Montgomery, Ala.

HUNTSVILLE, ALA., Aug. 23.—(AP)—Quiet prevailed here tonight as sheriff's deputies continued their guard at the Madison [illegible] where Thomas Brown, negro, is held for safekeeping following his transfer here from Morgan County where he was identified as the attacker of a white woman.

Sheriff Ben Giles reported no further attempt had been made by mobs to reach the prisoner following two unsuccessful attempts yesterday. Sheriff Giles said he would continue a close guard around the jail until all possible chance of violence had passed.

He said he was prepared for any eventuality, and that the "negro still is in jail and I intend to see that he stays there."

The negro was brought here from Decatur [illegible] had formed at the Morgan County Jail there.

Meanwhile, Judge Horton has ordered the Morgan County Grand Jury into session at Decatur Monday to investigate the slaying of James Royal, another negro, shot down from a passing auto near where Brown was arrested.

Gov. Miller in a telegram to Sheriff Giles, of Madison County yesterday, complimented him on his "performance of duty" in twice thwarting efforts of a mob to take a negro prisoner yesterday.

The Governor's telegram said:

"Have just read newspaper account of your action. It showed what an officer with proper recognition of duty and proper foresight, judgment, fearlessness and courage could do. Your determination for law enforcement was realized by its prospective violators and force and violence by them was thus prevented. You protected the name and law of Alabama as well as the body of your prisoner. You and your deputies did not yield to cowardice, negligence or collusion. The people of Alabama are grateful to you and commend you as an example to others."

N. Y. HERALD

AUG 16 1933

Troops Guard Negro Telling of Lynching of 2

Survivor Who Escaped Mob by Playing Dead Testifies

Before the Grand Jury

Judge Terms Act Murder

Strong Charge to Inquisitors Marks Start of Work

By The Associated Press

TUSCALOOSA, Ala., Aug. 15.—Behind closed doors of a special grand jury room, Elmore Clark, twenty-eight-year-old Negro, related today his experiences in the hands of a mob which wounded him and killed two other Negroes under indictment on a charge of killing a white woman.

As 150 National Guardsmen paced the area behind barbed wire about the courthouse and the county jail, Clark went before the special grand jury which had been charged by Judge Henry B. Foster earlier in the day to make a determined effort to bring the lynchers to justice.

After completing his testimony, Clark was placed aboard a train, accompanied by an escort of National Guardsmen, and taken to Birmingham, where he was placed in the Jefferson County jail for safe keeping. [The United Press at Birmingham said that Clark was resting in the jail's hospital ward and would be taken later by train to the state prison at Montgomery.—Ed.]

Three sheriff's deputies from whom the masked band seized Clark, A. T. Harden, sixteen, and Dan Pippen jr., eighteen, as the three were being transferred to Birmingham early on Sunday, also were expected to be called before the grand jury before it completes its work. Harden and Pippen were the Negroes lynched.

In charging the grand jury, Judge Foster declared that "lynching by mobs is murder."

"Mob violence is the greatest enemy to the orderly process of the law," the court said. "It represents vicious disregard for the processes as they have been worked out by civilized peoples through hundreds of years of patient and conscientious effort.

"The most extreme form of mob violence is lynching. . . . No modern community can afford to tolerate lynchings. . . . No sovereign state can allow such a violation of its peace and dignity to go unpunished."

The grand jury then began its investigation under the direction of Thomas E. Knight jr., Attorney General, and Edward De Graffenreid, Circuit Solicitor.

In an interview represented as having been obtained from Clark by a reliable authority, an account of the lynching was published by "The Tuscaloosa News." The paper said the Negro corroborated statements of the three officers that two carloads of men overpowered them at the point of guns and took the prisoners.

Clark said he and the other two Negroes, handcuffed together, were driven several miles to a woods, where they were lined up and shot. Clark said he fell beneath the bodies of Harden and Pippen with bullet wounds in his left arm, left shoulder and right hip. He said he lay still until the men left, then "prayed to the Lord to tell me what to do."

After wandering all day Sunday and Sunday night, Clark said, he came upon a Negro house near Vance yesterday and there he received food and dressed the wounds in his left arm, left shoulder and right thigh. He told his interviewer he wanted to come on to town yesterday and surrender to officers but was too weak from loss of blood. The Negro said he would not be able to recognize any members of the band because they were all masked.

Appeal to Roosevelt Planned

A committee was being formed yesterday under the auspices of the National Scottsboro Action Committee, the National Committee for the Defense of Political Prisoners, and the American Civil Liberties Union to present to President Roosevelt a demand for immediate action in Tuscaloosa, Ala., to force the arrest of Judge Henry B. Foster and Sheriff R. L. Shamblin in connection with the lynching of two Negroes on Sunday and to provide safeguards for the prisoners still in Tuscaloosa jail.

N. Y. HERALD

AUG 23 1933

Sheriff Defies 30 at Jail, Protects Negro Prisoner

Lynch Party Threatens to Return 'Thousand Strong'

HUNTSVILLE, Ala., Aug. 22 (AP).—A second unsuccessful attempt to seize Thomas Brown, Negro, charged with attacking a white woman at Decatur, was made at the Madison County jail late today and the group of thirty men left declaring they would return "a thousand strong" tonight and get the prisoner.

Wardens said they recognized members of the group as residents of Decatur. The mob approcahed the entrance to the jail from three directions and demanded permission to enter.

Upon being refused admission, the wardens said the group left, threatening to return later tonight "a thousand strong" to take Brown, who was brought to the jail from Decatur last night.

Sheriff Ben F. Giles immediately ordered all his deputies on duty and announced that his entire force would stand guard armed with shotguns, pistols and tear gas bombs.

Brooklyn, N. Y. Eagle

AUG 23 1933

Armed Patrols Guard Negro From Lynchers

Huntsville, Ala., Aug. 23 (AP)—Patrols armed with guns and tear gas guarded the Madison County Jail today against a promised third attempt to mob a Negro charged with attacking a white woman. The second time the unsuccessful visitors left the jail with a declaration they would return "a thousand strong" to get the prisoner.

NEW YORK MIRROR

AUG 23 1933

MOB TRIES TO LYNCH NEGRO HELD IN JAIL

HUNTSVILLE, Ala., Aug. 22.—An attempt to lynch Tom Brown, 23-year-old Negro charged with assaulting a Decatur white woman, was thwarted by local officers here today when three automobile loads of Morgan County citizens attempted to gain entrance to the jail here where the Negro is being held for safe-keeping.

TRANSFER BUNGLED
LYNCHING SURVIVOR

Elmer Clark, Protected by National Guardsmen, Not Molested As He Arrives In Birmingham.

Courier
8-26-33
Pittsburgh, Pa.

BIRMINGHAM, Ala., Aug. 24—Elmer Clark, lone survivor in another "Alabama Tragedy," which saw 18-year-old Dan Pippen Jr. and 16-year-old A. T. Hardin done to death by a white mob on a lonely road near Tuscaloosa, is being guarded here today, subject to being removed to the Kilby State prison at Montgomery.

Lodged in the jail hospital ward, and constantly watched by National Gaurdsmen, [illegible] length of his harrowing two days and nights of terror spent in the backwoods near Tuscaloosa after he had escaped from the automobile carrying the three prisoners to jail and bungled a triple lynching.

And today Alabama is once again under fire. Home state of the Scottsboro travesty, with the eyes of the entire civilized world upon them, accusations are being made that the sheriff and other officers sworn to defend and uphold the law were in league with the lynchers. The manner in which the second car, sent along with the first to protect the youth was sent back, is questioned. The authority of the sheriff in removing the lads is questioned. And the lack of any effort to defend the youths is being questioned. They're asking for the heads of those in whose safekeeping the boys were placed.

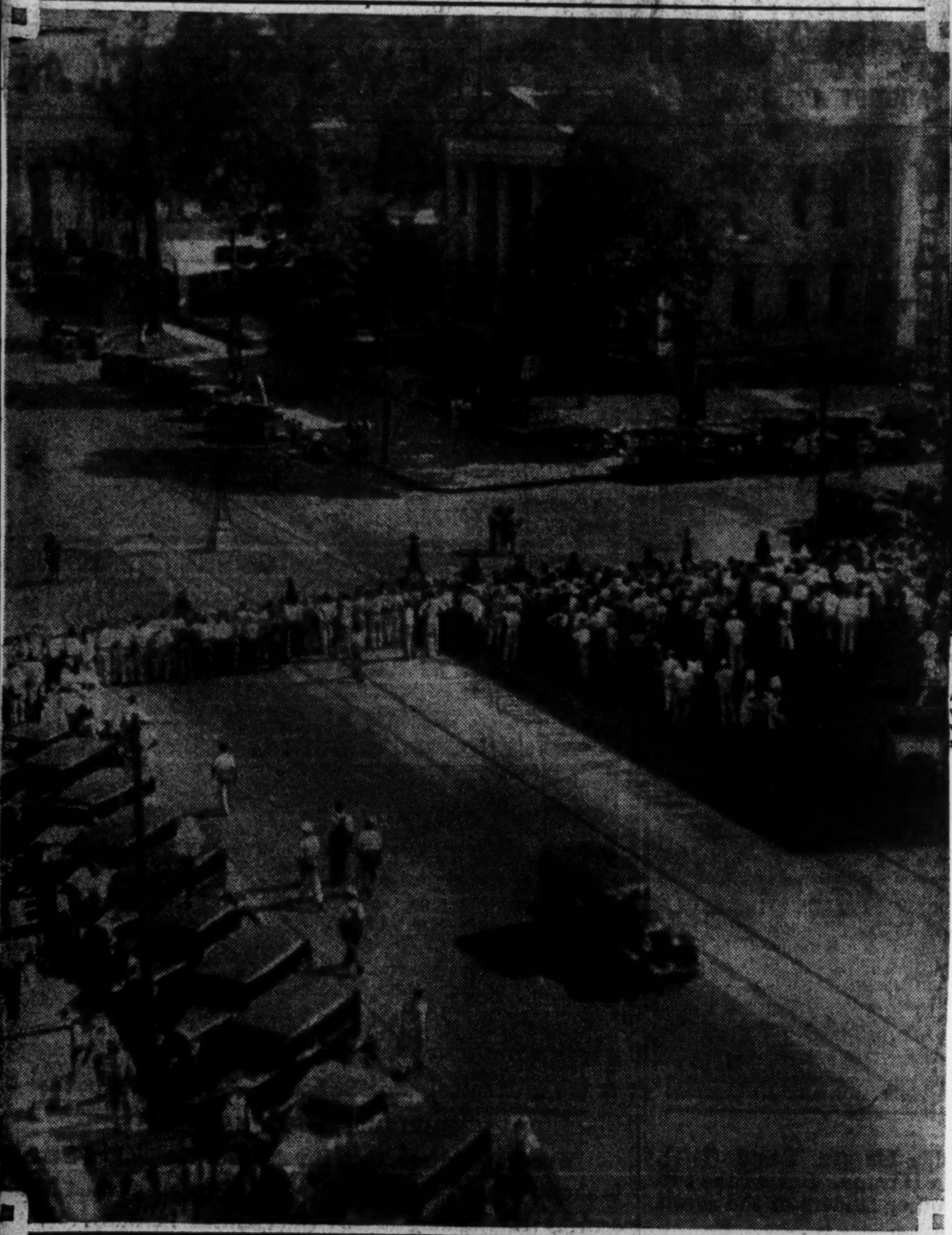
Meanwhile, Birmingham goes along about its business, unperturbed. There was no demonstration and no disorder when Clark, under indictment on a charge of slaying 21 year old Vaudine Maddox, arrived here.

The general opinion seems to be that the guilt of the remaining victim must be proven.

New York Evening Journal

AUG 17 1933

Holding Back Lynch-Bent Mob



Alabama National Guardsmen, aided by barbed wire, are shown holding back the crowds that tried to enter the Tuscaloosa County Courthouse, as Elmore Clark, Negro, testified before the Grand Jury investigation into he murder of a white girl. The two other Negroes who were accused of the girl's death, were captured by a blood-thirsty crowd and shot to death. Picture from International

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VICTIM OF LYNCHERS

Defender 8-19-33

Chicago, Illinois.

ELMORE CLARK

Taken from the unwilling hands of Sheriff R. L. Shamblin of Tuscaloosa, Ala., Elmore Clark, 18-year-old farm laborer, was lynched by a mob of well-known citizens near Woodstock. Five others met death with Clark, who was accused of murdering a white girl, latest reports of which state she was slain by a jealous lover. —Photo by International Newsreel.

Lynchings-1933
Prevented

4407

Alabama

Sumter, S. C., Item
August 23, 1933

Alabama Sheriff Halts Lynching Mob

Huntsville, Ala., Aug. 23—(AP)—Sheriff Ben F. Giles of Madison county early yesterday thwarted an attempt by a group of 40 men to seize Thomas Brown, negro brought here for safekeeping after being identified as the attacker of a white woman at Decatur.

Forewarned that the gruop was coming here in eight or nine automobiles from Morgan county of which Decatur is the county seat, the sheriff said he was prepared for their arrival and escorted them back to the county line after they reached the city.

Giles said part of the group, occupying three automobiles succeeded in reaching the jail and attempted to enter on the pretext of bringing prisoners to be locked up.

The sheriff said the night warden, Sheriff Church, refused them admittance.

A search of the group, Giles said, disclosed a number of pistol in their possession. They too, were escorted to the county line and told not to return.

NEW YORK WORLD—Telegram
AUG 22 1933

FOILS ALABAMA MOB

Sheriff Saves Decatur Negro from Band of Forty.

By the Associated Press.

HUNTSVILLE, Ala., Aug. 22.—Sheriff Ben F. Giles of Madison County early today thwarted an attempt by a group of forty men to seize Thomas Brown, Negro, brought here for safekeeping after being identified as the attacker of a white woman at Decatur.

Forewarned that the group was coming here by automobile from Morgan County, of which Decatur is the county seat, the Sheriff said he was prepared for their arrival and escorted them back to the county line.

4407

New York Evening Journal
AUG 22 1933

NEW LYNCHING THREAT FOILED

DECATOR, Ala., Aug 22.—Fearing another lynching, officers today transferred Tom Brown, a Negro, to the Morgan County jail after the man had been arrested for allegedly attacking Mrs. George Dugger, mother of seven children.

The attack aroused feeling to a high pitch, coming as it did only a few weeks after the asserted attack of three Negroes upon Vaudine Maddox of Tuscaloosa, a 16-year-old white girl.

Mrs. Dugger identified Brown after a posse had captured him. She said the Negro threatened her with a knife and forced her to go with him to a nearby field.

THWART NEGRO LYNCHING.

Two Alabama Sheriffs Block Attempted Mob Violence.

DECATUR, Ala., Aug. 22 (AP).—Thomas Brown, a Negro, identified as the attacker of a white woman here, was held for safe keeping in Huntsville jail today as Judge James E. Horton called the grand jury to meet Monday to investigate the attack.

Brown was arrested two hours after the woman reported she was attacked near her home. The Negro was spirited away last night.

A crowd which congregated at the jail dispersed after officers permitted some of them to go through the prison to convince them that Brown was not there.

HUNTSVILLE, Ala., Aug. 22 (AP).—Sheriff Ben F. Giles of Madison County early today thwarted an attempt by forty men to seize Thomas Brown, Negro brought here for safe keeping after being identified as the attacker of a white woman at Decatur.

Forewarned that the group was coming here by automobile from Morgan County of which Decatur is the county seat, the Sheriff said he was prepared for their arrival and escorted them back to the county line after they reached the city.

Advertiser
Montgomery, Ala
8-23-33

COMMENDABLE

Sheriff Ben F. Giles has set an example—though by no means a precedent—for Alabama law enforcement officers.

The Madison Sheriff had in his custody a Negro charged with attacking a white woman. A mob of about 40 men from the victim's home in an adjoining county attempted to seize the Negro.

Sheriff Giles, forewarned, met the mob several miles from the city and escorted it back to the county line.

The Sheriff also took additional precautions. He saw that the jail in which the Negro was held prisoner was well guarded by National Guardsmen before leaving.

Advertiser
8-23-33
Montgomery, Ala

Madison Sheriff Saves Attacker From Two Mobs

First Group Met At County Line By Officers And Sent Back To Decatur

Jail Guard Doubled

Second Band Is Repulsed At Jail, But Promises To Return Later For Negro

HUNTSVILLE, ALA., Aug. 22.—(AP)—Two mobs attempted unsuccessfully today to take a negro charged with attacking a white woman from the Madison County jail and one of the groups left threatening to return tonight "a thousand strong" to make another effort to get the prisoner.

Immediately after the second attempt was turned back and the 30 members of the group left with a declaration they would try again tonight, Sheriff Ben Giles ordered all his deputies on duty and placed them on guard about the jail, equipped with pistols, rifles, and tear gas bombs, while National Guardsmen stood by, ready for action on a moment's notice.

The second mob, which threatened to return, had not put in an appearance late tonight, as a heavily armed guard patrolled the jail.

Sheriff Giles reported everything quiet at the jail, saying, however, that he was prepared for any eventuality.

"The negro is still in jail," he said, emphatically, "and I intend to see that he stays there."

The Sheriff added that he did not believe a third attempt would be made to take the prisoner during the night.

Closing in on the jail entrance from three directions wardens said, the group of 30, whom they recognized as residents of Decatur, appeared this afternoon demanding entrance after another band had been turned back early today.

All Deputies On Guard

Immediately upon the appearance of the second group and the threat to return, Sheriff Giles ordered his entire force into service and called upon Maj. Edwin Jones, commander of the local unit of the 127th Engineers, Alabama National Guard, to have his men ready for action at the first sign of trouble. Giles said his deputies would stand guard at the jail throughout the night.

Assembling his deputies quickly after receiving notice of the approach of the first group from the neighboring county of Morgan, of which Decatur is the seat, Sheriff Giles succeeded in turning back a portion of the party outside the city limits early today.

Three of the nine automobiles in which the men were traveling ran the Sheriff's blockade, however, and reached the jail, but were denied entrance by the night warden.

Sought To Enter Jail

The warden, Sherman Church, said the men attempted to enter on the pretext of having prisoners to be locked in and that they threatened to shoot him after he told them they must first get permission from the Sheriff.

As the party went off in search of Giles at a fictitious address given by Church, the night warden sent word to the Sheriff, who overtook the men and escorted them to the county line with a warning not to return.

Some in the party were reported by the Sheriff to have had handkerchiefs about their necks, apparently to be used as masks. Otherwise, he said, they were unmasked.

The negro, Thomas Brown, 23, was identified by Mrs. George Dugger, mother of seven children, as the negro who held a knife at her throat and attacked her at Decatur yesterday. Brown was brought here after a crowd assembled at the Morgan County Jail, in Decatur, last night.

Grand Jury To Meet

Judge James Horton today ordered the Grand Jury to meet at Decatur Monday to investigate the attack and the killing of James Royal, another negro, near where Brown was arrested.

A coroner's jury returned a finding that Royal "came to his death at the hands of a person or persons unknown." Coroner Lewis Brown said testimony was presented the jury that indicated Royal was shot down from a passing auto. No clue that might lead to the identity of the occupants of the car was obtained.

The Coroner also said conflicting testimony was given regarding a report that a number of masked men visited a negro dance hall and ordered the dancers to leave shortly before the shooting of Royal, a block away.

The attempt to seize Brown was close on the heels of the lynching of two negroes and the wounding of a third by a mob in Tuscaloosa County, Aug. 13.

The three, Dan Pippen, Jr., A. T. Harden, and Elmore Clark, under indictment on a charge of assaulting and killing a white woman, were taken from Tuscaloosa County officers who were taking them to Birmingham for safekeeping. Pippen and Harden were lynched and Clark, now held in jail at Montgomery, was wounded.

Troops Guarded Clark

Troops were called out at Tuscaloosa to guard Clark when he was found at the home of a negro farmer near where he and the other two prisoners were lined up by the masked band and shot.

Judge Horton, who today ordered the Grand Jury investigation of the attack and the killing of the negro at Decatur, was in the news recently when he reversed the conviction and death sentence imposed by a Morgan County jury on Heywood Patterson, one of the nine negroes in the Scottsboro case, charged with attacking two white women.

The trial of Patterson was the first in the Scottsboro case to be held under order of the United States Supreme Court, which reversed death sentences imposed on seven of the nine defendants convicted on a charge of attacking Mrs. Victoria Price and Ruby Bates, Huntsville cotton mill workers, aboard a freight train in Jackson County, March 25, 1931. The two other defendants in the case were held to be juveniles.

Patterson's third trial is scheduled to be held before Judge Horton at Decatur during the Fall term of court, scheduled for October.

The International Labor Defense furnished counsel for the negroes in the Scottsboro case and also for negro defendants in the Tallapoosa County racial disturbance several months ago, when county deputies were shot by negroes gathered at the home of a negro whose livestock the officers sought to attach.

An effort by the I. L. D. to enter the Tuscaloosa case as counsel for Pippen when his trial was called several weeks ago was unsuccessful, the Court directing them to withdraw upon the request of Pippen.

Advertiser
8-23-33
Montgomery, Ala

Telegraph
8-23-33
Macon, Ga.

PEACE OFFICERS ROUT TWO MOBS

Would-Be Lynchers Dispersed When They Try to Take Negro From Huntsville Jail

HUNTSVILLE, Ala., Aug. 22 (AP) Two mobs seeking the same Negro were dispersed here today by peace officers.

But their members threatened to return tonight "a thousand strong" and get Thomas Brown, charged with criminally assaulting a white woman in Decatur.

The answer of Sheriff Ben Giles was a command that all his deputies stand guard and swing into action at the first sign of volence. The officers were armed with shotguns, pistols and tear gas bombs. Some of the mob members were armed with pistols.

National guardsmen were told to stand by.

Late tonight members of the second mob had not put in their promised appearance and Sheriff Giles reported everything quiet at the jail.

"The Negro is still in jail and I intend to see that he stays there," Sheriff Giles said.

Giles thwarted an attempt of a mob to get Brown early today after the Negro was brought here for safe keeping. Nine automobile loads of men came to town. Giles escorted six loads back to the county line. Three loads got to the jail and sought admittance on the pretext of bringing a prisoner. The night warden refused to let them in. Giles heard about the group and escorted it to the county line.

Late this afternoon another mob came to the jail and demanded that they be allowed to see the Negro. The demand was ignored, and the men went away threatening to return tonight and get Brown.

Brown Arrested Monday

Brown was arrested yesterday soon after a white woman at Decatur reported she had been assaulted. That's the same little north Alabama city where the retrial of the famous Scottsboro case was held. Judge James E. Horton, the judge who granted one of the Scottsboro principles a new trial after his second conviction, called the grand jury into session beginning next Monday to investigate the assault.

James Royal, another Negro, was shot to death last night near the scene where Brown was arrested. A coroner's jury decided he came to his death at hands of persons unknown and the coroner said testimony was given at the hearing that Royal was shot down by men in a passing automobile.

A crowd gathered at the Decatur jail last night, but dispersed when authorities allowed some of its members to go through the jail and satisfy themselves that Brown was not there.

The Negro had been spirited to this city.

MOB SPIRIT IN ALABAMA

Advertiser

8-24-33

Montgomery, Ala

On the heels of the Tuscaloosa lynchings came the attempts of mobsmen to seize a Negro prisoner in Madison County.

These outbursts of passion must receive the condemnation of every conscientious Alabamian who respects law and order and who hates rule by irresponsible mobs.

Commenting on the outbursts, The Birmingham Age-Herald says: "Almost one is led to say that a lynching wave is sweeping the State. It is as though, after having gone far toward freeing itself of the monster of mob law, Alabama is receding into a condition of riotous savagery. It is as though the Tuscaloosa episode had released pent-up passion to make a shambles of relations between the races. Enlightened Alabamians, facing this ghastly business, will have to draw liberally upon their spiritual powers in order to avoid a defeatist attitude. Yet it is quite unthinkable that they will be willing to throw up the sponge. Because the situation is so ominous, brave and intelligent people will feel all the more keenly the need for an effective counter attack. Manifestly matters have reached the point where all the resources of sanity and civilization in Alabama must be thrown into a sterling effort to destroy the terror. That means that our law enforcement agencies must gird themselves with a zeal competence and boldness against which no mob can take a stand. That means that Gov. Miller should take cognizance of the frightful situation, spurring officials to the sternest performance of duty wherever the dignity of the law is threatened. That means that a slashing campaign against lynchings and lynchers should be launched, so that public opinion may be an active force not merely to condemn but to prevent the enormities of the mob."

Aware of sinister influences without the State, The Age-Herald, nevertheless concludes:

> This is not the hour for finding excuses. There is nothing that can be offered by way of extenuation for what happened in the Tuscaloosa case. There is nothing that can be offered by way of extenuation for what has happened in Morgan and Madison Counties. Pointing our fingers at the ILD will get us nowhere. The only way in which we can undo the damage which has been wrought, the only way in which we can square ourselves with our own conscience, is to conduct an unrelenting fight on those who have brought dishonor upon us and to shape such a way of life and thought among us that lynchers simply will not have a place in our scheme of things.
>
> To bring this about, we must have an upsurge of sentiment in support of law and order such as Alabama has never experienced. The public will must harden into a consistent repudiation of any resort to mob action. Sheriffs and police must take on a fresh and unremitting hostility toward the lynching evil. The state government must be ready to assure its responsibility in this connection, now that automobiles make it possible for lynchers to dash across county lines for the accomplishment of their ends. Finally, if new legislation, directed at fixing official accountability, should be necessary, Alabama must have with the least possible delay a law calculated to make resort to mob violence a grimly dangerous and costly thing to everyone concerned.

There is, of course, a Cause for the unfortunate mob spirit that has flared up in the two Alabama counties within the last two weeks. But there is no excuse.

Officials share the immediate responsibility for protecting prisoners from vengeful mobs.

But a heavier responsibility rests upon the respectable citizens of Alabama.

It is their duty to make known not only their distaste for lynchings and trial by mobsmen, not only the brutality of lynchings, but its fallacy as a means to "quick justice."

Unless a quick stop is put to such outbreaks as have been witnessed in Alabama recently it will be the fault not so much of the ignorant vigilantes who actually take the law into their own hands as it will be the fault of respectable, justice-loving people who fail to condemn lynch tactics openly and loudly.

No matter how much a criminal may deserve death for an atrocious offense—there is no crime which warrants trial and judgment by mobsmen.

FEAR THIRD ATTEMPT TO LYNCH ATTACKER

Commercial Appeal

Mob Seeking Negro Threatens to Return With Reinforcements

8-23-33

ALL DEPUTIES ARE ON DUTY

Memphis, Tenn

Militia Ready for Action—Suspect Identified as Attacker of Alabama Mother of Seven Children.

By The Associated Press.

HUNTSVILLE, Ala., Aug. 22.—Two mobs attempted unsuccessfully today to take a negro charged with attacking a woman from the Madison County jail and a third threatened to return "a thousand strong" tonight to get the prisoner.

Immediately after the second attempt was turned back and the 30 members of the group left with a declaration they would make another try tonight Sheriff Ben Giles ordered all his deputies on duty and placed them on guard about the jail equipped with pistols, rifles and tear gass bombs, while National Guardsmen stood by, ready for action on a moment's notice.

Closing in on the jail entrance from three directions, wardens said the group of 30, whom they recognized as residents of Decatur, appeared this afternoon demanding entrance after another band had been turned back early today.

Immediately upon the appearance of the second group and the threat to return, Sheriff Giles ordered his entire force into service, and called upon Maj. Edwin Jones, commander of the local unit of the 127th Engineers, Alabama National Guard, to have his men ready for action at the first sign of trouble. Giles said his deputies would stand guard at the jail throughout the night.

Assembling his deputies quickly after receiving notice of the approach of the first group from the neighboring county of Morgan, of which Decatur is the seat, Sheriff Giles succeeded in turning back a partion of the party outside the city limits early today.

Autos Run Blockade.

Three of the nine automobiles in which the men were traveling ran the sheriff's blockade, however, and reached the jail, but were denied admittance by the night warden.

The warden, Sherman Church, said the men attempted to enter on the pretext of having prisoners to be locked in, and that they threatened to shoot him after he told them they must first get permission from the sheriff.

As the party went off in search of Giles, at a fictitious address given by Church, the night warden contacted the sheriff, who overtook the men and escorted them to the county line with a warning not to return.

Some in the party were reported by the sheriff to have had handkerchiefs tied about their necks, apparently to be used as masks.

The negro, Thomas Brown, 23, was identified by Mrs. George Dugger, mother of seven children, as the negro who held a knife at her throat and attacked her at Decatur yesterday. Brown was brought here after a crowd assembled at the Morgan County jail in Decatur last night.

Convenes Grand Jury.

Judge James E. Horton today ordered the grand jury to meet at Decatur Monday to investigate the attack and the killing of James Royal, another negro, near where Brown was arrested.

A coroner's jury returned a finding that Royal "came to his death at the hands of a person or persons unknown." Coroner Lewis Brown said testimony was presented the jury that indicated Royal was shot down from a passing automobile. No clue that might lead to the identity of the occupants of the car was obtained.

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The trial of Patterson was the first in the Scottsboro case to be held under order of the United States Supreme Court which reversed death sentences imposed on seven of the nine defendants convicted on a charge of attacking Mrs. Victoria Price and Ruby Bates, Huntsville cotton mills workers, aboard a freight train in Jackson County, March 25, 1931. The two other defendants in the case were held to be juveniles.

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Lynchings-1933 I

Alabama

Prevented

4408

4408

Solicitor Saves Negro, Foiling Deatsville Mob

Advertiser

Object Of Crowd's Wrath Had Thrown Conductor From L. And N. Freight

8-4-33

50 Brandish Guns

Montgomery. Ala.

Huddleston Sees Scuffle And Captures Attacker; Puts Him Safely In Jail

DEATSVILLE, ALA., Aug. 3.—(Special)—Quick thinking on the part of Winston Huddleston, solicitor for the 19th Judicial Circuit, probably saved the life of George Smith, 28-year-old negro hobo, here this morning when an armed mob of about 50 persons tried to take the negro after he had attacked an L. and N. freight train conductor, beat him over the head and hurled him from the train.

The Solicitor out-talked the mob, whisked the negro away in an automobile and turned him over to John Golden, sheriff of Elmore County. Tonight the negro was in the jail at Wetumpka charged with assault to murder.

The conductor, J. T. Montgomery, of Deatsville, received two deep gashes on the head and face when the negro struck him after the conductor had ordered him to move on up the train closer to the engine. The conductor was treated by a doctor here.

Witnesses Attack

Solicitor Huddleston was seated on the porch of a store in Deatsville near the railroad track when a Southbound freight train switched to a siding. Just as the train started to pull out, the Solicitor and others noticed a negro beating a white man. Later they learned that the white man was Montgomery, 60-year-old conductor of the train.

When the negro jumped from the train and fled, the Solicitor, with Paul Nixon, Ben Roy and Henry Huie, all of Deatsville, got into an automobile and took a short cut in an attempt to head off the negro. The car was abandoned, however, and they pursued the negro on foot, chasing him through a cemetery and across a field until the negro finally threw up his hands and surrendered.

The Solicitor and the three other men loaded the negro into the automobile and drove to the postoffice here, where they were met by a shouting mob. Pistols and shotguns were brandished and cries of "we don't like the Scottsboro and Tuscaloosa justice!" were heard.

Solicitor Huddleston said that guns appeared from everywhere and that the crowd demanded that the negro be released to them. Nixon, 21-year-old Deatsville youth, and Huie stood by the Solicitor and helped keep the mob away from the negro. Witnesses said that the Solicitor pleaded with the crowd to allow him to turn the negro over to the Sheriff. Finally the Solicitor forced the negro into his car and drove to the doctor's office so that the injured conductor could identify him. There they were met by another crowd of armed men who demanded possession of the negro, but the Solicitor out-talked them again and drove away with the negro to meet Sheriff Golden.

Assailant Identified

The Conductor positively identified the Smith negro as the one who struck him, Mr. Huddleston said, and the negro himself admitted striking the elderly man, saying that he did not know that Montgomery was the conductor of the train. Others of the train crew said that the negro knew Montgomery was the conductor and that the negro had been ordered to leave the train.

Smith told officers and Mr. Huddleston that he lived in Montgomery, and that he had been to Birmingham and back on the freight train. The negro has served a prison term for knifing his wife, officials said.

It developed that the conductor had gone to the rear of the train, where several hoboes were congregated, to order them up to the front, nearer the engine, when the attack took place that the Solicitor and others witnessed from the porch of the store.

After the negro had been captured, many of these hoboes remained seated on a car. Some member of the crowd spotted them and led a surging charge toward the railroad car. The hoboes jumped from the car and fled to the woods.

During the time that the negro was in custody of the Solicitor at the postoffice and doctor's office, armed citizens approached the negro, shook guns under his face and struck at him. The Solicitor and his assistants had a busy time protecting the negro, witnesses said.

A preliminary hearing has not been set for the negro.

Birmingham, Ala., Age-Herald
August 3, 1933

Most Unfortunate

Conflicting reports touching the attitude of crowds in and near Tuscaloosa toward the New York lawyers who sought to force themselves into the trial of the Negro Pippin in that city make it fairly plain that these I. L. D. representatives moved in an atmosphere of menace until they reached Birmingham. The fact that they had to be given military protection is highly significant. Manifestly feeling had risen against these intruders until, in the opinion of the presiding judge, they stood in genuine danger.

That is something to be deplored. Irritating as the presence of these attorneys must have been, Alabamians had reason to expect from a community like Tuscaloosa a self-discipline not to be found in settings less hallowed by learning and culture. Even the threat of mob violence hardly goes with what this university town stands for in the admiration of the state. It is vastly regrettable that, following Judge Foster's refusal to let these attorneys interfere, smoldering passion should have burst forth into what might have been a searing flame.

If that can be said, it is no less clear that the I. L. D. spokesmen were outright trespassers. They had bumptiously thrust themselves into a situation where they did not belong. Their proffered contract of employment was specifically denied by the prisoner and his parents, the only persons who had a right to retain counsel. Never was there a more indisputable case of cheeky intrusion upon the administration of justice in Alabama. If proof was required that the I. L. D. is engaged in fomenting racial bitterness to feather its own nest, we have it in this patent attempt at encroachment.

Messrs. Schwob and Taub can now pose as the near-victims of a Southern mob. Their experience may be interpreted elsewhere as additional evidence of Southern savagery. For making possible such a conclusion, we must thank the hotheads at Tuscaloosa who played so handsomely into the hands of the I. L. D. and its sympathizers. But it takes more than such an unfortunate development to justify the persistent goading of this state by trouble-makers, of whom it can be said that the pretense of helping the Negro is but a mask for a conspiracy to stir up discord looking to class war and general anarchy.

Savannah, Ga. Press
August 2, 1933

THE ALABAMA MOB.

The uprising of the people around Tuscaloosa is to be deplored, of course.

Free speech and the appearance of counsel are in no way to be obstructed. The people have been outraged by the appearance of hired counsel for outside defense to defend the three negroes for murdering a young white girl. This is not the Scottsboro case, but the feeling of the community was intensified by the development in that notorious trial.

At the same time it is difficult to understand why the circuit judge should have ruled that the negroes could be represented only by local counsel. This was a protest, of course, against the movement of outsiders to defend culprits in the Alabama courts.

The young woman was found assaulted and beaten to death in a secluded spot and the uprising of the people was a protest against outside interference. The three attorneys of the International Labor Defense narrowly escaped violence and were only rescued by the military from the violence of the mob. Even those people, however, who sympathised with the community spirit cannot defend this action of the irate crowd or this ruling of the circuit judge who sought to limit the defense of the prisoners.

Alabama should recognize that the prisoners are entitled to counsel whether they are confined to that state or are drawn from other sources. Every man accused has a right to a hearing and the action of the mob yesterday around Tuscaloosa caused a postponement of the trial and in the end may defeat the enforcement of justice.

This only goes to sustain some complaints which have been lodged against the South, we fear.

Birmingham, Ala., Age-Herald
August 2, 1933

Sinister

Three Negroes are being tried in Tuscaloosa for the murder of a white woman. They were to have been represented by some of the best legal talent of that community. But such an arrangement would not have profited the I. L. D. at all. So a lawyer from Birmingham, retained by this exploiting organization, Tuesday made his appearance at the trial, asking for a continuance, on the ground that he and his New York associates, whose names have become familiar to the people of Alabama, had not had an opportunity to confer with one of the defendants.

Rounding out his article, "Scottsboro, the Third Crusade," in The American Review, Prof. Frank L. Owsley said that had an Alabamian represented the Negro tried at Decatur, the jury would in all probability have brought in a different verdict. That conclusion had been reached by most thoughtful observers. The policy of gratuitous irritation pursued by defendant's counsel, fresh from the sidewalks of New York and absorbed in tactics calculated to injure his client's case, had its inevitable effect. One gathers that the same premeditated opening of wounds is in prospect at Tuscaloosa, unless somehow intruders can be kept out of the case.

No one wishes to deprive these darkies of the most skillful and impressive defense which can be mustered in their behalf. When Alabamians read that John D. McQueen, retiring president of the Alabama Bar Association, was associated with counsel for the Negroes, they must have realized that Tuscaloosa was prepared to do its level best to make of these proceedings a test of Southern justice. To learn that this fine plan is in danger of being frustrated by the interference of agencies which are exclusively concerned with stirring up bitterness for the forwarding of their own malignant purposes is profoundly disheartening to all who recognize the delicacy of a situation which has been brought about by the sinister activities of the I. L. D.

Charleston, S. C., News & Courier
August 3, 1933

THey Are Natural Allies

No excuse can be offered for the mob of two thousand white people who, at Tuscaloosa, Alabama, threatened bodily harm to three lawyers of the International Labor Defense. The lawyers were aiding in the defense of two negroes, who were to be tried on charges of criminal assault.

Any lawyer in the United States has a right to practice in the courts of other states after admission to them and it is for the courts to see that he does not transgress the rules of propriety.

No lawyer of New York or other foreign city can by anything that he may say seriously damage public order in Alabama. It is stupid for Alabamians to resent the presence and utterances of these visitors, whether or not they represent a communistic or other silly organization.

The freedom of speech ought not to be denied a New Yorker in Alabama, and if an Alabamian would go into that part of New York city known as Harlem and defend lynching he should be heard for his absurd and infamous cause.

One recalls that governors of Southern states have defended lynching. Properly and severely they were condemned for it, but no one suggested that they be mobbed.

In truth, the representatives of the International Labor Defense and the members of the Alabama mob should be friends. Their ultimate purposes are identical. The Communists work for the destruction of existing law, though they would use it for their immediate purposes. These people defending Alabama negroes are not interested to save the negroes. They would have the negroes, as Mr. Elmer Davis has said in a recent article, martyred. They need martyrs. Despite their resort to Alabama law they wish to have it lynched.

The Alabama mob would destroy the law, and therefore is in complete sympathy with the Communists.

If the mob in Tuscaloosa had captured and assaulted the lawyers it would have been a signal victory for the International Labor Defense.

Whether or not there be a perfect understanding between the Alabama mob and the defenders of the negroes, their "cooperation" for results is well nigh perfect.

The persons most likely to suffer, are of course, negroes in Alabama.

Montgomery, Ala., Advertiser
August 3, 1933

FOR JUSTICE, CALL OFF THE BELLED BUZZARDS

Dan Pippen, Jr., is an 18-year-old Negro on trial in Tuscaloosa, on charges of assaulting and murdering a white girl.

Two other Negroes are being tried for the same offense. But today we are concerned with the case of Dan Pippen.

This youth is charged with a crime for which the death penalty may be given in Alabama—as in most States.

The people of Alabama, through their courts, have only one interest in the trial of Dan Pippen. If he is guilty as charged the people want him punished as a jury sees fit.

If Dan Pippen is not guilty the people want the boy acquitted, and they want a continued search for the guilty person or persons.

Pippen's interest in the case is of more vital interest—to Pippen.

He is facing death.

The Negro, whether innocent or guilty, wants to save his own life. Right now nothing else matters. He does not want to sit in the electric chair at Kilby Prison.

Pippen does not want to be a martyr.

But Pippen is by way of becoming a martyr against his will. He is about to become a martyr because of the interference of organizations which hold "principle" above the value of human life.

Yesterday the Negro and his parents made it known that they had not retained three aggressive attorneys representing the International Labor Defense League who had thrown their brief cases on the defendent's table.

The Negro and his parents made it plain that they wanted counselors who would protect the interest of their client. They made it plain that they did not wish to risk the Negro's neck in the hands of men whose controlling purpose is to place the case in the headlines of the nation's newspapers, to foment hatred among the people living here and against the people living here—even at the price of human life.

The court has ruled out the attorneys retained by the International Labor Defense League, as courts would rule out any lawyer attempting to "defend" a prisoner against the prisoner's will.

But the ILD scavengers are not through with this case.

They have made their first point. They have succeeded in arousing the resentment of Tuscaloosa citizenry

The next move will be a barnstorming tour of the country, sobbing songs of oppression, preaching hatred, spreading lies—all in the name of Principle.

In describing such cattle as the International Labor Defense League hatred-distillers, Elmer Davis writes in this month's Harper's Monthly: . . . "Persons of principle are usually more interested in the vindication of the principle than in the fate of the victim who happens to exemplify it."

Mr. Davis is writing of the zealous souls whose greatest passion is protesting—protesting for the sake of making martyrs of hapless individuals who are fighting for a life or for freedom.

But the ILD and kindred organizations which have sent evangels of hate into Alabama to arouse race prejudice, to make bigots, to manufacture fake martyrs, are without principle. They are without mercy or pity. They care not for saving the lives of their victims nor for human justice.

Alabamians must insist upon fair and just trials for the most humble.

But the people here will not be swayed from the course of justice out of fear of outside sentiment.

Alabama juries must find defendants innocent or guilty as the evidence dictates. They must not and they will not be swayed in either direction by outside interference.

But to the so-called liberals in the East and in the South we make this plea:

Make any sane investigation of Alabama courts you wish. Employ any competent, honest defense attorney needed by any defendant in an Alabama court who wants your help.

Look upon these cases as they are—as criminal trials in which only one question is to be settled, the guilt or the innocence of the defendant.

But in the name of common decency and justice to the respectable people of a sovereign State and to the men on trial, call off the belled buzzards whose only motive is to foment trouble!

Montgomery, Ala., Advertiser
August 2, 1933

LIBERAL PAPERS, PLEASE COPY

The Advertiser, during the last two years, has been a zealous student of unsalted propaganda intended to arouse oppression-complexes, and sectional and racial hatred.

Not that this paper's interest in the efforts of some groups to arouse passionate prejudices among people in Alabama and outside of Alabama, is new. Nothing of the kind.

The Advertiser for more than 100 years has fought prejudice and bigotry in Alabama. It will continue to do so.

We mention this in no boastful spirit, though this paper is proud of stands it has taken in the past. We merely mention it as a reminder to strangers and new friends and new enemies that this paper need not apologize for being what too many so-called liberal journals, including even some great Southern newspapers, have chosen to call "sectionally prejudiced."

True enough The Advertiser holds the interest of Alabama above that of any other State. It always has held the interests of the people here close to its heart. It intends to do so in the future.

But that same interest has been responsible for this paper's attack on homegrown bigotry through the tumultuous ante-bellum days when The Advertiser fought Know-Nothingism in Alabama. It has continued to do so up to the present time.

During the progress of the infamous Scottsboro case this paper believed that it was as capable of passing judgment on the trials as any other lay journal. And this paper believes that it was and is more capable of passing judgment on such cases in Alabama than any lay journal outside the State.

In the Scottsboro case and in other rape and murder trials in Alabama to which the International Labor Defense League has lent its helping hand, the press of the country, not excepting conscientious Southern papers in nearby States, has been harsh with the courts and people here.

The Nation, The New Republic and similar high-and-mighty liberal journals, and a few Harlem-inspired newspapers have been absurdly harsh in their condemnation.

But the press as a whole did not have and does not have any intention of being antagonistic toward the people in Alabama. Acting on available information, and spurred no doubt unconsciously by propaganda concocted by well-meaning sentimentalists and misinformed zealots as well as paid hate distillers, too much of the press either took much for granted or made hasty decisions in the Scottsboro and Decatur trials of the eight Negro rapists.

This was more to be regretted than resented.

There are, however, a few newspapers in the South—just as there are a few individuals—which have mistaken a yearning for applause for a sense of liberalism. These papers and these individuals think they are being courageous by taking a stand against their own people. Not that it does not take courage to point to the evils at home. It does take courage.

But sometimes it is hard to forsake applause from the sidelines. Sometimes it takes more courage to forsake applause from afar than it does to invite the displeasure of the home folks.

This week the Governor of Alabama sent National Guardsmen to Tuscaloosa to safeguard International Labor Defense attorneys who are defending three Negroes charged with raping and murdering a 16-year-old white girl.

To the liberal press we direct attention to this item.

How long will it be before the ILD penmen will be telling how it became necessary for State troops to be sent to guard lawyers who were trying to save the lives of innocent boys who were framed by the Alabama bigots?

How long will it be before lies, similar to the "Scottsboro" atrocity stories, will be heaped upon the people living in the East?

Now The Advertiser has not formed an opinion as to the guilt or innocence of the three Negroes being tried in Tuscaloosa. That city is more than 100 miles from Montgomery. This paper has not yet investigated the case, and it would not care to pass judgment on a case which by all rights should be tried before a jury of 12 honest men who may hear and weigh the evidence.

Will the so-called liberal journals remain as unbiased?

It is feared that too many of them will not.

The people of Alabama have every reason to believe that the International Labor Defense League and the lawyers representing the league will throw as much mud against the map of the State as pos-

Lynchings-1933 II

Prevented

Alabama

4403

sible.

It has been done before.

The Advertiser, as an Alabama newspaper devoted to the interests of the people here, can only regret the possible unsalted propaganda which is swallowed by the Eastern press and the people of the East.

But The Advertiser, as will all law-abiding Alabamians who care for justice, will resent the lying propaganda which it expects once again will flow from the acid-dipped pens of the ILD slanderers.

Advertiser 8-2-33 Montgomery, Ala.

The conscientious liberals who endorse the sending of the ILD trouble-makers into Alabama are foolish.

This State is impatient with their tactics. A people can stand just so much unscrupulous, conscienceless slander.

Why should a Roman circus be made of every capital criminal case in Alabama by organizations which are concerned with the show and not the welfare of the men they pretend to defend?

Why should such buzzards flock to Alabama every time there is a criminal trial involving Negroes?

THE DIGNITY OF THE NATIONAL GUARD

Advertiser 8-5-33 Montgomery, Ala.

In a well-considered editorial, The Columbia State says in a recent issue:

> Never before in the United States was the National Guard so trained and equipped for practical effectiveness as it is today and its service has increasingly attracted in recent years an admirable type of personnel.
>
> But the attractiveness of the National Guard for the right sort of young men will rapidly decrease, if they shall see many more such instances as latterly of its prostitution to the purposes of partisan politics, as in Oklahoma, Georgia and Louisiana.
>
> Nothing in the spirit and intent of the law, making the National Guard within a State disposable by the Governor for certain domestic uses, contemplates that these citizen soldiers shall be in any circumstances pawns in local politics. Officers, especially, must have resented deeply the humiliating spectacle Governor Talmadge made of them in Georgia, in a row which the civil courts could and should have adjudicated.
>
> Governors should be the more careful not to misuse the National Guard, for the very reason that, whatever may be the opinions and feelings of its members, they must in actual practice obey, instantly, fully and without question, the orders of their commanders. True it is that their oath obliges them to obey only the "lawful" orders of their superiors; but it is contrary to good military usage that soldiers become habituated to scrutinizing for legality the orders they receive; under military law a strong presumption runs that an order is legal, and the soldier whatever his rank, who, regarding it as illegal, takes it upon himself to disobey, does so at his own considerable risk of conviction and punishment by courtmartial. science-stricken lieutenant was making restitution in the name of his distinguished relative.

Which reminds us that, so far as we can now recall, the National Guard of Alabama has never been cheapened by a gubernatorial demagogue. The Guard of this State has never yet been used for political purposes, as in Oklahoma, Georgia and Louisiana. We hope that our Guardsmen will continue to be spared that humiliation.

Alabama, by the way, has had many types of Governors, men of varying temperaments. Some of them were demagogues, but only mildly, and few of them have been cheap and blatant. The Advertiser does not recall any ruler of this State who has not had a certain respectable dignity, a certain sense of good taste, and for as far back as there is any record Alabama's Governors have been men who hated lynchers and were prepared at all times to put their weight against mobs—except masked mobs that flogged in the night time. Of that more later.

It has been necessary for The Advertiser to oppose with vigor some of the policies of many of Alabama's Governors during its long lifetime, which practically parallels the lifetime of the State; but as a scourge of lynchers and fools The Advertiser has never felt humiliated by the cheapness of any Governor that the people of this State have elected.

There has been a singular basic respectability in Alabama Governors. The Advertiser hopes that historians will give them credit for this, however sharply they may deal with some of our Governors for other shortcomings and failures. They have not been blatant agitators against the helpless, our native demagogy taking a different turn.

For example, we have not yet had a Governor who was not willing to defend Negroes ~~against~~ mobs. We have had no Governor ~~who was a "nigger-baiter,"~~ however weak some of them may have been in other directions.

Certainly we have had none who were ready to call out the guard to enforce a cheap political prejudice.

On the whole The Advertiser thinks that Alabama's Governors have been much above the order of Governors in many other States that it could mention.

Certainly our Governors have not yet cheapened the National Guard.

NASHVILLE, TENN.
EVE. TENNESSEAN

AUG 3 193

Alabama Tires of I. L. D.

Efforts of the International Labor Defense to create another "great cause" in Alabama seem to have been checked by the citizens of Tuscaloosa and surrounding territory.

Two negroes charged with murder and assault were entitled to any counsel of their choosing as their trial was scheduled to begin. But they did not desire aid from the I. L. D., and in this stand were backed by leading negro citizens of Alabama.

Thus, when the three New York attorneys sought to inject themselves into the case, they were ruled out by the court, which wisely delayed the trial indefinitely. Two of the visitors were fortunate to have the aid of officers in escaping violence at the hands of an angry gathering. They boarded a train to Birmingham, from whence they will return to New York. The third member is supposed to have departed separately.

It is a matter of general gratification that Alabama has escaped the onus of another lynching, but it is not difficult to understand the attitude of her people. With the rest of the country, they have come to the conclusion that the I. L. D. is interested in more than mere justice. The evidence is too clear that this organization is happiest when it has the opportunity to feed the flames of racial and social unrest. The time has come when intelligent negroes do not want its help.

The disappointed attorneys, upon their return to New York, may be expected to capitalize their adventures, but they will hardly overlook the obvious fact that Alabama justice is able to function without aid, advice or coercion from organizations whose motives are a matter of decided suspicion.

Spartanburg, S. C., Herald
August 4, 1933

An Enraged Public

In the trial of a case at Tuscaloosa, Ala., in which a negro was charged with the murder of a young woman, Judge Henry B. Foster ruled that the attorneys for the defense had not been retained by the defendant and he then indefinitely postponed the trial of the case.

The defense attorneys were Irving Schwab and Allan Taub of New York, and Frank B. Irvin of Birmingham, who represented the defendant in the Scottsboro, Ala., case. Public opinion was so aroused in Tuscaloosa by the appearance of the attorneys that they were given a National Guard escort to get them out of the city in safety.

Judge Foster no doubt did the only thing that could have been done under the circumstances. The negro could not have had a fair trial because of the attempted interference with justice by these societies in New York which seem to have taken upon themselves the task of interfering with the orderly processes of the courts in the South. It is said that these lawyers represent Communist groups and are not in any way associated with the groups formed for the advancement of the negro race. The three meddlesome attorneys were fortunate to have the protection of the governor of Alabama and its peace officers in making their departure from Tuscaloosa.

Eufaula, Ala., Tribune
August 5, 1933

I. L. D. NOT NEEDED

The negro of Alabama who is unfortunate enough to fall into the hands of the law makes matters worse when he permits an I. L. D. lawyer to force himself into his defense. The course followed at Scottsboro and Decatur branded them as unfit for courts of this state. By their own tirades they created a condition under which a fair trial was next to impossible.

The whites and blacks of Alabama understand each other, they know how to handle their own problems and they resent the interference of outside "counsel." The other day in Tuscaloosa, two of these "defenders" appeared in court, stating that they had been employed to represent a negro defendant. The negro knew nothing about their coming, his parents denied employing them to defend their son, saying they had placed the case with a local law firm. Judge Foster, presiding, promptly ruled the intruders out of his court and continued the case until another jury can be drawn and the trial proceed without the presence of the militia. This was a wise step—for the negro and all concerned. Commenting on the action of the Tuscaloosa jurist, the Opelika News says:

When the family of the young negro facing murder charge at Tuscaloosa and the defendant himself declared they had not authorized certain "outside" lawyers to appear in defense, and Judge Henry B. Foster, presiding jurist, indefinitely postponed the trial, what would likely have proved a certain unfair trial was averted and the case will await proper attention at the proper time. Of course, the defendant, if guilty, will be found so, but he most assuredly will have a fairer trial than could have been hoped for had the case proceeded this week.

If the negroes of Alabama and the south who "run into trouble" will but use common sense and not allow themselves to be swayed by selfseeking influences from other sections, they will fare much better in the courts of the realms

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Scottsboro, Ala., Age
August 3, 1933

Lawyers Fight Blocks Negro Murder Trial

Argument Develops Before Jury As To Attorneys For Defendants

An indefinite postponement of the trial of Dan Pippin Jr., 18 year-old negro on charges of slaying Miss Vaudine Maddox, 21, was granted Tuesday by Judge Henry B. Foster after an argument developed before the jury as to attorneys retained in the case.

Judge Foster did not rule as to which attorneys who had jurisdiction in the case, although Pippen, his father, Dan Pippen, Sr. and his mother Lucindy Pippen, were placed on the stand by Charles La France and Jacob McGuire to testify that they had bee retained.

Frank B. Irvin, of Birmingham who said he was retained by the International Labor Defense and had been authorized to act by Lucindy Pippen, had raised the question at the outset of the case.

Shown a document Irvin had presented in court purportedly signed by Lucindy Pippen authorizing his act for her son, the woman denied ever having seen it before.

All three of the Pippens testified they wished La France and McGuire with the three attorneys appointed by the court to conduct the defense of the negro.

Irvin old the court he held no authority to act for Elmore (Honey) Clark and that he had not talked with him.

Irvin, accompanied by Irvin Schwab and Allan Taub, both of New York and associated in the 'Scottsboro case' defense appeared Tuesday as attorneys employed by the International Labor Defense.

Their right to appear, after Irvin had moved for a continuance on the grounds he and his associates had not been able to confer with Pippen was contested by La France and McGuire.

A detachment of 63 national guardsmen was mobilized at the request of Judge Fostter who announced it was soley to protect the I. L. D. lawyers, as there was no feeling locally against the negroes.

The trial of Clark likewise was postponed by Judge Foster. A. T. Harden, 15, third negro indicted in the case is a juvenile and under Alabama law must be taken before juvenile authorities.

John D. McQueen, former president of the Alabama Bar association, and Reuben Wright and Freeman Rice local attorneys were appointed to aid counsel retained by the negroes.

An appeal from 20 prominent negroes and ministers was made public however, asking ''outside interests'' not to interfere.

Dothan, Ala. Eagle
August 8, 1933

CALL OFF THE SCAVENGERS

(Montgomery Advertiser)

Dan Pippin, Jr., is an 18-year-old Negro on trial in Tuscaloosa, on charges of assaulting and murdering a white girl.

Two other Negroes are being tried for the same offense. But today we are concerned with the case of Dan Pippen.

This youth is charged with a crime for which the death penalty may be given in Alabama—as in most States.

The people of Alabama, through their courts, have only one interest in the trial of Dan Pippen. If he is guilty as charged the people want him punished as a jury sees fit. If Dan Pippen is not guilty the people want the boy acquitted, and they want a continued search for the guilty person or persons.

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Pippen does not want to be a martyr.

But Pippen is by way of becoming a martyr against his will. He is about to become a martyr because of the interference of organizations which hold "principle" above the value of human life.

Yesterday the Negro and his parents made it known that they had not retained three aggressive attorneys representing the International Labor Defense League who had thrown their brief cases on the defendant's table.

The Negro and his parents made it plain that they wanted counselors who would protect the interest of their client. They made it plain that they did not wish to risk the Negro's neck in the hands of men whose controlling purpose is to place the case in the headlines of the nation's newspapers, to foment hatred among the people living here and against the people living here—even at the price of human life.

The court has ruled out the attorneys retained by the International Labor Defense League, as courts would rule out any lawyer attempting to "defend" a prisoner against the prisoner's will.

But the ILD scavengers are not through with this case.

They have made their first point. They have succeeded in arousing the resentment of Tuscaloosa citizenry.

The next move will be a barnstorming tour of the country, sobbing songs of oppression, preaching hatred, spreading lies—all in the name of Principle.

In describing such cattle as the International Labor Defense League hatred-distillers, Elmer Davis writes in this month's Harper's Monthly: . . . "Persons of principle are usually more interested in the vindication of the principle than in the fate of the victim who happens to exemplify it."

Mr. Davis is writing of the zealous souls whose greatest passion is protesting—protesting for the sake of making martyrs of hapless individuals who are fighting for a life or for freedom.

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Alabamians must insist upon fair and just trials for the most humble.

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But to the so-called liberals in the East and the South we make this plea:

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But in the name of common decency and justice to the respectable people of a sovereign State and to the men on trial, call off the belled buzzards whose only motive is to foment trouble."

Lynchings- 1933
Presented.

Alabama

4409

Troops Halt Mob Bent On Lynching

Courier 2-4-33
Pittsburgh C/R

GENEVA, Ala., Feb. 1—National Guardsmen were called out Tuesday night to help the sheriff's deputies of Geneva county disperse a mob of several hundred people which surrounded the county jail after the arrest of Yank Thomas, who was charged with attacking a white woman.

The sheriff was tipped off that a mob would attempt to rush the jail and seize the prisoner, but when they gathered and found the deputies reinforced by the National Guardsmen, they soon disappeared. The feeling was still running high today and the sheriff placed extra officers around the jail.

Troops Guard Sleeping Negro In Jail At Geneva

Advertiser
1-25-33
Montgomery Ala.

GENEVA, ALA., Jan. 24.—(AP)—Sheriff's deputies reinforced by National Guardsmen last night dispersed a mob of several hundred men which surrounded the Geneva County Jail following the arrest of a negro charged with attacking a white woman.

Sheriff Driver, tipped a crowd would attempt to rush the jail and get the prisoner, had his deputies and the Guardsmen in readiness and the mob which gathered quickly dwindled away after milling about the jail for several minutes.

Feeling continued to run high today, the Sheriff reported, and extra officers were placed around the jail. Sheriff Driver said the negro, Yank Thomas, was the only prisoner to sleep through the excitement last night.

Negro Is Held For Attack At Geneva

Advertiser
1-24-33
Montgomery

GENEVA, ALA., Jan. 23.—(Special)—County officials indicated here tonight that Yank Thomas, ~~21-year-old~~ negro, held in the County Jail for an attack upon an aged ~~white woman~~, would be moved to another jail for safekeeping. Feeling was running high, it was reported.

The negro went to the home of the 87-year-old woman, two miles south of Geneva, Sunday afternoon, officers said, and when she refused to give him some meat, he threw a coat over her head and hurled her to the ground. Her screams for help attracted neighbors and the negro fled, to be captured a short while later by officers.

Officers said when the negro was taken into custody his pockets were filled with padlocks he had taken from buildings in this vicinity.

The aged woman was reported in a serious condition today.

Tragic Death of W. A. Reynolds is Shock to Tuskegee Residents

Monroe N. Work, Ed Negro Year Book
8-18-33

Tuskegee News
3-2-33
Tuskegee, Ala.

Tuskegee was shocked and saddened Friday morning to hear of the tragic death of Mr. W. A. Reynolds, city night marshal. The events that led to the tragedy were the suspicious actions of 3 men, at about 4:30 A. M., seeking an opportunity to break in Price's Jewelry Store. On approaching the bandit at the corner of Howe's Filling Station, Mr. Reynolds was told to "stick-'em-up," but instead of obeying, Mr. Reynolds reached for his gun, whereupon the bandit shot Mr. Reynolds, who fell mortally wounded before Mr. Reynolds got his revolver into action. While falling Mr. Reynolds shot the bandit twice, who then tried to escape in the bandit's car, but was shoved from the running board by his confederates. The other two gunmen callously and calmly deserted their partner in crime. The bandit when arrested gave his name as Charlie Spencer. It was later learned that the bandit's name was Charles Simko. It seems that according to Spencer's confession he has a long criminal career behind him. He stated that he had served nine years in Sing Sing. The bandit was discovered and arrested an hour or two later near the home of Mr. E. R. Alexander. He refused to divulge the names of his companions and as yet nothing is known concerning them.

Charles Simko has been taken to the Montgomery County Jail, where he is confined for safekeeping.

Mrs. J. E. Heath was the first one to reach Mr. Reynolds. She called Mr. Wheeless who ran to Mr. Reynolds in his night clothes. Mr. W. M. Russell and others being aroused by the shooting and cries of Mr Reynold's family also arrived immediately.

Mr. Reynolds was rushed to a Montgomery hospital, where he died a few hours later. Mr. Reynolds was an upright citizen, honest in his dealings with his fellowman and held the obligations of his office in such sacred trust as to be willing to give his life. Fearless in his duty, it is the privilege of the citizenship of Tuskegee to pay tribute to this worthy man. No words of praise and commendation can be too great for the one who lost all ideas of personal safety and thought only of the protection of the life and property of others. He ever went about his duties calmly and efficiently and giving offense to none.

Mr. Reynolds was 54 years of age at the time of his death and was a member of the Baptist Church. He had been a resident of Little Texas before coming to Tuskegee. At one time he was connected with the Tuskegee Oil Mill and for six years had been night policeman of Tuskegee.

The beloved esteem in which Mr. Reynolds was held was evidenced by the throng of people who attended his funeral Saturday morning at the First Baptist Church.

Rev. W. P. Reeves conducted the services and spoke fittingly and beautifully of Mr. Reynolds. Dr. R. L. Bell, pastor of the Presbyterian church assisted.

Mr. Reynolds remains were laid to rest in the family lot in the Tuskegee cemetery.

Mr. Reynolds is survived by his widow, one brother, four daughters, Mrs. J. E. Heath and son, Mrs. K. N. Lowe and children of Reeltown, Misses Laura and Virginia Reynolds.

Huntsville, Ala., Times
Monday, March 20, 1933

NEGRO FACES LYNCH THREA

Own Race Aroused Over Attack On Young Girl

Threats of a lynching were heard around the city hall this morning when Jim Sledge, alias "Black Gal," negro man, was convicted on an assault charge, fined $25 and sentenced to 30 days on the street.

Sledge was arrested Saturday for beating a 15-year-old negro girl with a stick. Negro residents of the southern section of the city were aroused and the negro was threatened before he was placed in the city jail.

Sledge is an ex-convict, having served more than three years in the state prison about 12 years ago.

He was put to work on the street this morning with the city chain gang to serve out an 80-day sentence, of which 50 days was for non-payment of his fine.

Pete Wolever was fined $15 for destroying property not his own, in the only other case where a defendant was fined this morning.

Dave Lee Nevel, arrested early Sunday morning in an attempt to rob Roy Gold's grocery store on Pelham street, was placed in the county jail, on a burglary charge. Nevel was caught inside the store.

Huntsville, Ala., Builder
Friday, March 24, 1933

Lynch Threatened By Negro Residents

Negroes Become Incensed With One of Their Own Color

Jim Sledge, alias "Black Gal", a negro,, was arrested Saturday for beating a 15-year-old negro girl with a stick. Threats of a lynching were heard around the city hall Monday, by negro residents, who had threatened him before he was placed in jail.

Sledge, an ex-convict, was convicted of the assault charge and fined $25 with a sentence of 30 days on the street. As he was unable to pay the fine, he was put to work on the city chain gang with an 80-day sentence.

Mob Storms Jail At Tuscaloosa

Advertiser
6-23-33
Montgomery Ala.

TUSCALOOSA, ALA., June 22.—(AP)—A mob of approximately 150 white men and youths congregated about the Tuscaloosa County jail last night and demanded two negroes held in the slaying of a white girl, but dispersed after officers convinced them the prisoners had been spirited away.

Circuit Judge H. B. Foster and Sheriff R. L. Shamblin addressed the group which left after two of their number who said they knew the negroes, Dan Pippen, Jr., and A. T. Harden, were conducted through the cells and failed to find the prisoners.

Later a part of the mob went to the city jail and demanded that they be allowed to search the cells for the negroes, but departed on orders of Chief of Police H. D. Billingsley and a group of officers. None of the group appeared to be armed, the officers said.

The victim of the slaying, Miss Vaudine Maddox, 20-year-old farm girl, was found with her head crushed by a heavy rock in rural Tuscaloosa County, 16 miles from here. The coroner said she had been attacked.

Mob Disperses.

TUSCALOOSA, Ala., June 22.—(AP) A mob of approximately 150 white men and youths congregated about the Tuscaloosa county jail last night and demanded two negroes held in the slaying of a white girl, but dispersed after officers convinced them the prisoners had been spirited away.

MILITIA IS CALLED OUT IN FRAME-UP TRIAL OF 3 ALABAMA NEGROES

[illegible]

8-2-33 [illegible]

Judge Bars I. L. D. Counsel, Appoints Three Local Attorneys for Mock "Defense"

TUSCALOOSA, Ala., Aug. 1.—National Guardsmen were called today to attend the trial of three Negro workers here on framed charges of attack and murder, as Judge Henry B. Foster refused to recognize Irving Schwab and F. B. Irwin, I. L. D. attorneys representing the three boys, and appointed three local attorneys to "defend" the three.

The attorneys appointed by Foster in an effort to keep the I. L. D. out of the case, are John D. McQueen former president of the Alabama Bar Association, Reuben Wright, and Freeman Rice.

Two other Negro workers are being held, one on a charge of obstructing and interfering with the investigation of the case, and another on charges which have not been divulged by Sheriff R. L. Shamblin.

The Negroes were arrested when Vaudine Maddox, white girl, was found dead in a ravine. Although all evidence pointed to the murder of the girl by a friend, or at least a close acquaintance, Pippen, Jr., was arrested and charged with the murder, after being pointed out by a white man who owed the boy some money. Pippen, Sr., was arrested when he told the officers that his son had not been out of his sight that morning. Clarke and Harden were arrested, evidently, because they were friends of young Pippen. Jimison was arrested when he came before the grand jury to testify that Pippen had been at work in his field the day the crime was committed.

The lawyers for the International Labor Defense were not permitted by Sheriff R. L. Shamblin to see their clients. The day after it was definitely learned that the I. L. D. had been retained in the case, the defendants were rushed to arraignment, represented only by the lawyers appointed by the court.

The leading white ministers of Tuscaloosa, Dr. Branche and Dr. Boone, and Dr. Denny, head of the University of Alabama, drew up a petition stating that the signers had full confidence in the justice of the courts of Tuscaloosa and in Judge Henry B. Foster, and that they did not want any "outside interference." This petition was given to the Rev. Roland Smith, Negro minister, and he was told to get all the Negro ministers in town to sign it. A few signed.

Many Back I. L. D.

A meeting was later held of Negro and white ministers, members of the Interracial Commission and many other persons. The heads of the Interracial Commission and the white ministers urged the meeting to adopt a resolution opposing the entrance of the I. L. D. into the case, and expressing their desire to have the defendants represented by the cousel appointed by the court. The small Negro tradesmen and Negro professional men and workers present, refused to support the petition. The less prominent Negro ministers, who are for the most part workers and small farmers themselves, also refused to take a stand against the I. L. D. When asked if the Negroes had confidence in Judge Foster, Deacon E. S. Smith stated that no Negro in Tuscaloosa has any confidence in Judge Foster, and that "the Negroes fear Foster as the ruling whites fear Commuhism."

A Citizen's Committee for the Defense of the Tuscaloosa cases has been formed here, and is collecting funds for the frame-up victims.

I. L. D. LAWYERS ARE GIVEN GUARD

Telegraph

Trial of Negro Is Delayed When Court Rules Against Volunteer Defense Counsel

8-2-33

TUSCALOOSA, Ala., Aug. 1 (AP)—Judge Henry B. Foster today held that attorneys employed by the International Labor Defense had not been retained to defend Dan Pippen, Jr., 18-year-old Negro, on charge of slaying Miss Vaudine Maddox, 21, and then postponed the case indefinitely. Pippen was indicted with two other Negroes for the slaying.

The attorneys, Frank B. Irvin, of Birmingham, Irving Schwab and Allan Taum, both of New York and associated in the Scottsboro case, were given a national guard escort when they left the city this afternoon.

Macon, Ga.

Judge Foster who asked the guard to protect the attorneys sent here by I. L. D., said, in regard to the troopers presence and escort:

"The guard escort was ordered, due to a public demonstration with several hundred persons around the court house and expressions of resentment against outside lawyers injecting themselves into a case over the protest of representative Negroes here and also the expressed wishes of the defendant, his father and his mother.

"There is no feeling against the Negroes here and guards were not needed to protect the defendants."

Mother Denies Retaining Irvin

Judge Foster ruled that the three attorneys did not represent the Negro, after Pippen, his father, Dan Pippen, Sr., and his mother, Lucindy Pippen, had testified they wished Charles La France and Jacob McGuire, retained in behalf of the Negro, to defend him.

A motion to postpone the case was then made by La France, who pointed out that the venire summoned for jury duty had heard part of the argument regarding which attorneys should represent the Negro to the prejudice of the case. Judge Foster granted the motion.

When the case was called, Irvin presented claims that he and his associates, Schwab and Taub, had been retained by Pippen's mother, presenting documents to substantiate the contention.

Lucindy Pippen, however, while on the stand was shown the document, purportedly signed by her and authorizing Irvin to act for her son, and denied having even seen it.

ILD LAWYERS DRIVEN FROM TUSCALOOSA

[illegible]

8-3-33

New York, N.Y.

Driven from Alabama Town; Later Taken to Birmingham Jail

MENACED BY ARMED MOB

Barred from Defense Of Framed Negroes

BIRMINGHAM, Ala., Aug. 2.—Allen Taub, Irving Schwab and Frank B. Irwin were late last night taken to the Birmingham police station. Irwin, a local lawyer, was released. Taub and Schwab, who are associated with the Scottsboro legal staff, are reported to have been escorted out of town. It was later reported that they returned to Birmingham this morning.

* * *

TUSCALOOSA, Ala., Aug. 2. — Three International Labor Defense lawyers, barred by the court from the defense of three Negroes framed on charges of rape and murder, whose relatives had retained them, were taken out of town here yesterday by National Guardsmen, 65 of whom had been called out here. On the way to Birmingham the train on which they were riding was halted by a mob of one hundred, organized by Tuscaloosa county authorities, which threatened to lynch the three.

The lawyers were Allan Taub, Irving Schwab and Frank B. Irwin. They were retained to defend Dan Pippen, Jr., 18; A. T. Harden and Ernest Clarke.

Case Adjourned.

In the court room, crowded with members of the lynch mob, Pippen and his father and mother, Dan Pippen, Sr. and Mrs. Lucinda Pippen, were told that it would be "highly advisable" for them to repudiate the I.L.D. attorneys and to state they wanted the services of the local Ku Klux Klan attorneys appointed by the court. It was reported that the defendants were beaten to force them to repudiate the I.L.D.

Following the incident in the court, the case was adjourned and Dan Pippen, Jr., taken to Montgomery jail.

The I.L.D. attorneys had been denied permission to see their clients in jail previous to the trial, and had come to court with the intention of demanding a postponement of the trial on the ground that the defense could not be prepared. Judge Foster before the trial refused to order Sheriff R. L. Shamblin to permit the lawyers to see their clients on the ground that he did not "want another Scottsboro case", with its inevitable exposure of Southern lynch law.

It was reported from Birmingham today that the police would make an attempt to drive the lawyers out of that city also, but the I.L.D. announced that they would not only stay there, but would remain in the case, and demand an immediate change of venue for the trial.

In a gesture parallel to that of Judge A. E. Hawkins at the first Scottsboro trials, when he assigned "the entire bar of Scottsboro" to "defend" the nine innocent boys, Judge Henry B. Foster here appointed five local attorneys to "defend" Pippen and his four co-defendants.

Daily Worker 8-3-33

Evidence Shows Frame-up.

Besides Pippen, Ernest Clarke is charged with assault and murder and A. T. Harden with being an accessory. Both these boys were arrested apparently because they were friends of Pippen and belonged to the same singing club. Pippen, Sr., is charged with obstructing the investigation because he told police his son was working with him in the field of Willie Jimison at the time the crime was committed, and Jimison himself was arrested when he appeared before the grand jury to confirm this atement.

All evidence, as was admitted by e local capitalist press during the st few days after discovery of the ime, pointed to a white man as the urderer. Dan Pippen was arrested hen he was pointed out as having een near the scene of the crime, by man who owed him wages.

I.L.D. Lawyer Hounded

ALLAN TAUB

Lynchings-1933
Prevented.

Arkansas.

4414

WILSON CASE TO JURY AS BAYONETS BRISTLE

Commercial Appeal

Special Guards Provided In Bank Holdup-Murder Trial.

9-14-33

PARIS, Ark., Sept. 13.—(AP) — The jury hearing the case of Johnny Wilson of Fort Smith on a charge of slaying Dolph Guthrie, teller, in the robbery of the First National Bank here last May 29, tonight began deliberations.

Testimony today was under the muzzles of several machine guns, special guards being brought here from the Tucker state prison farm after officess apparently became alarmed at reports from Leo (Sleepy) Scarborough, escaped convict and desperado, and Clifton Harback, brother of Clifton, who also is charged in the slaying and robbery, was feared by officers and one machine gun was mounted at the entrance of the Logan County circuit court, while another was manned by a guard inside the courtroom. Additional armed guards were in evidence.

Defense attorney today sought to prove that Wilson was in Little Rock at the time of the slaying, and that Guthrie was accidentally slain by Andy Connaughton, city marshal, in the gun fight which followed the bank robbery. Connaughton also was wounded in the fight.

A dozen witnesses today testified that the bandit who escaped during the robbery and shooting was "taller and darker" than Wilson.

Officers watched all highways near here in a search for an automobile which was alleged to have passed through here yesterday, containing two men armed with machine guns, and which officers chased but failed to overtake.

Clifton and Gene Harback both were captured immediately after the gun battle and bank robbery in this vicinity, and Clifton has been positively identified by witnesses at the Wilson trial as one of the bandits. He escaped from the county jail here on the eve of his trial nearly a month ago, after both brothers had been indicted jointly. Gene Harback elected to remain in jail rather than escape.

Wilson was captured at Las Cruces, N. M., several wekes ago and returned here. Gene Harback was granted a seperate trial by J. O. Kincannon.

NEGRO ADMITS ATTACK

Chicago Defender

Confesses Assaulting Two Women Near Malden, Mo.

This is Missouri

MALDEN, Mo., Sept. 30.—C. D. Ward, 23, negro of Helena, Ark., confessed yesterday to attacking two women here. Ward was arrested at his home in Helena.

Emma Sheehy, 26, and Frances Sheehy, 38, in company with their father, C. A. Sheehy, and Sheriff Tom Donaldson nd Deputy Harry Hestor, went to Helena. The women viewed 10 negroes held in jail there and pointed Ward out as their attacker.

10-1-33

Ward had spent several days here in February and March and admitted that he returned during the latter part of May to commit the crime.

Memphis Press

Ward stopped the two women as they were returning to their home at the edge of Malden from church services. He commanded them to crawl over a fence into a corn field where the attacks were committed. After releasing the women, Ward stated that he hopped a freight train and went north out of Malden.

The negro was returned to Dunklin County last night but has been removed for safe keeping.

Minister Facing Murder Charges

Advertiser

10-12-33

Death Count Filed Against Fundamentalist Preacher After Slaying Of Janitor

Montgomery Adv.

JONESBORO, ARK., Oct. 11.—(AP)— The filing of a murder charge against the Rev. Dale S. Crowley for the shooting of an aged janitor at the Jonesboro Baptist Tabernacle, wrote a climax tonight to two months of bitter factional strife at the spreading church edifice that was born of an earlier congregational conflict which brought national guardsmen here.

The 42-year-old fundamentalist pastor who boasted of his expulsion from Baylor University over a clash with the faculty on doctrinal beliefs was held in jail in another city because of the tense situation here.

The janitor, J. W. MacMurdro, 65, who was shot three times in an altercation with Crowley late yesterday which marked the minister's return to the tabernacle with a court order recognizing him as pastor, died early today.

He accused Crowley of shooting him "in cold blood" but the fiery preacher called it self-defense, asserting McMurdro fired at him first. A. U. Tadlock, deputy prosecuting attorney, said that as far as he could learn no shot was fired from the janitor's gun.

Three Guns In Church

Sheriff Houston Johnson was investigating the possibility that shots fired from more than one gun struck MacMurdro. He announced that he had found three guns at the tabernacle—Crowley's, MacMurdro's and another in which was one discharged shell.

The sheriff was told late today the third gun found in a room in the rear of the tabernacle belonged to Lloyd Shook, a former night watchman, and that he or MacMurdro fired the shot from it at a dog a few nights ago.

The murder charge against Crowley, who was rushed from the city last night because officers feared reprisals from the other faction, will be considered by the Craighead County Grand Jury when it meets next month.

NEGRO ACCUSED OF ATTACK PUT IN SAFEKEEPING

Post Dispatch

KENNETT, Mo., Nov. 29.—(AP)— A 2[illegible]-year-old negro, C. D. Ward, of Helena, Ark., was spirited out of town tonight by Sheriff Thomas F. Donaldson after Judge J. V. Billings had sentenced him to death for criminally assaulting two white women last May 28.

11-30-33

The sheriff returned a short time later but declined to say where the negro had been taken.

Lynchings-1933
Prevented.

California.

4410

SUSPECTS IN SLAYING THREATENED BY MOB

2-28-33

SANTA ROSA, Cal., Feb. 27.—(UP)—A crowd of 300 persons gathered tonight around the county jail where Andrew Mareck and Ralph Thatcher were held in connection with the killing of Peace Officer William R. Carick.

The sheriff's office instructed San Francisco officers to keep three other suspects in custody there for safety. The crowd appeared angry.

BUTTE MONT POST
FEBRUARY 28, 1933

LYNCH THREATS MADE IN POLICEMAN'S DEATH

SANTA ROSA, CALIF., Feb. 28.—(AP)—Lynching threats caused authorities to take special precautions today for the safety of suspects in a hotel holdup in which Special Policeman William Garrick, 60, was shot and killed.

Two of five suspects, Andrew Mareck of San Francisco, alleged leader of the holdup gang, and Ralph Thatcher, San Francisco printer, were held here in the county jail, about which a shouting throng gathered last night. The crowd dispersed after Sheriff Mike Flohr asked them "to play fair."

Jilted Suitor-Killer Threatened by Mob

SAN FRANCISCO, Cal., Dec. 19. (AP)—Lynch threats followed the fatal shooting today of Miss Emilia De Prato, 26-year-old opera singer, causing officers to remove Umberto Guisti hurriedly to the county jail at Redwood City. They said he confessed the slaying.

12-20-33

Miss De Prato, who was runner-up in a nation-wide voice contest in 1927, was shot to death on the front steps of her home in South San Francisco.

After rapid questioning by police, during which, they said, he signed a full confession he had killed the girl because she had jilted him, he was hurried from the jail into a waiting car by the sheriff and other officers.

A crowd shouted menacingly as the man came out the door. Cries of "Lynch him!" were heard but the crowd appeared to be without leaders.

Lynchings - 1933
Prevented.

Florida

4415

ATLANTIC CITY, N. J. UNION
FEBRUARY 17, 1933

ARRAIGN ROOSEVELT'S WOULD-BE ASSASSIN TODAY

POLICE GUARD ZANGARA FROM LYNCHING MOB

Mayor Cermak and Mrs. Gill Resting Well, But Still in Serious Condition

OTHER VICTIMS OF SHOTS RECOVERING

✓

Defiant Gunman Says He Doesn't Want Anyone to Help Him

By The Associated Press.

MIAMI, Fla., Feb. 17.—Mayor Anton Cermak, of Chicago, and Mrs. Joe H. Gill, of Miami, who stopped two of the bullets Guiseppi Zangara meant for President-elect Roosevelt, rested well last night, but their condition was reported little changed today.

The Mayor's condition was described by his doctors as "satisfactory with no complications," while Mrs. Gill was reported as "holding her own."

Other victims of the wild shots of the swarthy little immigrant who bought an $8 pistol to demonstrate his hate for all government were said by hospital attaches to be resting nicely and progressing. They were Miss Margaret Kruis, of Newark, N. J.; William Sinnott, of New York, and Russell Caldwell, of Cocoanut Grove, Fla.

While the condition of Mayor Cermak and Mrs. Gill was watched closely, Zangara was held in a cell high up in the Dade County jail under close guard against rumors of a possible attempt to kidnap and lynch him. Cool and unafraid, he awaited arraignment at 11 a. m. today on charges of attempting to murder President-elect Roosevelt, Miss Kruis, Sinnott and Caldwell.

* * *

Faces Long Imprisonment

Prison terms of 20 years are possible on each of the charges, but the gravity of Zangara's punishment probably will rest with the outcome of the condition of Cermak and Mrs. Gill. Authorities have withheld charges in these cases, indicating if either dies Zangara will be charged with murder.

Shortly before 9 a. m. Cermak's doctors issued the following bulletin:

"Mayor Cermak's condition is satisfactory with no complications. Pulse 96. Temperature 98.6, and respiration 24.

"He passed a restful night and seems quite cheerful and jovial."

It was signed by Drs. Karl Meyer, Fred Jirka, John Snyder, E. S. Nichol and T. W. Hutson.

Dr. Jirka and State Senator Richey Graham, of Illinois, sons-in-law of Mayor Cermak, arrived here early today by train. Dr. Meyer and William Haberkorn, sergeant-at-arms of the Illinois Senate, accompanied them.

Dr. Jirka and Dr. Meyer said Mayor Cermak joked with them in his room and quoted him as saying: "The only time you doctors take a vacation is when we get sick. I had to get shot in order for you to come down here."

* * *

Mrs. Gill Rallies

It was Dr. Snyder who made the report on Mrs. Gill, who during the night had a sinking spell. She rallied after stimulants were administered. He said she rested well and seemed holding her own. "Certainly," he said, "she is not any worse and she does not appear to be much better."

Physicians plan to issue three bulletins daily on Mayor Cermak's condition hereafter. A policeman guards his room and one stands outside the hospital.

Mayor Cermak has received literally hundreds of telegrams of sympathy. Among the senders were Gene Tunney, Jack Dempsey, the Mayor of Dublin, the Mayor of Prague, James A. Farley and Governor Horner, of Illinois, who is en route to Cermak's bedside.

There was some stir at the court house today as the time for Zangara's arraignment approached, but Sheriff Dan Hardie was prepared to take steps to quell any attempt at violence. He was unable, he said, to trace the source of the rumors he had heard.

Yesterday Zangara was brought before the court after the murder attempt charges were drawn and Judge E. C. Collins informed him he had a right to counsel to represent him.

"I don't want anybody to help me," the little Italian shot back defiantly. "You're the judge and you can do what you want to do."

TERRE HAUTE IND STAR
FEBRUARY 17, 1933

PRECAUTION TAKEN AGAINST LYNCHIN

MIAMI, Fla., Feb. 16.—(AP)—Rumors that an attempt might be made to kidnap and kill Guiseppe Zangara, who last night shot and wounded five persons in an unsuccessful attempt on the life of President-elect Franklin D. Roosevelt, caused Sheriff Dan Hardie tonight to bar all persons from the county jail where the prisoner is lodged.

Sheriff Hardie, who was unable to trace the rumors, ordered a guard stationed at the official elevator, which operates to the county jail offices on the nineteenth floor of the court house.

The guards were instructed to deny entrance to all persons except police officers.

ZANGARA, UNMOVED PUT IN DEATH CELL

Machine Guns Guard Cermak's Assassin as He Is Taken to Prison Farm at Raiford.

3-14-33

EXECUTION DATE NOT SET

New York.

Governor Signs Warrant, Making It Next Week, but Superintendent Will Name Actual Day.

RAIFORD, Fla., March 13 (AP).—Heavily guarded by a squad of National Guard machine-gunners, Joseph Zangara, the assassin who shot five persons in an attempt to kill President Roosevelt Feb. 15, awaits the electric chair here for the murder of Mayor Anton J. Cermak of Chicago.

Governor Dave Sholtz today signed the death warrant after Zangara had secretly been removed from the Dade County jail in Miami, where he was convicted last Friday. The warrant sets the execution for the week of March 20, the actual day and hour to be determined by Superintendent L. F. Chapman of the State Prison Farm. It was held likely that March 21 will be the date.

Zangara was brought to the State prison by Sheriff Dan Hardie of Miami and within ten minutes was photographed, fingerprinted and lodged in the death cell. He showed no signs of nervousness or curiosity at the prison surroundings.

"Are you sorry you shot Mayor Cermak?" Sheriff Hardie asked the assassin as he was being led to the death cell.

"No," replied Zangara. "I'm not sorry. I wasn't shooting at him, but I'm not sorry I hit him."

Garbed in regular stripes, Zangara spent most of his time today lying on his cot in the death cell. He made no requests and said little to the guards who stand watch over him.

Zangara, in addition to the sentence of death for the killing of the Chicago Mayor, is under sentence of eighty years for shooting Russell Caldwell, William Sinnott, New York policeman, and Miss Margaret Kruis of Newark, N. J., and his attempt on Mr. Roosevelt's life.

He was never tried for the shooting of Mrs. Joe H. Gill, who now lies in a hospital in a serious condition as a result of a bullet wound in the abdomen.

Mr. Cermak died last Monday after a long battle with a weak heart, pneumonia and gangrene which set into the lung injured by the bullet.

Within a few hours after Mr. Cermak's death Zangara had been indicted. In two more days he had pleaded guilty and was sentenced to death.

Zangara gave as his reason for his act "hatred of capitalists," stomach trouble and the desire to cause Mr. Roosevelt to "suffer fifty-fifty" with him.

"He capitalist and I figure make him fifty-fifty with me," said the slayer.

Macon, Ga. New
April 27. 1933

Sheriff Disperses Angry Lynch Mob

DELAND, Fla., April 27. (UP)—Sheriff S. E. Stone and several deputies, armed with shotguns and rifles and threatening to use machine guns, dispersed an angry crowd of at least 200 persons believed to be seeking a 16-year-old Negro here about midnight Wednesday night.

The crowd, composed mostly of young men from Daytona Beach, milled around the county jail where the Negro, James Fairley, is being held on a charge of attempted assault on a 14-year-old white girl at Daytona Beach Monday afternoon.

A report was circulated that the Negro had "half confessed."

Lynchings - 1933
Prevented.

Georgia

4411

Troops Protect Negro Prisoner

Telegraph

11-1-33

Macon Ga.

ATLANTA, Oct. 31 (AP)—Governor Talmadge late today ordered a company of National Guardsmen to accompany Mack Jones, Negro, held in jail here, to Homer tomorrow and protect him during his trial for attack and murder of a white woman.

The governor's order was issued at the request of Judge W. W. Stork, who will preside at the trial, and Solicitor General J. Clifford Pratt and Sheriff I. L. Whelchell. The governor was informed that feeling against the Negro was high.

Adjutant General Lindley Camp will be in charge of the Guardsmen.

Sheriff Whelchell posted notice on the doors of the courthouse that all entering would be searched tomorrow for weapons and that necessary steps would be taken to maintain order.

Guardsmen To Protect Georgia Negro In Trial

Advertiser

11-1-33

ATLANTA, Oct. 31.—(AP)—Gov. Talmadge late today ordered a company of National Guardsmen to accompany Mack Jones, negro, held in jail here, to Homer tomorrow and protect him during his trial for attack and murder of a white woman.

The Governor's order was issued at the request of Judge W. W. Stark, who will preside at the trial, and Solicitor General J. Clifford Pratt and Sheriff J. L. Whelchell. The Governor was informed that feeling against the negro was high.

TROOPS ORDERED TO BANKS COUNTY FOR NEGRO'S TRIAL

Constitution

11-1-33

Atlanta Ga.

Governor Sends National Guard To Forestall Possible Violence at Trial of Mack James.

Governor Eugene Talmadge Tuesday ordered a picked company of 60 men of the 122d Infantry, Georgia national guard, under command of Adjutant General Lindley W. Camp, to guard the courthouse at Homer and prevent any violence to Mack James, negro, who is to go on trial for assault and murder of a white woman today. General Camp and officers and men detailed to the scene will leave here early this morning.

The governor acted Tuesday after he received a request for troops from Judge W. W. Stark, who will preside over the trial; Solicitor-General J. Clifford Pratt and Sheriff J. L. Welchell.

James, who was serving his second sentence for assault, escaped after the murder for which he is to be tried today and was captured a few weeks ago. Officials told the governor that feeling was high in Banks county and it would be to the best interests of all concerned to have the troops present.

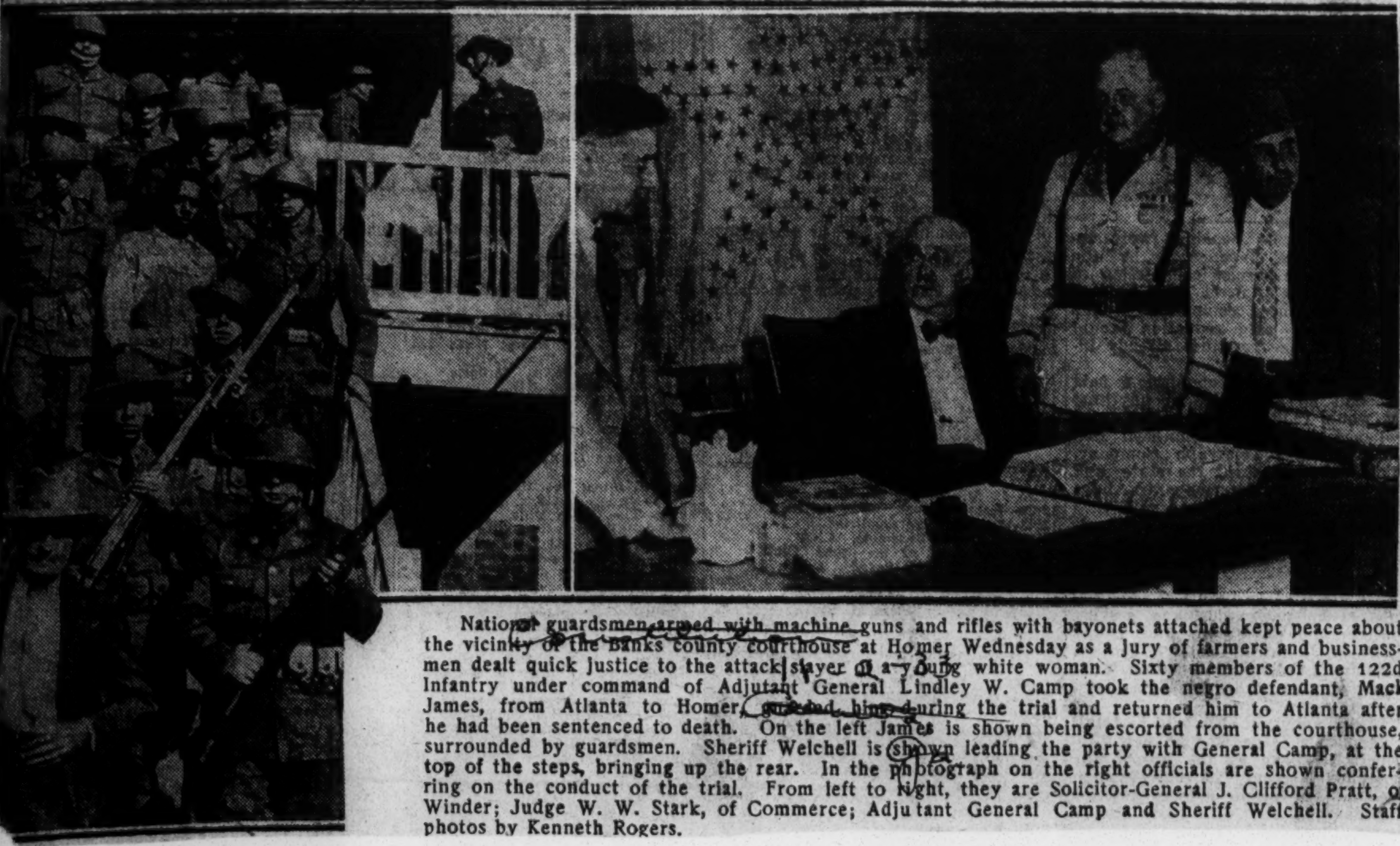
Officers assigned by General Camp to the detail included Major W. B. Elliott, executive officer of the 122d; Captains Marion Williamson, Hugh G. Moseley and Rex LeFevre and Lieutenants David Stephenson and Earnest A. Neely.

It is expected that the trial of James will require two days.

Sheriff Welchell Tuesday posted notice on the doors of the courthouse that all those entering the building Wednesday would be searched for weapons and added that every necessary step was to be taken to preserve law and order.

James has been held in the Fulton tower. General Camp and his troops will take him from the jail this morning and return him here immediately after the trial. If he is acquitted on the murder charge the prison commission has announced he will be sent to another county to complete the assault term.

Troops Guard Negro at Trial for Assault-Murder



National guardsmen armed with machine guns and rifles with bayonets attached kept peace about the vicinity of the Banks county courthouse at Homer Wednesday as a jury of farmers and businessmen dealt quick justice to the attack slayer of a young white woman. Sixty members of the 122d Infantry under command of Adjutant General Lindley W. Camp took the negro defendant, Mack James, from Atlanta to Homer, guarded him during the trial and returned him to Atlanta after he had been sentenced to death. On the left James is shown being escorted from the courthouse, surrounded by guardsmen. Sheriff Welchell is shown leading the party with General Camp, at the top of the steps, bringing up the rear. In the photograph on the right officials are shown conferring on the conduct of the trial. From left to right, they are Solicitor-General J. Clifford Pratt, of Winder; Judge W. W. Stark, of Commerce; Adjutant General Camp and Sheriff Welchell. Staff photos by Kenneth Rogers.

Constitution

11-2-33

Constitution
11-3-33
Atlanta
Ga.

UPHOLDING THE COURTS.

The orderly trial and conviction in the superior court of Banks county of the negro Mack James, accused of a heinous crime of a nature such as to arouse intense public indignation, is a credit to the law-abiding citizens of the county, to the court officials before whom the trial was held, and to the governor, who, in order to guard against any possibility of interference with court procedure, ordered a squad of national guardsmen placed on duty in the courthouse during the hearing of the case.

The determination of the people of Banks county that the good name of their community should not be marred by violence is attested by the fact that the only attempts by hot-heads to stir up trouble were promptly squelched without action either by the guardsmen or the local peace officers.

The conduct of the case by Judge Stark was fair and impartial in every way and General Camp's efficient handling of the guardsmen gave assurance that, even had violence been attempted, the safety of the prisoner would not have been threatened.

Governor Talmadge is to be commended for his action in sending the troops to Homer to assure that law and order was preserved and that there would be no danger of interference with orderly court procedure. There was no imminent prospect of violence, but the governor was not willing to take any chances, thus giving convincing evidence of his respect for the courts and his determination that they perform their functions in an orderly manner.

The governor may seem intemperate at times in his utterances, but certainly, in this instance, he has demonstrated that in action he stands firmly by law and order and for the conduct of the courts without intimidation from any source.

After all, the best way to judge a man, be he either private citizen or public official, is by his actions, and in this instance the governor has shown that under his administration no steps will be left untaken to uphold the courts.

Lynchings-1933
Prevented.

Georgia

4412

NEGRO SENTENCED TO DIE DECEMBER 1

~~Constitution~~
11-2-33
~~Atlanta, Ga.~~

Guardsmen Surround James During Trial as Crowd of 5,000 Waits.

HOMER, Ga., Nov. 1.—With the bayonets of national guardsmen keeping a crowd of more than 5,000 men at a safe distance, a jury in Banks superior court deliberated only 20 minutes here today before reaching a verdict finding Mack James, negro convict trusty, guilty of assault and murder. Judge W. W. Stark immediately sentenced James to be executed in the electric chair at Milledgeville on December 1.

Only a handful of persons were permitted in the courtroom and all were searched by the militia and Sheriff Welchell. There were only a few signs of disorder, the crowd for the most part keeping silent and obeying orders of the guardsmen.

One would-be mob leader was promptly squelched but the guardsmen had nothing to do with it as it was done by members of the crowd themselves.

An unidentified man demanded to know who would join him in an effort to take the negro from the guardsmen. It was said that the man came from a distant county but three Banks county men walked up to him and asked him to be quiet. When he resisted their efforts one of the men planted a hard right on the chin and the boisterous visitor was immediately quiet. The other two dragged him to the shade of a nearby store where he remained until the trial was over.

James took the witness stand and denied the charges against him but the jury saw fit to return a verdict of guilty despite the denial. The negro said he walked off from the Banks county gang the night before the crime was committed and never even saw the victim.

James was reported missing the day of the crime and inasmuch as he was serving his second sentence for assault he was immediately suspected. He was caught in south Georgia several weeks ago and had been held in the Fulton tower in Atlanta for safe keeping.

The state produced a number of witnesses whose testimony tended to connect the negro with the crime. All was circumstantial.

Solicitor-General J. Clifford Pratt directed the prosecution, while Attorneys Sam Kimsey and R. C. Scott, appointed by the court, defended the negro.

James was brought here by a picked company of 60 members of the 122d infantry under command of Adjutant General Lindley W. Camp. The troops and their prisoner arrived before daylight and the negro was placed under heavy guard in the courtroom to await the opening of the trial. Ten guardsmen kept him entirely surrounded throughout the proceedings and after the verdict was reached and sentence passed he was loaded into a bus and started back to Atlanta before the guardsmen permitted the crowd to disperse.

Defense attorneys said they were undetermined whether the case will be appealed or not.

Both Judge Stark and Sheriff Welchell thanked General Camp and his men for their services as the guardsmen took off with the prisoner.

The crowd which gathered here today came from 10 or 12 counties in this section and was said to be the largest in the history of this little town.

HARTFORD, CONN.
COURANT
OCT 25 1933

SOUTHERN LYNCHINGS

Comment is Made on Attempted Defense of Them

To the Editor of The Courant:—

In today's Forum I read a letter by R. B. Mathews, a clergyman, upholding the recent lynching in Princess Anne, Md. Mr. Mathews bases his reason for approving this most recent lynching on the fact that in the Emel Lee case, the culprit still lives even though the crime for which Lee is accused happened two years ago. Lee's case has been fought for two years in the courts; however, only last week the United States Supreme Court upheld the lower courts and as a result, Lee must pay the full penalty for the crime of which he is accused. Under the existing system of law in this country the accused had every right to have his case pass through all the procedure which it did. The Supreme Court has ruled that Emel Lee must die. In the face of this verdict, Mr. Mathews has the temerity to call the case a "travesty of justice."

Mr. Mathews in his letter further says, "Law must do its work quickly in such a case for a proper impression to be made on the colored people." I am afraid that Mr. Mathews will find that lynching as a means of "impressing" colored people, is a poor expedient. The false impression gained from the reverend gentleman's letter is that woman-attacking is common to Negroes only.

Negroes do not seek to help criminals of the race to evade the law. We feel that any criminal, regardless of his race or color, should be punished by due process of the constituted law for his crime. However, mob violence is not to be tolerated, according to this law.

I note that Mr. Mathews says that Southerners will not stand for crimes against women, "by Negroes." Are we to assume that crime against women by whites is permissible? "Taken at its face value," Clergyman Mathews's letter is a weak piece of work.

Mr. Mathews' statement that, had Emel Lee been executed within a month of his crime, the Princess Anne lynching would 'never have taken place, provokes a laugh from all fair-minded persons who know only too well how justice is meted out to Negroes in the South.

LESLIE I. DUNCAN.
Hartford, Oct. 23, 1933.

EXTRAORDINARY MEASURES TAKEN AGAINST THREAT OF MOB ATTACK

Military Called to State Farm to Protect Life of Condemned Negro

Telegraph

By PAUL CONAWAY
(Telegraph Staff Writer)

STATE PRISON FARM, MILLEDGEVILLE, Ga., Nov. 30.—The menace of mob violence, indicated by numerous threats reported to authorities, caused extraordinary precautions to be taken at Georgia's prison farm today.

12-1-33

Reports reaching authorities here were to the effect that a group from Banks county was coming to the prison for Mack James, Negro, under sentence of death for criminal assault of a white woman in Banks county.

Macon, Ga.

The Negro had been scheduled to die in the electric chair Friday but an appeal to the state supreme court this morning automatically stayed the sentence.

Supt. B. H. Dunaway of the prison farm and several guards who were absent on Thanksgiving hunting trips were called back to the farm and holiday plans were forgotten. None except those with business were permitted to enter the prison gates. Practically all, except officers, were searched for weapons.

National guardsmen were assembled in their armory in Milledgeville under Capt. F. R. Hargrove, but later they were dismissed and notified to be "ready for duty" on call.

An investigation failed to locate any mob in North Georgia and as the day changed into night nothing unusual had occurred, and tense nerves of the officers were relaxing.

First word of the reported mob was received at the prison farm from Gov. Eugene Talmadge. The governor stated that attorneys for the condemned Negro had asked protection for the Negro, and had informed the governor that a mob planned to seize James should he be transferred today from the farm to the Fulton county jail in Atlanta.

Telegraph
12-1-33

Later Sheriff J. [illegible] Whelchel of Banks county arrived at the farm and reported having heard several threats in his county. The sheriff expressed the opinion that there was little danger of an attack on the prison farm in "broad daylight" but said that he planned to use extreme caution in taking the Negro from the prison to the Atlanta jail.

Macon, Ga.

In view of the threats reported to the governor the state's chief executive ordered the prison superintendent not to permit the removal of the Negro until "it is safe."

"It would be foolhardy, of course, for me to try to take James back to the Banks county jail at Homer," Sheriff Whelchel commented, "but I believe we can make it to Atlanta all right."

Sheriff's Daughter Volunteers

The sheriff's attractive brunette daughter, Mrs. Cleo Garlan, volunteered to drive the car containing the prisoner.

"I'm not afraid of a mob," the young woman said. "If you men will put him in this car and watch him I'll take you through to Atlanta."

Although no decision had been reached late this afternoon about the removal it was indicated that the plucky young woman would probably drive the car.

As precautionary moves it was planned to hide James in the rear of the car on the floor in front of the rear seat.

Mrs. Carlan, it was planned, would drive the machine and her husband, Clyde Carlan, chief deputy sheriff of Banks county, would, ride on the front seat with her. On the rear seat would be the sheriff and a son, Barber Welchel.

The officers were undecided whether to make the trip by way of Eatonton and Madison or by Macon and Griffin. They favored the latter route, pointing out the advantages of passing through several cities and towns and also the fact that it was the all-paved route.

Court Order Granted

Sheriff Welchell of Banks county came to the prison late today with an order signed by Judge Stark of the Piedmont Circuit for removal of James to the Fulton (Atlanta) county tower but prison officials refused to allow James to leave.

They said they had been directed by Governor Talmadge to keep the prisoner here until further orders.

Sheriff Welchell advised Judge Stark of the refusal and later said he expected an early call from Governor Talmadge permitting the removal.

In Atlanta, Governor Talmadge said he did not intend that his instructions should conflict with a court order and had no desire to try to prevent the return of James to Atlanta but issued his order merely to cause a delay in his removal until excitement over the reported mob had quieted.

Negro Denies the Crime

In the death cell James trembled as he talked with newspaper men. He said he wasn't afraid, but that he was nervous and couldn't "keep my hands from shaking."

He emphatically denied the crime for which he has been sentenced and declared that he was "ready to die."

"If I've got to go, I must, the law says," the Negro commented, "but I am innocent and God will make it all right with me."

Banks county officers said that the case against James was circumstantial, but that "there is no doubt as to his guilt."

James was under a 20-year sentence imposed in Bibb Superior court about 18 months ago when the latest crime occurred. In the Macon case the Negro was accused of attempting to assault a young white woman near Miller field. This case was the second time he had been brought to trial for attempted assault. The jury deliberated for about 24 hours before a verdict of guilty was returned. As James was a second offender the maximum sentence was pronounced.

After several months in the state prison farm James was assigned to a road camp in Banks county, near Homer. He worked industriously and was well behaved, officers said. Finally he was made a trusty. On certain days each week it was his duty to go to a wash pit near the camp and wash clothes.

Several weeks ago a white woman who had been seen walking in the vicinity of the wash pit where the Negro was working was found several hours later murdered. She had been assaulted and mutilated. It was on this same day, officers said, that James escaped.

Returned to His Home

"Convict stripes," the clothing said to have been worn by James, was found hidden in some bushes near where the body was discovered. There was human blood on the convict uniform. The woman's hands and feet had been tied with pieces of flour sack of the kind used exclusively in that section in the convict camp. Also a pair of shoes that were said to have been identified as James' and had peculiar markings, were found to fit dim tracks leading to and from the corpse.

James was traced through north Georgia back to his native home in Jones county, near Round Oak. Here he had a wife and two children. After several days of watching a posse of officers arrested him a few weeks ago.

The Negro was taken to the Fulton county jail for safekeeping and later was taken to Homer for trial under protection of a company of National Guardsmen. He was found guilty and sentenced to die.

James yesterday continued to deny his guilt in the Bibb county case as well as the Banks county crime.

"The only thing I'm guilty of, Boss Man, is escaping," he said. "But I show didn't hurt no one. If I had of harmed that lady I show wouldn't have left my clothes right there where they could find 'em. It would be like leaving my name and address. When I hid my clothes there, I know nobody else was around and somebody else must have come there later."

New York Evening Journal

DEC 1 1933

NEGRO GUARDED IN LYNCH FEAR

MILLERSVILLE, Ga., Dec. 1.—Although no trace was reported of a mob alleged to have been formed to seize and lynch Mack James, a negro held in the State penitentiary here to be put to death in the electric chair Saturday for attacking a white woman, extraordinary precautions were taken to protect the doomed man.

Sheriffs of several counties reported that investigation had failed to reveal any gathering of would-be lynchers.

The Adjutant General phoned from Atlanta that the rumors apparently were exaggerated, and that there had been no occasion to order troops to be held in readiness.

MOB THREAT CALLS TROOPS IN GEORGIA

New York Times

Ready to Protect Negro in Prison, Soldiers Disband as Report Proves False.

12-1-33

New York

MILLEDGEVILLE, Ga., Nov. 30 (AP).—Exaggerated rumors that a North Georgia mob was headed toward the State prison farm near here today resulted in national guardsmen assembling unofficially in the Milledgeville armory, but they soon went home.

Attorneys for Mack James, a Negro under death sentence for assault on a white woman, reported to Governor Talmadge in Atlanta by telephone last night that they feared a mob would try to seize James today and asked protection.

The Governor called prison farm officials to tell them of the report. Captain F. R. Hargrove of the Baldwin Blues, local National Guard company, called about twenty men to the armory and told them to get into their equipment. He then called Adjutant General Camp in Atlanta and was told to go to the prison farm and confer with officials there.

After going to the farm, the Captain reported to the adjutant general that the reports were evidently "false alarms." He then sent his men home. State officials in Atlanta did not issue a troop mobilization order.

James was scheduled to die in the electric chair here tomorrow, but an appeal to the State Supreme Court stayed the sentence.

Lynchings - 1933
Prevented.

Illinois.

4416

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DUBUQUE (IA) HERALD-TIMES
WEDNESDAY, APRIL 5, 1933

Jail Mulatto After Alleged Attack on E. Dubuque Babe

Spirited to Galena After Angry Mob Gathers

Elmer Cornwell, alias Elmer Miller, 23, a mulatto, is in the Jo Daviess county jail at Galena, Ill., today following a mob scene at the East Dubuque jail Monday night in which a crowd of men and women, estimated at 150 to 200 persons, threatened to lynch him because of his alleged brutal attack upon a 15-months old baby earlier in the day.

The baby, Barbara Grant, daughter of Mr. and Mrs. Alvin, "Babe" Grant, is at Mercy hospital in a serious condition, suffering from numerous bruises and possible bone fractures. Her condition was extremely critical at the time the incident was unearthed but slight improvement was reported by the attending physician late Monday. The baby is expected to live.

Cornwell was removed from the East Dubuque jail shortly after 9:30 o'clock Monday night to Galena after Marshall John Werner and Officer Frank Vogt of East Dubuque had conferred with county authorities at Galena regarding the size of the mob. Numerous threats of "lynch him", "turn him loose and we'll lynch him", "burn him at a stake", and "tar and feather him" were hurled at East Dubuque authorities by the mob during the questioning of the prisoner. No violence was used by any member of the menacing crowd while the prisoner was kept in the East Dubuque jail.

Spirited From Jail

Crowds of East Dubuquers gathered around the jail building shortly after 7 o'clock in the evening and grew larger until about 9 o'clock when the mob had reached its maximum size. When Cornwell was removed from the jail and taken to Galena by Sheriff John Ehrlers and a group of deputies, the prisoner was spirited safely through a rear door of the East Dubuque jail. He was taken to Galena in a speeding automobile driven by Sheriff Ehrlers. It was approximately ten minutes later before word spread among the mob that Cornwell had been taken to Galena.

Immediately after arriving at the Galena jail, Sheriff Ehrlers and States' Attorney Frank Sheean continued their questioning of Cornwell. The prisoner was alleged to have told several different stories concerning the attack.

The baby was found unconscious and covered from head to feet with bruises by Mrs. Grant when she returned from a visit to the East Dubuque business section Monday afternoon. Cornwell told Jo Daviess authorities that the baby had fallen from a baby carriage in the home. An investigation disclosed that Cornwell was alone with the baby at the time Mrs. Grant was away from the home.

Neighbors heard the commotion at the Roy Rapp home in the "flats" across the railroad tracks about a mile and a half from the East Dubuque business section, but paid no attention to the cries Mrs. Grant made when she discovered the badly hurt baby girl. Shortly afterward Mrs. Grant fled from the home and ran to the Frank Lester residence, about 300 feet from the Rapp home, and told her husband, with whom she has not lived since their wedding day about 14 months ago, about the attack on the baby.

Baby in Mercy Hospital

Grant ran to the Rapp home and later called East Dubuque officers and notified a Dubuque physician. The baby was immediately taken disclosed that the baby had been slapped, beaten, and pinched.

Marshal Werner revealed that Cornwell, who also had used the name Miller since he lived in East Dubuque the last two years, has been arrested before on theft and bootlegging charges. He also said Cornwell had been drinking when he was arrested Monday.

Mrs. Grant told authorities that she noticed bruises on the baby's body about a week ago for the firts time but that she failed to pay any particular attention to the injuries.

In the event the baby dies, State's Attorney Sheean said he would issue a murder warrant against Cornwell. Sheriff Ehrlers said the prisoner has changed his story several times since his arrest. No confession regarding his alleged beating of the baby had been made last Tuesday.

Married In 1932.

Grant, who is 21 years old, told a Telegraph-Herald and Times-Journal representative that he married Margaret Lucy in Galena, Feb. 14, 1932, but has not lived with her since the wedding took place.. He said she is 22 years old. The couple has never been divorced, he declares.

At the present time and since the time he has been married, Grant has been living at the home of Frank Lester, police judge in East Dubuque. Grant said that his wife has lived with her sister, Mrs. George (Louise) Hamilton and also in the Breson flats in East Dubuque since the wedding. About a week ago Grant said Mrs. Grant and Cornwell had taken up rooms at the Roy Rapp home in the East Dubuque "flats" and have been living together since that time.

Lynchings - 1933
Prevented.

Iowa.

4417

SIOUX CITY (IA) TRIBUNE
FRIDAY, APRIL 7, 1933

2 Alleged 'Con' Men Are 'Saved' From 'Lynching'

Excitement at Stockyards Friday as 'Necktie Party' Is Interrupted

Sioux City's usually peaceful stockyards Friday morning was cloaked in a wild western atmosphere as a group of 50 stockyards and commission men staged a

JOHN W. ROBERTS

"necktie" party with two men believed to be operating "con" games.

W. H. Radke, 37, and John W. Roberts, 39, were the objects of the yards men's wrath. It is alleged they have been working confidence games on farmers bringing cattle and hogs into Sioux City. Last week the pair was reported to have taken money from a farmer. Detectives recovered the cash.

Friday morning the two men appeared in the yards and were given a royal reception. Detectives Maurice Farley and Marcus Crost put in a timely appearance after a rope had been tied around Radke's neck and "saved" him.

Shortly after 10 o'clock, it was reported to the station there was disturbance at the yards. A radio call to Crost and Farley sent the officers to the scene.

The officers found a large crowd milling about. Radke had a noose around his neck. Yards men refused to give up their prisoners until after a free-for-all fight. Detective Farley exhibits a bruised knuckle as evidence.

W. H. RADKE

The detectives finally separated the alleged "con" men from the crowd and told them to "beat it." They took it on the run and were last seen heading toward the Missouri river. Detectives say the pair had taken quite a beating.

Both men have been in jail here several times. Roberts has a long record in the files at the police station. Radke was arrested here June 13, 1927, and fined $50 for operating a liquor nuisance. Octobe 10, 1923, he was found guilty o vagrancy and served a year's sentence [illegible] the county jail.

Kansas

Lynchings-1933
Prevented

4418

Kansas Ranch-Hand Confesses Pritchard Slaying

12-12-33

HUTCHINSON, KAN., Dec. 11.—(AP)—Jack Wisdom, 26, a cowboy, signed a statement this afternoon, Assistant County Attorney Eli Eubanks announced, that he kidnaped and killed Mr. and Mrs. Harry Pritchard, of Wichita, Kan.

The statement, obtained at the Kansas State Reformatory, where Wisdom is held for safekeeping, did not mention "Buck" Smith who Wisdom had stated and their bullet-pierced and bloodstained car was found abandoned near Depew, Okla.

Wisdom, the object of a widespread search since then, was captured yesterday in a hill hideout south of Jay, Okla., and was taken hurriedly to Kingfisher to aid officers in the search for the bodies. Before he arrived there, however, a farmer had stumbled upon Mrs. Pritchard's body.

Wisdom, according to the statement, shot the couple to death and hid the bodies in Oklahoma because he feared prosecution on a worthless check for $21.40 which he had given the Wichita merchant.

Pritchard's body was found today beneath a culvert near El Reno, Okla., soon after Wisdom was rushed from Kingfisher, Okla., to Kansas for safekeeping. His wife's body was discovered yesterday in a culvert near Bison, Okla.

Mindful of recent lynchings in San Jose, Calif., and St. Joseph, Mo., Gov. William H. Murray, of Oklahoma, called out his National Guardsmen last night to forestall possible mob violence.

Wisdom was brought here secretly, and Gov. Alf M. Landon of Kansas, expressed determination today to thwart any attempt to establish "lynch law" by calling out the Kansas guard if necessary.

Detective Capt. W. O. Lyle, of Wichita said Wisdom told him he did not kill Emery Lange, the elderly cowboy with whom he worked on a ranch in Meade County, Kansas. Lange's bullet-pierced body was found in a well Nov. 30, about two months after he had disappeared and Wisdom had told their rancher-employer, "the old man has quit."

Wisdom was quoted as saying he met "Buck Smith" in a Wichita pool hall and there hatched the plot against the Pritchards. He said the Pritchard car was halted near Wichita and Mrs. Pritchard was forced to drive to a point north of Wellington, Kan.,

The couple disappeared last Nov. 23

COWBOY KIDNAPER GETS PROTECTION

Governor Calls Out Military and Issues Orders 'Shoot to Kill if Necessary'

Macon Telegraph
Macon, Ga.

KINGFISHER, Okla., Dec. 10 (AP) National guardsmen were ordered out tonight to protect Jack Wisdom, 26-year-old cowboy, while scores of officers and citizens pressed a search for the body of Harry Pritchard, kidnaped merchant whose wife was found dead in a roadway culvert today.

12-11-33

Gov. W. H. Murray called for mobilization of two guard units "to prevent any mob action" against the young cowhand accused of kidnaping the Wichita, Kas., couple, Nov. 23, to evade police action against him for issuance of a worthless check for $21.40.

The governor ordered the immediate mobilization of batteries of the 189th field artillery at Enid and at Kingfisher, from where Kansas and Oklahoma officers were directing the search for the body of Pritchard.

Mrs. Pritchard's body was found near Kingfisher today shortly after Wisdom was arrested at Leach Prairie, in the eastern Oklahoma hills.

Military Takes Prisoner

"My understanding is a mob is forming at Wichita," said the governor, ordering that Kingfisher guardsmen take custody of Wisdom and in directing that the Enid battery proceed south on U. S. highway 81, toward Kingfisher to prevent violence.

12-11-33

"We don't want mobs in Oklahoma," said the governor.

Macon Telegraph
Macon, Ga.

Wichita officers, however, denied there was public manifestation of the mob spirit in that city.

Governor Murray said it was his understanding that Wisdom had confessed killing the Pritchards.

Upon receiving reports of contemplated violence, he telephoned authorities at Kingfisher to take charge of Wisdom at Okarche, 12 miles south of town, where the search centered at the time.

However, Wisdom was rushed northward through Kingfisher before the troops arrived.

"Shoot to Kill"

"I told the guardsmen to shoot to kill if necessary," said Governor Murray.

Each guard unit has a strength of 120 men.

With Wisdom in handcuffs along to aid them, officers tonight searched a wide area south of Kingfisher with lantern and motor car lights. Police said they were trying to follow Wisdom's instructions.

Members of the searching party once returned to Kingfisher after following a 35-mile trail and set out again over a new route. They said the cowboy was "bawled up in his directions."

Many citizens, armed with electric torches, joined the hunt. About 25 carloads participated in the preliminary stages and the searchers were being augmented rapidly.

Pleads for Protection

The officers, led by Sheriff Ed Martin of Kingfisher and Chief of Detectives W. O. Lyle of Wichita, were reluctant to discuss details of what Wisdom had told them, but it was reported they expected to find Pritchard's body under a bridge on an east and west road east of U. S. highway 81, perhaps in the region near Okarche.

Wisdom, a small, dark man, was understood to have pleaded with the officers for protection from violence and, while there was no evidence here of high feeling, the authorities were taking every precaution.

When first arrested in a hill hideaway south of Jay, several hundred miles east of Kingfisher, Wisdom told officers he knew nothing of the Pritchards' disappearance. However, in announcing the discovery of Mrs. Pritchard's body, Sheriff Joe Cavin of Enid said he was advised the cowboy had volunteered to help recover the bodies.

CONFESSION MADE BY JACK WISDOM

Telegraph

He Admits Murder of Mr. and Mrs. Harry Pritchard 'to Keep From Going to Jail'

12-12-33

HUTCHINSON, Kans., Dec. 11. (AP) Jack Wisdom, 26, a cowboy, signed a statement this afternoon, Assistant County Attorney Eli Eubanks announced, that he kidnaped and killed Mr. and Mrs. Harry Pritchard of Wichita, Kans.

Macon Ga.

The statement, obtained at the Kansas state reformatory where Wisdom is held for safe-keeping, did not mention "Buck" Smith, who Wisdom had stated earlier killed the couple while he looked on.

Wisdom, according to the statement, shot the couple to death and hid the bodies in Oklahoma because he feared prosecution on a worthless check of $21.40 which he had given the Wichita merchant.

Text of Confession

The statement as made public by Eubanks, who is assistant district attorney at Wichita, read:

Q.—"Just relate the events leading up to the killing of Mr. and Mrs. Pritchard on Thursday, November 23, 1933.

A.—"Well, I met up with Mr. and Mrs. Pritchard there in the Pan-American cafe and he got onto me for this here check, and wanted the money right then and insisted on having it at the time or me going to jail, and I got out and tried to get the money for him but failed, and I couldn't get it. The only way I could think of to keep from going to jail was to make away with them, which I did on the road south of Wichita."

Q—"So you did form the intention of doing away with, or killing Mr. and Mrs. Pritchard in Sedgwick county, Kansas?"

A.—"Yes."

Q.—"And you carried out your designs or plans in Sumner county, Kansas, two or three miles north of Wellington?"

A.—"Yes, I, Jack Wisdom, make the above statement knowing full well the contents of the same and knowing that it may be used against me in case of trial. So help me God."

Telegraph

The statement was made public several hours after Detective Captain W. O. Lyle of Wichita announced Wisdom had reported the two were shot to death by "Buck Smith," apparently a fictitious character.

12-12-33

The cowboy was under heavy guard.

Pritchard's body was found today beneath a culvert near El Reno, Okla., soon after Wisdom was rushed from Kingfisher, Okla., to Kansas for safekeeping. His wife's body was discovered yesterday in a culvert near Bison, Okla.

Macon Ga.

Wisdom was quoted as confessing he had a dual motive—robbery and retaliation for a threat by Pritchard to prosecute unless he made good a check given at Pritchard's store in Wichita which was returned marked "no funds."

Murder of Large Denied

Mindful of recent lynchings in San Jose, Calif., and St. Joseph, Mo., Governor William H. Murray of Oklahoma, called out his national guardsmen last night to forestall possible mob violence.

Wisdom was brought here secretly, and Gov. Alf M. Landon of Kansas expressed determination today to thwart any attempt to establish "lynch law" by calling out the Kansas guard if necessary.

Captain Lyle said Wisdom told him he did not kill Emery Large, the elderly cowboy with whom he worked on a ranch in Meade county, Kansas. Large's bullet-pierced body was found in a well November 30, about two months after he had disappeared and Wisdom had told their rancher-employer, "the old man has quit."

Wisdom was quoted as saying he met "Buck Smith" in a Wichita pool hall and there hatched the plot against the Pritchards. He said the Pritchard car was halted near Wichita and Mrs. Pritchard was forced to drive to a point north of Wellington, Kans.

The couple disappeared last November 23 and their bullet-pierced and bloodstained car was found abandoned near Depew, Okla.

Wisdom, the object of a widespread search since then, was captured yesterday in a hill hideout south of Jay, Okla., and was taken hurriedly to Kingfisher to aid officers in the search for the bodies. Before he arrived there, however, a farmer had stumbled upon Mrs. Pritchard's body.

Relatives of the couple established their identity before a coroner's jury at El Reno, which found that a gunshot wound through the right cheek had caused Pritchard's death and that Mrs. Pritchard died from a wound in the right breast. The bodies were removed to Kansas this afternoon after Wisdom had said the slayings took place north of Wellington, Kans.

Cowboy Killer Begins Life Sentence After Confessing Murder Of Three

Advertiser 12-13-33

Montgomery Ala

WICHITA, KAN., Dec. 12.—(AP)—Jack Wisdom, slayer of three persons, was on his way to the Kansas State Penitentiary tonight to spend the remainder of his life at hard labor for the murder of Harry Pritchard, Wichita merchant, slain with his wife Nov. 23.

The 26-year-old cowboy pleaded guilty here late today to a charge of first degree murder in the merchant's death and was promptly speeded out of town in an automobile for Lansing.

Fearing mob violence, Wisdom was brought secretly to Wichita from the reformatory at Hutchinson under heavy guard and by equally secret prearrangement was arraigned and taken before District Judge Rober L. NeSmith to plead guilty.

The entire proceeding required less than 20 minutes.

M. S. Wiggins, superintendent of the reformatory who accompanied the prisoner to Wichita, said that during the drive here Wisdom admitted he also killed E. J. Large, elderly Meade County ranch hand last Summer.

Wiggins quoted Wisdom as saying he shot Large during a quarrel over differences in a card game Sept. 30. Wisdom long had been suspected of the murder but steadfastly had denied it since his capture. D. J. Wilson, Meade County attorney, held a warrant charging Wisdom with murder in that case.

Large's body was found Nov. 29, buried in a dry well on the ranch. Questioned concerning Large's disappearance, Levitt Johnson, ranch proprietor, quoted Wisdom as saying "the old fellow has quit."

Inasmuch as Large's suitcase also had disappeared, Johnson accepted the explanation until Wisdom's name was linked with disappearance of the Pritchards and a search of the ranch resulted in finding the body.

Wisdom was suspected of murdering the Pritchards in their car on a highway near here soon after their disappearance. An intensive hunt ended in his capture near Jay, Okla., last Sunday morning. On the same day, the body of Mrs. Pritchard was found concealed in a culvert near Bison, Okla., and yesterday Mr. Pritchard's body was found, also in a culvert, near El Reno, Okla.

The police theory throughout was that Wisdom killed the couple rather than be surrendered to officers on a charge of issuing a worthless check in the amount of $21.40 which Pritchard had cashed for him.

HUTCHINSON, Kan., Dec. 11 (AP). —Jack Wisdom, 26, a cowboy, signed a statement this afternoon, Assistant County Attorney Eli Eubanks announced, that he kidnapped and killed Mr. and Mrs. Harry Pritchard of Wichita.

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Q.—So you did form the intention of doing away with, or killing Mr. and Mrs. Pritchard in Sedgwick County, Kansas? A.—Yes. signs or plans in Sumner County, Q.—And you carried out your de- Kansas, two or three miles north of Wellington? A.—Yes. I, Jack Wisdom, make the above statement knowing full well the contents of the same and knowing that it may be used against me in case of trial. So help me God.

Pritchard's Body Found.

Pritchard's body was found today beneath a culvert near El Reno, Okla., soon after Wisdom was rushed from Kingfisher, Okla, to Kansas. His wife's body was discovered yesterday in a culvert near Bison, Okla.

Governor William H. Murray of Oklahoma called out his National Guardsmen last night to forestall possible mob violence.

Wisdom was brought here secretly, and Governor Alf M. Landon of Kansas expressed determination today to thwart any attempt to establish "lynch law" by calling out the Kansas Guard is necessary.

Detective Captain W. O. Lyle of Wichita said that iWsdom told him he did not kill Emery Large, the elderly cowboy with whom he worked on a ranch in Meade County, Kan. Large's bullet-pierced body was found in a well Nov. 30.

Wisdom was captured yesterday in a hill hidout south of Jay, Okla.

Relatives of the Pritchards established the identity of the bodies before a Coroner's jury at El Reno, which found that a gunshot wound through the right cheek had caused Pritchard's death and that Mrs. Pritchard died from a wound in the right breast. The bodies were removed to Kansas this afternoon.

LYNCHING THREATS FOLLOW DISCOVERY OF WOMAN'S BODY

Constitution 12-11-33

Farmer's Wife, Dead 3 Weeks, Found Under Culvert; Suspect Leads Posse in Unsuccessful Hunt for Husband's Body

Ga.

WICHITANS SPEED TO SCENE IN AUTOS

Couple and Farm Hand Disappeared Three Weeks Ago; Bogus Check Charge Believed Motive.

WICHITA, Kan., Dec. 10.—(UP) A Kansas lynch mob raced into Oklahoma tonight determined to wrest Jack Wisdom, a farm hand, from the hands of officers he had directed in a search for the body of one of three persons whom he was suspected of slaying.

The threat of mob violence, manifesting itself for the sixth time in the nation within a month, was inspired by a series of crimes in which Mr. and Mrs. Harry Pritchard, Wichita couple, and Emory Large, a farm hand, were the latest victims.

Wisdom led a posse to a place near Kingfisher, Okla., where he confessed, officers said, to hiding Pritchard's body, but it was not found. Earlier in the day, a hunter found Mrs. Pritchard's body under a culvert north of Kingfisher while detectives with the suspect in their custody sped to the gruesome cache.

Governor William H. (Alfalfa Bill) Murray ordered two companies of the Oklahoma National Guard to protect the police and their prisoner from angry Kansans reported speeding to seize and hang Wisdom.

Open Lynching Threats Made.

Open threats of a lynching were made by Witchitans after suspicion fastened upon Wisdom. The couple had been missing three weeks.

Early today, when Wisdom was arrested at the remote farm home of his brother-in-law near Leach, Okla., the mob began forming.

By mid-afternoon 500 automobiles bearing potential lynchers had assembled.

Leaders had procured a long rope. The mob formed the automobiles into procession in the stockyards district of Wichita, where Pritchard, a clothing merchant, was well known and popular.

Word came that Mrs. Pritchard's body had been found and that Wisdom himself was with a posse searching for the merchant's body.

Murmurs of "let's go and get him" were heard. At nightfall the motorcade departed.

Meantime, Wisdom returned with Captain W. O. Lyle, of the Wichita detective bureau, to Kingfisher, Okla., approximately 120 miles south of Wichita.

Officers refused to disclose their plans for holding Wisdom in view of the mob threats. Earlier they had planned to remove him to Kansas penitentiary at Lansing for safe-keeping. Governor William Murray, of Oklahoma, ordered troops to protect the prisoner.

Hunted by a posse of more than 20,000 Kansans and Oklahomans during a three weeks' period, Wisdom surrendered without resistance when awakened by possemen at his brother-in-law's home.

Pritchard had filed a charge accusing Wisdom of passing a $21 worthless check. That, according to officers, was the farm hand's only motive for abducting and slaying the couple. The Pritchards were last seen alive on the Wichita-Wellingoon highway accompanied by Wisdom, November 23.

Blood-Stained Car Found.

The couple's blood-stained car was found eight days later near Bristow, Okla., 120 miles south of Wellington.

The body of Large, a co-worker with Wisdom on the L. W. Johnson ranch near Meade, Kan., was found in a dry well on the ranch November 29. Eleven head of Johnson's cattle had disappeared. Police suspected Wisdom of cattle rustling and killing Large to prevent him from talking.

When taken to Jay, Okla., from Leach, Wisdom admitted being with the Pritchards the night they disappeared. It was not until after hours of questioning that he blurted out to Captain Lyle:

"Take me to Kingfisher and I may be able to find their bodies."

The 250-mile dash across the state with the prisoner started shortly before noon. Captain Lyle telephoned from Claremore to headquarters here that he was en route to Kingfisher.

The mob, puzzled by this development, organized the motorcade.

Meantime, a strange coincidence in the case developed. C. C. Cooksey, state highway department employe, his wife and son, were hunting rabbits near Bison, 16 miles southwest of Enid. Pursuing a rabbit into a culvert on a gravel county road, Cooksey stepped back aghast when he saw a decomposed body under the culvert.

He called Sheriff Joe Cavins at Enid, who in turn telephoned to Wichita police. Detective W. L. McLemar and Department of Justice Agent C. C. Suran left for Enid.

Body Identified.

The body was taken to the Brown undertaking parlor at Enid, where Wichita officers identified it as that of Mrs. Pritchard. They said she had been shot through the right side and the Garfield county physician estimated the body had been under the culvert two weeks.

Wisdom, meantime, accompanied by officers, reached Kingfisher shortly before 6 p. m. He led a posse to a point 16 miles south of Kingfisher where he believed, Captain Lyle said, he had hidden the merchant's body. For two hours the posse, equipped with searchlights, hunted over the area, but was unsuccessful.

Within a half hour after he had received a report of the mob, the governor had thrown the state's military into motion to make good his recent assertions that never while he was governor would such mobs occur as recently lynched prisoners at San Jose, Cal., and St. Joseph, Mo.

When the San Jose lynching took place, Murray severely criticised California authorities, declaring that officials themselves were often responsible for mob action.

Tonight's mobilization was the 20th time the fiery "Alfalfa Bill" had resorted to military action to enforce state laws.

Only 10 days ago he called out the state troops to seize tickets for the University of Oklahoma-Oklahoma A & M. football game, to investigate alleged fraud in ticket sales.

Lynchings—1933
Prevented.

Kansas.

4419

Kansas Negro Jailer Gives His Life In Foiling Escape of Bank Robber

Constitution
11-30-33
Atlanta, Ga.

TOPEKA, Kas., Nov. 29.—(AP)—A negro, Benjamin J. Davidson, gave his life to prevent the escape from the Shawnee county jail last night of Cecil Thornburgh, white, bank and postoffice robber.

Soon after the 53-year-old negro jailer was slugged and then fatally wounded with his own pistol, a menacing crowd gathered outside the jail and Thornburgh was hurried to the state penitentiary at Lansing.

Captain George Reid, of the Topeka police department, reporting the safe arrival with Thornbrugh at the prison, said the Kansas desperado admitted the shooting of the negro.

Thornbrugh slugged the jailer in a room in which he and other prisoners were confined, free from their cells. The two battled for possession of Davidson's pistol in his holster, Davidson fighting desperately, although stunned.

The desperado wrested the pistol from Davidson and fired three times, two shots entering the negro's chest. One went wild.

With his waning strength, Davidson shouted for help and grappled with his younger assailant. He tossed Thornbrugh backward down the steps from the upper cell tier, the prisoner being knocked unconscious when he struck his head on one of the steel steps.

Officers found the pair, with the jailer lying across Thornbrugh's body. Thornbrugh was treated at a hospital, returned to jail and then, as the mob gathered, rushed to the prison. Davidson died on the way to a hospital.

When assigned as night jailer, Davidson had promised his superiors: "A prisoner will kill me before he gets away."

He made good that promise.

the state penitentiary at Lansing.

Capt. George Reid, of the Topeka Police Department, reporting the safe arrival with Thornburg at the prison, said the Kansas desperado admitted shooting the Negro.

The Kansas House of Representatives, in special session at the State House a few blocks away, approved a measure for the return of capital punishment.

Thornburgh slugged the jailer in a room in which he and other prisoners were confined, free from their cells. The two battled for possession of Davidson's pistol in his holster, Davidson fighting desperately although stunned.

The desperado wrested the pistol from Davidson and fired three times, two shots entering the Negro's chest. One went wild.

With his waning strength, Davidson shouted for help and grappled with his younger assailant. He tossed Thornburgh backward down the steps from the upper cell tier, the prisoner being knocked unconscious when he struck his head on one of the steel steps.

Officers found the pair, with the jailer lying across Thornburgh's body. Thornburgh was treated at a hospital, returned to jail and then, as the mob gathered, rushed to the prison. Davidson died on the way to a hospital.

JAILER KILLED IN CHECKING ESCAPE

News
11-28-33
Birmingham, Ala.

Prisoner-Slayer Hurried Away To Kansas Penitentiary For Safekeeping

TOPEKA, Kan.—(AP)—A Negro, Benjamin J. Davidson, gave his life to prevent the escape from the Shawnee County jail Tuesday night of Cecil Thornburgh, white, bank and postoffice robber.

Soon after the 53-year old Negro jailer was slugged and then fatally wounded with his own pistol, a menacing crowd gathered outside the jail and Thornburgh was hurried to

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An Act Of Heroism By A Kansas Jailer

World
12-2-33
Birmingham, Ala.

When he was given the job as night guard at the Shawnee County Jail in Kansas, Benjamin J. Davidson, a Negro, told his superiors, "A prisoner will kill me before he gets away." Tuesday night Davidson had an opportunity to keep his word.

It happened that a desperate prisoner, convicted as a bank and postoffice robber, was locked in the Shawnee County Jail. His name was Cecil Thornburgh. According to The Associated Press dispatch, "Thornburgh slugged the jailer in a room in which he and other prisoners were confined, free of their cells. The two battled for possession of Davidson's pistol in his holster, Davidson fighting desperately though stunned. The desperado wrested the pistol from Davidson and fired three times, two shots entering the Negro's chest."

But the jailer, though he was 53 years old, did not forget the promise he had made. After shouting for help, he grappled with the prisoner and finally was able to toss him down a row of steps. Running to the scene, relief officers found Davidson, stunned and fatally wounded, lying across the unconscious body of Thornburgh. The jailer died on the way to a hospital, and the prisoner was carried to the state penitentiary at Lansing for safe keeping.

Just now, when one hears so many instances of lack of courage on the part of officials entrusted with the care of prisoners, the story of Benjamin J. Davidson should not go unrecorded. In various states, there have been recent horrible lynchings which might have been prevented if all the persons entrusted with a legal duty in each of the cases had carried through their obligations as thoroughly as did this humble jailer in Kansas.

It is true that Kansas episode cannot be compared exactly with the lynching cases in other states. The Shawnee County jailer was faced with the problem of preventing an escape. In the other three instances, the problem was that of protecting a prisoner from persons determined to defeat the regular course of justice. But the similarity emerges in the fact that officers of the law are under an obligation to see that prisoners in their care are safely presented for trial in the regular courts.

Perhaps it would not have been necessary for Davidson to have gone to the extreme of sacrificing his life in preventing the escape of Thornburgh. Not many jailers would have gone that far. But there is an undeniable inspiration in his heroic fight to maintain the integrity of the law.

The Rope And The Faggot Rule?

Associate Editor The Advertiser

Advertiser
12-3-33
Montgomery, Ala.

Lynching was a popular pastime in these United States last week.

More persons condoned the lynchings in California and in Missouri than condemned them. There may be those who shrink from the record. There may be those who cry out "But the right-thinking people deplored the lynchings."

Certainly it would look better for the permanent record of these turbulent times if most persons did condemn the outbreak of indignation, the rule of mob spirit which broke out in the West and in the East, but most persons did not speak out against the lynchings.

The truth is, most people applauded the lynchings!

Of course, it can be explained why men and women of usually sound judgment, men and women who shudder at the sight of spilled blood, condoned the hanging of the two kidnapers of the murdered California youth, and the burning to death of a Negro who assaulted a white woman in Missouri.

Americans are extremists. The history of the prohibition law illustrates how the American mind works, if it does not explain why. America went from the open saloon to absolute dryness. And from dryness it went extremely wet—before repeal. The country now is in danger of leaping to another extreme with reference to liquor.

Just so, it has been with law enforcement. Americans saw the racketeer grow and flourish. They saw crooked bankers using "other people's money." That was the Era of Tolerance. Nearly everybody had plenty. Everybody thought perhaps something should be done to put a stop to racketeering and the growth of other criminal professions as well as the increase in non-professional crime. But nobody seemed to care enough to go into court and testify honestly and courageously on the witness stand. Nobody seemed to care enough to give necessary information to the police. Nobody seemed to care enough to sit on a jury and convict known public enemies.

Everybody thought something should be done to put a stop to crime. But nobody—that is to say, not enough persons cared enough to do their small part.

Officers of the law, for the most part, were honest and efficient and courageous in tracking down criminals.

Officers of the courts, for the most part, were honest and efficient and courageous in presenting what evidence they could gather before juries.

But the people, though honest, were either too cowardly or too busy looking after their own individual interests to testify in court and to convict by jury.

Then there came the agencies which in the name of mercy did everything in their power to thwart justice motivated by the desire to inflame the spirit of anarchy, to cause an outbreak against established law and order.

Such an agency found its first case of international interest in Alabama—the trial of the Scottsboro Negroes. Alabamians are thoroughly familiar with the tactics of the trouble-making agencies in Alabama. They know that it succeeded in so inflaming mob spirit in Tuscaloosa that three Negroes were lynched within one week.

* * * *

America stood by and mildly "deplored" for years, as it saw gangster chieftains beat the raps, crooked investment house presidents exonerated, murderers acquitted, rapists waxing fat in comfortable prisons while shrewd lawyers called for delay after delay.

We should have known what was coming, so consistent is the cycle of the American mind. We should have known that one of these days the people would rise up, impatient with slow justice, outraged by brutal crime and take the law into its own hands—for better or for worse.

That is what America did last week. It rose up and took the law into its own hands. It swept past the sheriff and the courts and the official hangman and executed—by rope and gunpowder and fire—prisoners guilty of brutal crimes.

The political demagogue who counts votes above principle, election to office above the interests of the people, his own pocketbook and stomach above the future of established law and order, could have done well for himself last week by applauding the lynchings in California and in Missouri and the actions of the mad mob in Maryland.

Indeed, if there are gentlemen so inclined, they might make statements this week, explaining away the right of mob rule. And mob rule can be explained away. The people are in a temper to agree with paste board leaders who will applaud the San Jose mob, Governor Rolph and the braggart 18-year-old San Jose boys who are claiming the "credit and glory" of spurring the mobsters into action.

The lynching spirit seems to be the popular spirit. No man need fear to speak out in favor of the California lesson. About nine out of ten persons with whom the writer has talked during the last three days were in hearty accordance with the views of California's Governor, Rolph, and nearly all of the persons with whom the writer talked were those the speakers at ladies afternoon tea clubs call Right Thinkers. All of them were above average intelligence. Few of them could be called narrow-gauged.

* * * *

The chief argument in favor of lynchings is the ancient excuse: "The law is too slow. The guilty escape too often in the courts."

There are other excuses for lynchings, most of them are elaborate and almost logical.

The popular mind seems to have graspel all that might be said in favor of lynching and has overlooked the REAL reason why even the most "excusable" of lynchings can never be justified in the eyes of society.

Lynchings are brutal, it is true. But one must admit that the San Jose mob was not bent on brutality, that its members were not sadistic creatures—but normal men possessed of humane qualities under normal conditions.

Mobs sometimes get the wrong person, it is true. But one must admit that the mobs of last week did not murder innocent men. They lynched brutes guilty of horrible crimes.

But push emotion aside. For those who argue against lynchings .can be guilty of indulging in maudlin sentimental gush just as can those who lynch and condone lychings indulge in emotional orgies.

No tears need be shed for the victims of the mobs last week. If men deserve death for crime those men certainly deserved death.

But there are chances of mobs killing the wrong person. The San Jose mob almost took an innocent man when it searched for the killer of Brooke Hart. Mobs have been known to get the wrong man. And mobs have killed more innocent men than have the courts.

Yet the condonation of one "justified" lynching can and did cause other lynchings.

And it could do more than that.

Once men believe that they can take the law into their own hands with impunity, they will do so. They have done it in the past. They will in the future.

And once men believe that they can flaunt established law procedure, some men will begin to use the rule of rope and fagot to settle personal grievances, to become a law unto themselves, to intimidate, to murder—even as a means to take property.

People have been protected by Government so long that they do not realize what protection they have been and are receiving from it.

Even during the recent years of extreme tolerance toward crime and criminals government has offered protection that the average person does not appreciate and cannot appreciate because he has never known life without government.

The lynchings last week may have been outcries from the people for reformation in the courts.

It was the duty of Governor Rolph of California to promise to do everything in his power to bring about reformation in California courts if that is what the people want.

He took an opposite stand. He not only condoned the lynchings. He applauded them.

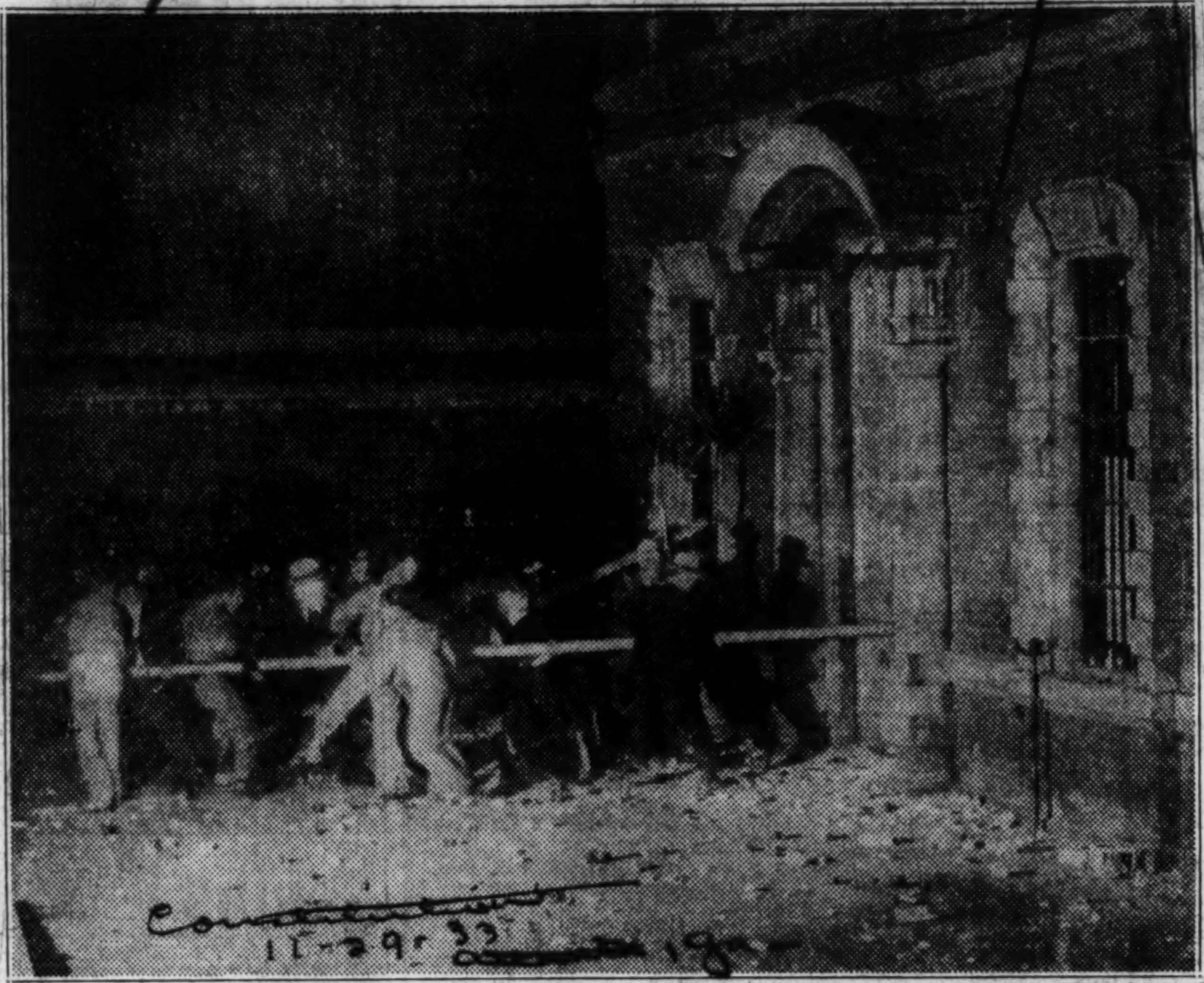
Such sentiment is in direct contrast to the thought and effort which made it possible for the State of California to have a Governor—invested with the power to guard over the interest of the people. If vigilante rule had continued in California, there would be no Governor in California today. There would be no government in California today. The law of the rope and the fagot would rule.

Men cannot applaud "justifiable" lynchings without applauding the spirit of anarchy.

A lynching cannot be seen as the mere killing of men who should be killed.

A lynching must be seen as a mad onrush of mob rule which once out of control, threatens the very homes and firesides which mobsmen and their sympathizers like to think of themselves as protecting.

Family of San Jose Lynching Victim To Sue Governor Rolph, of California, for Million



Constitution
11-29-33

A. P. Photo.

Mob leaders battering at the doors of the county jail at San Jose from which Thomas H. Thurmond and John M. Holmes, alleged kidnapers of Brooke L. Hart, were taken and lynched November 26. The mob used two lengths of heavy pipe, about 30 feet long, to batter through the steel doors of the jail.

SAN JOSE, Cal., ~~Nov. 29.—(UP)~~ Public [illegible] apparently was agreed that Jack Holmes an Thomas Thurmond met a justified fate when they were lynched in a public square Sunday [illegible]

11-29-33

Members of Holmes' family, however, were preparing to institute a $1,000,000 damage suit against Governor [illegible] Rolph Jr. and other public officials, contending that the governor "incited" the lynching.

Ga.

Announcement of the [illegible] was made by Vincent W. Hallinan and Nathan C. Coghlan, who had been retained as counsel for Holmes last Saturday.

Governor Rolph, they said, will be charged with inciting the lynching of the two men on the ground "that his public statement before the lynching inflamed the mob spirit and caused the hangings; that after the mob began storming the jail, he refused to uphold the law as sworn to do as the state's chief executive; that after th lynching he condoned the crime of mol violence."

Officials of Santa Clara county an of the city of San Jose will be charge with failure to take proper precau tions to prevent the mob from seizin Holmes, the attorneys said. San Fra cisco authorities likewise will b named in the damage action becaus they permitted Holmes and Thurmon to be transferred from the city priso there [illegible] the San Jose [illegible] com[illegible] against them, " violation of law whereby the prisoner were exposed to the lynching."

Constitution

The attorneys, in their [illegible] charged that there [illegible] "grave ques tion of doubt whether or not an inno cent man was hanged when Holme was lynched." The [illegible] evidenc against [illegible] said, was th confessi[illegible] made to [illegible].

11-29-33
Atlanta
Ga.

"Every time Holmes [illegible] an opportunity to speak unhampered," the statement said, "he asserted the confesison was obtained from him by third-degree police tactics. He claimed the officers threatened to turn him over to the mob for lynching if he did not confess. His innocence or guilt is beside the point. The claim for damages rests on the failure of officers to protect him from violence and guarantee him a fair trial."

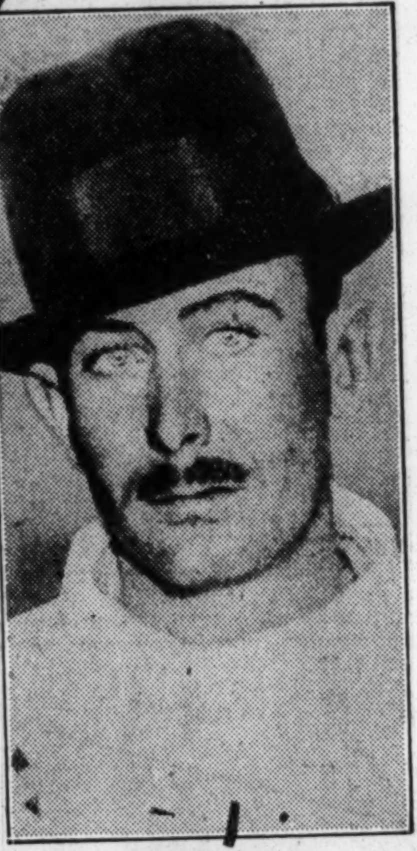
Santa Clara officials stood with Governor Rolph and admitted openly that possible prosecution of the mob leaders is remote.

They pointed out that the leaders must be identified and that apparently no one is willing to name the men who were in the forefront when the jail was stormed.

District Attorney Fred L. Thomas described as youthful boasting the claims of Anthony Catalbi, 18, and Ray Spencer, 17, both of whom claimed to have led the mob. Other men and boys who were in the crowd disputed the claims fo Catalbi and Spencer.

Holmes' father continued today to protest that his son was innocent. The father said that Holmes' movements on the night of November 9, when he allegedly kidnaped and killed Brooke Hart, could be traced definitely to prove his innocence. Members of the family say Holmes was

Killer Starts Life Term



JACK WISDOM

LANSING, KAN., Dec. 13.—(AP)—The identity of Jack Wisdom, 26-year-old cowboy triple slayer, was swallowed up in the routine of penitentiary life here [illegible] while at Cedarvale Mr. and Mrs. Harry Pritchard, [illegible] victims, were buried.

Sentenced to life imprisonment for the slaying of Pritchard, [illegible] had threatened Wisdom with prosecution on a forged check charge, the new prisoner said he had "no regrets" and expressed a willingness "to do my best here."

Wisdom also confessed he killed Emery J. [illegible], a fellow worker on the Levitt Johnson ranch in Meade County, during a [illegible] over a card game.

At Cedarvale, stores were closed upon arrival of the funeral party from Wichita, Kan., where Pritchard operated a store at which the $21.40 forged check was passed. Services were held earlier in the day at Wichita. Surviving the Pritchards is their 15-year-old daughter, Charlene.

Advertiser
12-14-33
Montgomery
Ala.

Lynchings - 1933
6
Prevented

Kentucky

4420

SHERIFF FOILS MOBS

Successfully Removes Negroes To Other Jails To Prevent Trouble

12-22-33

HICKMAN, Ky.— (INS) —Foiling two mobs that threatened to storm the county jail here, Sheriff Johnson Thursday had successfully removed two Negro prisoners to safety in other cities.

Monroe Irvine, who was accused of beating Walter Harris, 53, storekeeper, probably fatally and of robbing him, was taken to Paducah jail as 200 angry citizens gathered at the jail openly announcing they were after him.

Banner

Daze Freeman, arrested as Irvine's accomplice, was spirited into Tennessee several hours later as another mob formed. Officers said they headed toward Reelfoot Lake to throw the mob off the trail, after they were tipped the road to Paducah was blocked.

The merchant may die from his wounds.

It was the third time in 24 hours that mobs had threatened prisoners in Kentucky. Tuesday night a prisoner at Beattyville was rushed to Richmond to escape possible violence.

MOVE SUSPECT AGAIN

Believe Hickman Negro Now Safe At Eddyville

Commercial Appeal

12-24-33

MAYFIELD, Ky., Dec. 23.—Dave Freeman, 40, one of two Hickman negroes held for the attack and robbery of Walter Harris, Hickman storekeeper, was removed from the Graves County jail late this afternoon. Two deputies left with Freeman at 3:30 o'clock, presumably for Eddyville.

Twelve national guardsmen of Company L, local military unit, went off duty at dawn today after patrolling the jail all night. Reports of a mob forming at Hickman were received early last night. As an emergency, Chief of Police J. C. Byrn asked the guardsmen to surround the jail where Freeman had been for safekeeping since early Thursday morning.

Meanwhile, Chief Byrn had a message from William L. Patterson, New York, that "two hundred thousand members of the International Labor Defense are expecting you to protect Freeman."

FEELING HIGH IN ATTACK

Commercial Appeal

Negro Taken to Paducah Jail After Beating Merchant

HICKMAN, Ky., Dec. 20.—Monroe Irvine, 35-year-old negro, was rushed out of Fulton County this afternoon by Sheriff Leander Johnson and deputies, to safekeeping at the McCracken County jail at Paducah, following threats of mob violence, after a brutal attack on Walter Harris, storekeeper of East Hickman.

12-21-33

About noon today Irvine was seen in Harris' little store, when the last customer departed and left the negro alone in the store with the proprietor. A little later, Walter Fethe and Floyd Speed entered the store and found Harris lying on the floor in a pool of blood, with his head badly battered in with the butt end of an army rifle, found nearby. Money was found scattered around, as if a desperate struggle had occurred. The men summoned the sheriff.

Nearby residents reported seeing the negro leave the store in a hurry. Irvine was finally located in a negro home about a block from the Harris store. He had barricaded himself in his room and the officers had to break down the door to arrest him.

When it was reported that Harris was dying, open threats were made to reach Irvine, so he was hustled out of the county.

Harris was brought to the Morrison Baker Hospital, where it was reported he was in a critical condition, with his skull fractured in several places. Harris is nearly 70 years of age and has no family.

GUARDSMEN CALLED OUT AT MAYFIELD

Commercial Appeal

Patrol Jail Grounds to Prevent a Possible Lynching

12-23-33

MAYFIELD, Ky., Dec. 22.—Twelve members of Company L, of the Mayfield National Guard, patrolled the grounds around the jail here tonight as a precautionary measure against a possible attempt to lynch Dave Freeman, negro held here by officers in connection with an attack on Walter Harris, Hickman merchant, two days ago.

The guardsmen were called out by Chief of Police J. C. Byrn, who said that he had authority to take such steps in "an emergency." Chief Byrn said that he had asked Circuit Judge J. E. Warren to order the negro removed to another jail when it was learned that a mob might move on the jail here tonight, but added that the judge refused to act.

Freeman was arrested at Hickman shortly after his brother-in-law, Monroe Irvine was jailed for the attack and robbery of Harris. Freeman was said to have hidden the money which Irving allegedly stole. Irvine was taken to the Paducah jail.

Threats were made at Hickman Wednesday night to lynch Freeman if Irvine was not produced. The mob dispersed after Freeman had been brought here.

Smuggle Two Men Out of Town to Escape Mob Peril

Defender

12-30-33

Chicago

HICKMAN, Ky., Dec. 23.—Two Race men, threatened with mob violence, were smuggled out of Fulton county Thursday and taken to the jail at Paducah for safekeeping. Monroe Irvine, charged with attacking and robbing Walter Harris, 53 years old, was transported to Paducah early on Wednesday night by deputy sheriffs, who followed a circuitous route so as to avoid a band gathered on the main road.

Irvine's brother-in-law, Daze Freeman, accused of receiving the money stolen from Harris, was slipped out of the Fulton county jail on Wednesday night late, after groups of men congregating in front of the jail, told Deputy Sheriff Joe Walls that if they couldn't get Irvine they would take Freeman.

Kentucky Lynchers Threaten 2 Negroes

Workers Arrested on Charge of Robbery

Daily Worker

HICKMAN, Ky., Dec. 21.—An armed gang of lynchers gathered here today in an attempt to intercept a sheriff's car taking two Negro workers, charged with robbery, out of Fulton County to the McCracken County jail at Paducah for "safe-keeping."

12-23-33

New York

Monroe Irving, one of the two workers, is charged with attacking and robbing Walter Harris, a white man. Irving's brother-in-law, Daze Freeman, was also arrested, charged with receiving stolen money.

Small groups gathered last night in front of the Fulton County jail, told Deputy Sheriff Joe Walls that if they couldn't get Irving, "they would take Freeman."

Lynchings-1933
Prevented

Louisiana

4421

Sheriff Protects Negro From Louisiana Mob

Advertiser
Montgomery, Ala.
10-16-33

THIBODEAUX, LA., Oct. 14.—(AP)—An attempt by a group of about 75 men to take from the jail here a negro held for the killing of a white man was thwarted last night by Sheriff Thomas Stark and other officers.

The negro pleaded guilty recently to robbing and killing a man named Lejeune at Donner and had been in jail at Houma, but was transferred here for safekeeping.

When Sheriff Stark learned that the group was collecting at the jail last night he armed himself and took up a post at the entrance with several other officers.

He warned the men that if they attempted to enter he would shoot. The men stayed nearby for several hours, but finally dispersed.

NEW ORLEANS, LA.
STATES

OCT 18 1933

As to Lynchings

NINETY-NINE times out of a hundred lynchings are preventable, as Sheriff Stark, at Thibodaux, demonstrated the other night, when, with only two assistants standing with him, he sent a mob on its way, with a simple notification to its leaders that any attempt to break into the jail to take out a negro prisoner would be at their peril.

Further proof of what we say is furnished in a pamphlet issued by the Tennessee Interracial Commission giving the text of the addresses delivered on the occasion of the presentation of a sheriff's medal to Mrs. J. C. Butler, of Huntington, Carroll county, in that state.

When a mob gathered about the Huntington jail to attempt the summary execution of a negro murderer, Mrs. Butler, wife of the sheriff, was asleep on the second floor of the prison and the sheriff absent. She heard the tramp of the members of the mob in the jail yard. She hurried downstairs and met them at the front door. They met her with a demand for the prisoner. "You can't put anything like that over me," she bravely answered.

When members of the mob made as if to force their way into the jail, she flung back at them, with a gun, the defi, "If you enter here it will only be over my dead body." Whereupon the mob recoiled, fearing to lose any of its members, and quietly slunk away, and the life of the prisoner was saved—the majesty of the law upheld.

It needs only for sheriffs or their representatives to show that kind of nerve to break up any average lynching mob. Unfortunately, too often, those in charge of prisons and the custody of prisoners are either devoid of courage or connivers with the lynchers; they make no resistance and gross outrages against the law result.

DAYTON, O.
NEWS

NOV 12 1933

Cowing A Mob

Sheriff Thomas Stark of Thibodaux, La., had in his jail a prisoner on whom a mob would have liked to inflict its own "justice." In the crowd which appeared at the gates there were 75 persons.

The sheriff, armed with a rifle and flanked by two deputies, called their bluff. He opened the gates and dared them to enter. But he added: "You will have to kill me to get in."

Mobs that perpetrate lynchings are rarely punished. The killer of an officer of the law rarely escapes. This mob, met by a sheriff with a backbone, promptly broke up and disappeared.

Louisiana, with 340 lynchings from 1889 to 1929, was fourth high among all the states. The reason is that it hasn't had enough Sheriff Starks. The search for the cause of and cure for lynchings is an old one. If all authorities were of this type there would be no problem.

Lynchings—1933
Prevented

Maryland.

4422

MOVED TO 2 CITIES' JAILS FOR SAFETY

Journal and Guide
7-15-33
Norfolk, Va.

Saying Woman Asked Him To Love Her, Irks Whites

UNDER HEAVY GUARD

Maryland Sheriff Pledges To Protect Prisoner

Special to Journal and Guide

LA PLATA, Md.—Guilty or not guilty, Page Jupiter, who is being heavily guarded against mobs, will not have to pay most because he may have attacked Mrs. Evelyn Reisschneider, his 45-year-old white employer, but because he dared to tell county officials that his illicit relation with the woman was upon her request. He is held charged with murder.

Jupiter, a farm hand, was arrested Saturday afternoon, after the body of Mrs. Reisschnieder was found under a clump of bushes on her farm, her head fractured with an axe. The woman had been out in the field with the man for a long time, and when she failed to return search was begun.

Before the day was over angry farmers were lurking around the jail here making threats and sulked away only when Sheriff Robert G. Coosey announced that he would fight to give Jupiter his constitutional rights to the last ditch.

Under Heavy Guard

Over the the week-end the man was heavily guarded, but the situation becoming tense, he was rushed to the Upper Marlboro jail early Tuesday morning, brought back to La Plata by an unannounced route Tuesday afternoon to stand arraignment and then conveyed to the Baltimore city prison for safe-keeping.

According to the Associated Negro Press, Jupiter who is also known as William Sutherland, told police that the woman had left the house early that morning and that he was fearful that violence might befall her and led a search for her. It is alleged that two blood-stained shirts and bloody trousers were found in his shack on the farm.

Crowded and threatened by the blood-thirsty whites, Jupiter, in a cool manner is reported to have said, "If it will satisfy or help matters, I will say I killed her," according to the ANP.

His Side of "Attack"

"I was in the cabbage patch at the end of the farm when Mrs. Reisschneider came up to me about 9 o'clock yesterday morning," are the words credited to the farmhand. "She came up to me and said she wanted me to make love to her," he continued. "I didn't want to do so at first, but she argued and I did.

Journal and Guide
7-15-33
Norfolk Va.

"When I told her that her family would be suspicious if she stayed away from the house any longer, she began to cry. She said she was ashamed and could never look them in the face again. 'Kill me,' she begged me. ' can't go on living after this.'

Hit Her With Axe

"So I picked up the axe and hit her on the head. Blood got on my clothes. I didn't know what to do, but I decided I had to have an excuse.

"So I picked up a sharp stone and went to wash, telling the daughters that was how I got the blood on my hands and shirt."

Jupiter's Words Irk

That Jupiter's accusation of the dead woman as having asked him "to make love to her," will not particularly help him is seen in the fact that in every crowd where white men gather, the words on their lips are "The idea to say that, he's a liar, etc."

Even a member of the district attorney's staff, before he had any time to investigate, characterized Jupiter's story as a "contemptible lje."

While the apprehended man says that there was no attack, the coroner and investigators have declared that the appearance of the ground where the white woman was slain shows sign of a struggle having taken place, and have interpreted it to mean that Mrs. Reisschneider fought for her honor.

The husband of the woman was in Washington, D. C., on business when the tragedy occurred, but her three -own-up daughters by a former marriage were at home.

JUPITER LYNCH THREAT IGNORED BY GRAND JURY

Insufficient Evidence Found to Present a True Bill, It Says.

INDICT ACCUSED ON TWO COUNTS

Farm Hand to Face an Early Trial.

Afro American
7-22-33
Baltimore
Maryland

LA PLATA, Md.—Declaring that the testimony of Charles County officers did not present enough evidence to find true bills against any members of the mob which searched the La Plata jail for Page Jupiter several days ago, an extraordinary session of the grand jury ignored the mob action here Monday.

At the same session the body found true bills against Jupiter on charges of criminal assault and murder.

Officers Testify.

Sheriff Robert V. Cooksey, Deputy Sheriff Russell Howard and State police officers testified before the body, both as to the arrest of Jupiter and the mob action. Although it was known that on the night of July 10, a mob of more than fifty white men, armed with sledge hammers and carrying ropes, came to the jail, bent upon lynching the accused man, and although officers allowed some of them to search the building, their evidence before the jury did not reveal sufficient knowledge of the affair to cause the body to take action.

A special session of the court will be called to try Jupiter at an early date, it was said.

N.A.A.C.P. in Case.

Through its Washington attorney Charles H. Houston, the National Association for the Advancement of Colored People may enter the case, it was learned this week. Attorney Houston was in Baltimore last week but was denied permission to see Jupiter. The attorney stated that he had an order from Jupiter's half-sister and would present a request to the judge that he be permitted to see the accused man.

In a report to the national office he stated that an investigation revealed that the country was quiet and that officers blamed most of the disorder on reporters seeking sensation. The report said that he was inclined to agree with this view. It also stated that he had faith in the assurance of the Charles County judge that Jupiter will receive a fair trial.

Bernard Ades, of the Baltimore branch, International Labor Defense, stated that his organization was ready to step into the case if there was any indication that it would be needed. He stated that he did not share any assurance, in the face of developments, that Jupiter would receive a fair trial unless pressure was brought to force it.

Reporters for THE AFRO-AMERICAN were denied permission to see the accussed man in the Baltimore jail here this week.

Strange Story.

Considerable interest is still being manifested in the strange story of the killing. Jupiter plead not guilty when arraigned at the magistrate's hearing. In an alleged confession he was quoted as stating that he killed the white woman at her own request when she stated she wanted to die if he was going to leave her.

New York Evening Journal

JUL 11 1933

TROOPERS FOIL LYNCH MOB

LA PLATA, Md., July 11.—After a mob of incensed farmers had made two attempts to lynch Page Jupiter, Negro farm hand, held for the brutal axe murder of Mrs. Evelyn Reifschneider, 47, on her farm Saturday, State troopers were called here to help guard the prisoner.

Persuaded to leave peaceably by Sheriff Vernon Cooksey, the mob threatened to "come back."

The Negro confessed the axe murder, declaring the woman asked to be killed when he said he was going away. Authorities place no credence in his story.

Asheville, N. C. Observer

July 13, 1933

NEED BUCKSHOT

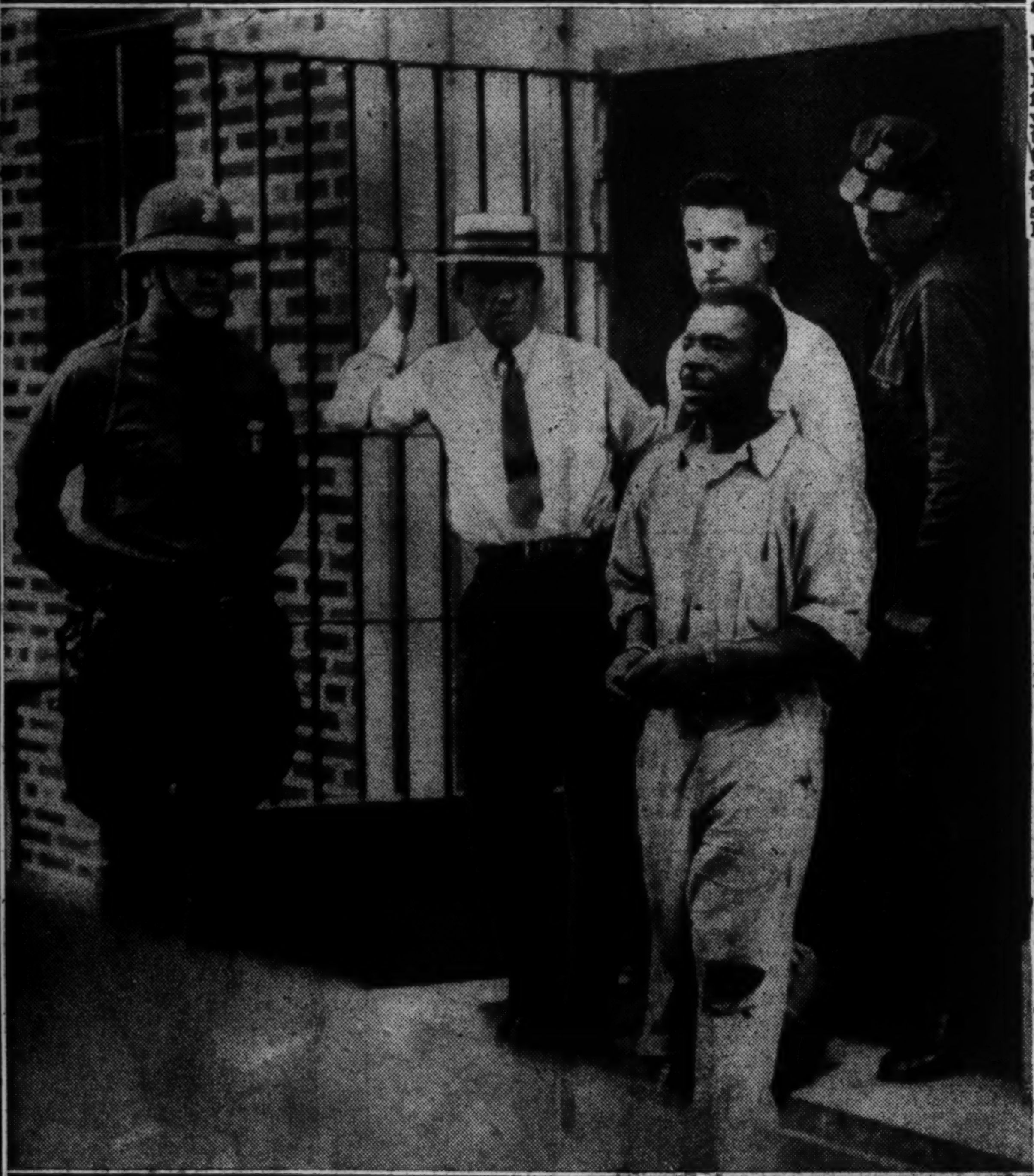
Maryland officers, acting in sharp contrast to South Carolina sheriffs, yesterday prevented the lynching of a negro by getting him out of the way of a mob that was forming to take him: It is unfortunate that flight is the best remedy against lynching because it merely serves to perpetuate the practice. It is unfortunate that officers could not stand their ground before mobs and give them a taste of buckshot.

If every would-be lyncher knew that he stood a good chance of having his yellow hide punctured by a bullet from a sheriff's gun, memberships in mobs would go begging at ten cents a gross.

NEW YORK DAILY NEWS

JUL 13 1933

MOB ALMOST HAD HIM



(By Acme)

HIS FACE showing his relief, Page Jupiter, confessed colored slayer is taken from the Marlboro, Md., jail after a huge mob of enraged farmers had stormed the building in an attempt to lynch him. He admitted killing Mrs. Evelyn Reifschneider, 47-year-old farm wife of Waldorf, Md. Maryland police are escorting him to Baltimore.

[illegible] New York N.Y.

LA PLATA, Md., July 10.—Surrounded by a group of guards, Sheriff Robert G. Cooksey stood before the Charles County Jail here last night and told a mob of would-be lynchers that he would fight to the last to protect Page Jenafer's constitutional right to trial by jury. His action averted a lynching.

The mob was howling for the blood of Jenafer, a farm hand, who was accused of slaying his employer, Mrs. Evelyn Reifschnerder, on her farm near Waldorf, Md. The 42-year-old prisoner is alleged to have told authorities that he used an axe to murder the white woman at 9 a.m. Saturday. Officials said he told them that she wanted to die because she was ashamed of having induced him to be her lover.

LYNCHING BEE FAILS

Pittsburg Courier
7-15-33.
Pittsburg, Pa.

(By Staff Correspondent)

LA PLATA, Md., July 13.—Quick action on the part of John F. Dorsey, colored jaid keeper in this Southern Maryland town, today snatched the life of Page Jupiter, colored, from the grim clutches of Lynch Law, after the latter confessed to the murder of Mrs. Evelyn Reicfneider, white farm owner, Saturday.

When the reports came to Dorsey that a mob was approaching to demand Jupiter, Dorsey barricaded himself in the jail and refused to even admit the advance guard of the delegation, composed of three men, who asked to be allowed to "see" Jupiter.

Jupiter is said to have confessed to beating the white woman to death at her request when she learned that he was leaving the farm. He denied that he had criminally assaulted the woman and said that he had done it after she asked him to kill her.

NEW YORK DAILY NEWS

JUL 10 1933

Lynch Mob Perils Colored Ax-Killer Of Dixie Mother

(Special to The News)

La Plata, Md., July 9.—Armed guards sought to prevent a threatened mob lynching of Page Jenafer, colored farmhand, here tonight after he had confessed to the ax murder of his employer, Mrs. Evelyn Reifschnerder, mother of four daughters, on her farm near Waldorf, Md.

The outraged citizens of Charles County, who had already surrounded the jail, began to cry, "Hang him!" after it was learned that the 42-year-old slayer said he killed the white woman at her request, because she was ashamed of having induced him to become her lover. The murder took place at 9 A. M. yesterday and Jenafer confessed at 3:30 P. M. today, following twenty-four hours of relentless questioning.

Mob Awaits Darkness.

"That's a lie and worse than murder—to say she asked him to make love to her!" shouted a man as the mob advanced on the jail.

Sheriff Robert G. Cooksey appeared, surrounded by heavily armed undersheriffs, and declared he would 'fight to the last ditch' to protect Jenafer's constitutional right to trial by jury. The mob, asked by the sheriff to disband, sullenly departed, but later reported to have adjourned to a secret meeting place to await darkness.

The husband of the 48-year-old slain woman was on a business trip to Washington, D. C., when the murder occurred. He did not learn of the tragedy until he returned late last night to the ten-acre estate. Mrs. Reifschnerder's three daughters by a previous marriage were hysterical when he arrived.

Farmhand's Story.

"I was in the cabbage patch at the end of the farm when Mrs. Reifschnerder came up to me about 9 o'clock yesterday morning," the colored farmhand told investigators. "She came up to me and said she wanted me to make love to her. I didn't want to do so at first, but she argued and I did.

"When I told her that her family would be suspicious if she stayed away from the house any longer, she began to cry. She said she was ashamed and could never look them in the face again. 'Kill me,' she begged me. 'I can't go on living after this!'

Hit Her With Ax.

"So I picked up the ax and hit her on the head. Blood got on my clothes. I didn't know what to do, but I decided I had to have an excuse. So I picked up a sharp stone and cut the horse's leg and then went to wash, telling the daughters that was how I got the blood on my hands and shirt."

County authorities, summoned by telephone, declared they had no doubt the woman fought desperately for her honor and ther was slain because she refused t promise immunity to the hire hand.

N. Y. EVENING POST

JUL 11 1933

MARYLAND SLAYER ESCAPES LYNCHERS

Prisoner Taken to Nearby Jail Ten Minutes Before Farmer Mob Arrives

LA PLATA, Md., July 11 (AP).—Rushed from the Charles County Jail here a scant ten minutes before a band of angry farmers arrived in an effort to seize him, Page Jupiter, Negro, confessed slayer of Mrs. Evalyn Reifschneider, was taken to the Prince Georges County Jail, at Upper Marlboro, where he was held today to await a preliminary hearing.

Mrs. Reifschneider, forty-five-year-old wife of Jupiter's employer, was killed Saturday after she was attacked near their truck farm. Her head was crushed with an ax. Upper Marlboro is thirty miles north of La Plata.

Mississippi.

4413

Lynchings-1933
Prevented

NEGRO CONFESSES TO SLAYING OF OFFICER

Commercial Appeal

Prisoner, Who Shot Benton Deputy, Is Spirited Away.

9-7-33

ASHLAND, Miss., Sept. 6.—Benton County officers tonight were zealously guarding the whereabouts of Robert Jones, 24, negro, who has been removed to a jail in an unannounced locality, following his alleged confession that he shot to death Deputy Sheriff Mark H. Mason, 40.

Memphis
Tenn.

The negro was reported to have confessed Tuesday night following his capture by Sheriff R. N. Hudspeth and deputies in a negro house near here. The arrest and purported confession came the first night after Jones fled from his home near Ashland, after Deputy Mason had been shot through the heart.

Jones was secretly removed to some other jail, believed to be some distance from here, after several hundred citizens spent Monday night and all day Tuesday searching for him, and mob violence appeared imminent.

Another negro was arrested along with Jones, but he is not believed to have had any part in the shooting. Officers surrounded the negro house and after they had warned an occupant that they knew the negro was inside, he meekly surrendered. According to officers, the negro gave no reason for shooting Deputy Mason.

The popular Benton County officer had just left the Jones home Monday night with two negro prisoners, charged with thefts, when he heard a shot coming from the house. Returning to investigate, he stepped upon the porch and was fatally wounded. When officers searched the house Jones had fled. His mother is still held in custody at Holly Springs.

Missouri.

4423

Lynchings-1933
Prevented

MISSOURI MOB FEARED

Commercial Appeal
Dec 3-33
Memphis, Tenn.

Convicted Kansas City Slayer in State Prison for Safety

KANSAS CITY, Dec. 2—(US)—Paul Kauffman, under sentence of death for assaulting and murdering Avis Woolery, 16, here four years ago, today was spirited from the Jackson County jail to the state prison at Jefferson City after Sheriff Thomas B. Nash had received reports a mob was organizing to lynch him.

Kauffman has an appeal pending in the state supreme court, and he will be held at the state penitentiary pending the outcome,

Lynchings-1933
Prevented

New York.

4424

LYNCHING THREAT MADE IN SLAYING

Amsterdam News

Attempt in Brooklyn to Get Suspect in Girl's Case From City Prison

[illegible]-33

Not satisfied with the efforts of police to pin the slaying of six-year-old Helen Sterler on Lloyd Price, 22, of 556 Myrtle avenue, Brooklyn, a crowd of irate white citizens stormed the Raymond Street Jail Saturday evening in an attempt to wrest Price from the police for a lynching party. The crowd was finally dispersed and an extra heavy guard placed at the jail.

New York

Price, believed to be mentally defective, was held for the murder of the white girl when police said he confessed that he strangled the girl after luring her to the basement of 1013 DeKalb avenue last Wednesday. The girl was also criminally assaulted, police said. Mrs. Elsie Price, mother of Lloyd, led police to her son after identifying as her dead husband's a pencil found near the white girl's body.

With the arrest of Price, who police say has a record for attempts to criminally attack children, it is held by detectives working on the case that the mystery surrounding two other such slayings has been solved.

One was the case of Sarah Burrows, 10, who was found, after a criminal attack, strangled in the basement of her home at 279 Halsey street in 1931. Gladys McDonell, a white girl, was found last year. Another girl, Alice Davis, 14 Decatur street, was attacked in 1931 in the cellar of 1450 Fulton street.

JAMAICA, N. Y.
LONG ISLAND PRESS
FEB 21 1933

Almost a Lynching in New York

New York City which reads with horror of lynchings when they happen elsewhere is not so far, itself, from the elemental fury of revenge in the name of justice as the case of a Woodhaven taxicab driver will show.

Badly beaten by an enraged crowd in Brooklyn, the Woodhaven man was saved from the mob by a policeman who found it necessary to draw his gun to protect his prisoner.

The cab driver had been involved in a complicated accident which ended with a horrible death for an aged pedestrian. Later, doctors said the driver was intoxicated. On the face of what has been learned since the accident, it seems very easy to fall in with the mob mind and decide "he deserved what he got."

From another point of view, however, it must be considered that the mob could not be sure that the driver was drunk nor that the accident, tragic as it was, was not the result of circumstances beyond his control.

Until our system of justice is amended to include trial and sentence by mob at the scene of a crime, let's have justice by reason and not by emotion; the latter is too prone to err.

N Y BRONX HOME NEWS
FEBRUARY 23, 1933

Near-Lynching Follows Shooting

Rescued yesterday from a mob of more than 100 men and women who attempted to lynch him after the fatal shooting of Sebastian Ippolito, 50, 2618 W. 17th St., Coney Island, Joseph Mili, 37, a next-door neighbor of Ippolito's, was to be arraigned in Coney Island Court today on a charge of homicide. Police charge that Mili fired four shots into his neighbor's body when a year-old feud flared anew as Mili placed part of his woodpile on his neighbor's property. Mili fled as neighbors gathered about the body, and he was followed by a mob, yelling "lynch him." At Stillwell and Neptune Aves. they caught him and almost ripped the clothes from his body. Some of the mob were shouting for a rope when two policemen with drawn revolvers rescued the badly-battered man.

New York Mob Menaces Negro

Advertiser
9-11-33

Policemen With Revolvers Drawn Stop Lynching By Crowd In Subway

Montgomery, Ala.

NEW YORK, Sept. 10.—(AP)—Enraged citizens early today captured a burly negro in flight after an attack upon a woman in a west side subway station. Police believed the prisoner to be a marauder who recently has terrorized many in Central Park.

The negro was rescued from late homegoers in the subway by two officers with drawn pistols, when a good sized mob gathered to shouts of "lynch him," "shoot him." The policemen were booed when they rushed the negro out of the subway.

At the station, the negro gave his name as Alvin Alfred, 25, and gave an address which officers said was fictitious.

Patrolman Peter Conway, who aided in the capture, said Alfred's description "tallied minutely" with that of the Central Park marauder, who has been the object of an intensive manhunt.

Mrs. Bertha Carrol, 32, victim of the assault in the women's restroom of the subway, was taken to a hospital suffering from shock, severe bruises and lacerations.

Mrs. Carrol was carrying a jar of jam when she stepped into the rest room about 2:30 a.m. Her husband, William, was standing on the platform watching for their train.

She told police a huge negro, striped to the waist and barefooted, seized her when she entered the restroom and tore the jam jar from her hands. She screamed, she said, and the negro smashed the jar over her hand and knocked her down.

Carrol, a husky butcher, rushed into the rest room where he said the negro was bending over his wife beating her with his fists.

Carrol picked the negro bodily from the floor and hurled him against the wall. As they fought, Mrs. Carrol crawled to the station platform and called to a man who ran for the police.

Eluding Carrol, the negro jumped to the tracks and fled toward the next station with a crowd of men, who had gathered quickly, at his heels. A downtown local train ended the chase at the next station, where the negro was handled roughly by a fast growing crowd.

Officers at this point entered the station and, with drawn pistols, took the negro away.

AT HOME WITH THE I. L. D.

[illegible]
9-14-33

Surprisingly little comment has been made upon the actions of a crowd of New Yorkers in the subway who chased a Negro after he had attacked and robbed a woman who was waiting for a train. Fortunately the law intervened before the mob was able to settle matters in the manner in which mobs usually do.

[illegible] Ala.

It seems in our none too humble opinion, that here would be a most convenient place for the I. L. D. to carry on its purely altruistic and humane practices since it is conveniently close to headquarters and the organization advertises its lack of funds to function for the noble cause.

Perhaps the I. L. D. is so preoccupied with affairs on distant soil that it has overlooked this opportunity along with many other cases worthy of their benign attention.

It may be, however, that the course of justice in our largest metropolis is beyond reproach, which leaves these philanthropic men free to sponsor the cause of downtrodden humanity in other climates.

It may also be true that the metropolis, more familiar with the desires and aspirations of this worthy organization, does not give it the publicity and attention that it is so persistently seeking.

HOUSTON, TEX.
POST

SEP 12 1933

A New York Mob

A NEGRO, accused of attacking a white woman, narrowly escaped lynching at the hands of a mob in New York city Sunday. Only the arrival of police, who, with drawn pistols, drove back the crowd seeking to wreak vengeance on the prisoner, prevented a mob killing.

The incident is significant in that it reveals again that the mob spirit and mob action are not found exclusively in the South. In any part of the country, lynching is apt to occur when negroes assault white ~~women. The~~ mob that formed in the subway of New York city and sought to gain custody of the negro who had beaten a woman in the wash room of a subway station, acted just like mobs in the South and in other parts of the country act when aroused by a heinous crime.

New York police protected their prisoner, just as Southern officers strive to do. Sometimes the mobs in the South are better organized and more determined than was the New York group, and officers are not successful in preventing lynchings. The record shows, however, that far more lynchings are prevented than occur in the South.

Mob action is not to be condoned anywhere. Lynching is a disgrace to any State, whether the State be in the South or in the North. Everywhere the people should be educated to the need for upholding constitutional authority and allowing the law to take its course in an orderly way.

Those New York organizations which weep over lynchings in the South, and send their legal representatives into Dixie to attempt to meddle with the administration of justice among negroes, however, now have something nearer at home to engage their attention. The task of discouraging lynching in New York city confronts them.

And here is opportunity right at home for those two gentlemen of the New York bar who a few weeks ago journeyed down to Alabama, and, unsolicited, undertook to defend a negro accused of attacking a white girl. Under the protection of Alabama officers, these two legal lights were escorted out of the State, and reached home with their necks intact. Will these professional friends of the negro volunteer their services in the defense of their fellow citizen of New York who languishes in the Tombs charged with a brutal attack on a white woman, and who is also believed by police to be the terror of Central Park for whom an intensive manhunt has been under way for several weeks?

Smithfield, N. C. Herald
September 15, 1933

LYNCHING NOT PECULIAR TO THE SOUTH—

The South is not the only section in the country where the lynching impulse of a frenzied mob unfolds itself. Late Saturday night, a mob of home-goers in the subway of New York City threatened to lynch a negro who had made an attack upon a woman in a subway restroom. Police rescued the negro from the bestirred mob amid roars of boos sent up in protest of the action taken by the officers.

This occurrence is a clear indication that when a woman has been attacked by a negro any near-by mob will act under the same impulse, whether it be in New York, in some of the Southern states, or in any place under the sun. The impulse of a mob to lynch violators of the law is not more peculiar to the psychology of Southerners than to the psychological reaction of any section.

This is not an attempt to vindicate the South from the numerous blemishes caused by the too frequent occurrence of lynchings within its borders. The South is guilty of too much of this barbarism and it has a problem which it must strive to solve; for mob intervention into the functions of law and order cannot be tolerated by any civilized people.

However, the mistake should not be made of attributing the over-occurrence of lynchings in the South to a peculiarity in the impulses of Southern mobs. The reason for the unusual prevalence of lyncnhings in the South is due more to the greater frequency with which the lynching impulse has a chance to evidence itself.

Tuscaloosa, Ala., News
September 15, 1933

Editorial Of The Day

(The Montgomery Advertiser)

AT HOME WITH THE I. L. D.

SURPRISINGLY little comment has been made upon the actions of a crowd of New Yorkers in the subway who chased a Negro after he had attacked and robbed a woman who was waiting for a train. Fortunately the law intervened before the mob was able to settle matters in the manner in which mobs usually do.

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It may be, however, that the course of justice in our largest metropolis is beyond reproach, which leaves these philanthropic men free to sponsor the cause of down-trodden humanity in other climates.

It may also be true that the metropolis, more familiar with the desires and aspirations of this worthy organization, does not give it the publicity and attention that it is so persistently seeking.

NEGROES AND CRIME

Mayor Gunter's appeal to the decent Negro citizenship in connection with the recent robbery and attempted assault upon a white woman which occurred in this city, had its reward in the effective cooperation of the responsible Nebroes of our community.

This cooperation led to the arrest of two men suspected of having committed the crime and reported confession of one of them.

This is the way for whites and blacks to get along comfortably and safely together. Here in the South white men control government, to be sure, but it is the duty of law-abiding Negroes to cooperate at all times with the agents of the law in running down the criminal Negro as well as the criminal white.

Nothing could do more to put the Negro in a new light before all the people than for all the people to realize that the responsible Negro citizen is as hostile to the Negro criminal as the white man is.

Bad people of every kind must be put under the control of law and society. Blacks and whites owe it o themselves to cooperate to this noble end

Lynchings - 1933
Prevented.

North Carolina.

4425

Negro Saved From Mob By Carolina Physician

LOWELL, N. C., March 26.—(UP)—A young negro accused of attempting criminal assault upon a 16-year-old white girl here was [illegible] early today when a local physician secreted him in the basement of his home while a mob of several hundred persons searched vainly in another part of town.

Dr. James W. Reid kept Kirk Reid, 20-year-old negro, in the cellar until the mob moved away, then notified sheriff's officers and took the negro to Mecklenberg county jail at Charlotte for safe keeping.

NEW YORK CITY NEWS
MARCH 27, 1933

PHYSICIAN SAVES COLORED YOUTH, 16, FROM LYNCH MOB

Lowell, N. C., March 26 (U.P.).—A colored youth accused of attacking a 16-year-old white girl here was saved from lynching early today when a physician hid him in the basement of his home while a mob of several hundred searched vainly in another part of town.

Dr. James W. Reid hid Kirk Reid, 20, in his cellar after the youth had been accused of attempting to assault Kathleen Jenkins.

Dr. Reid later notified sheriff's officers and took the youth to Mecklenberg County Jail at Charlotte for safekeeping.

N. Y. HERALD

MAR 27 1933

Hides Negro in Home To Save Him From Mob

North Carolina Doctor Outwits Would-Be Lynchers

LOWELL, N. C., March 26 (UP).—A young Negro accused of attacking a sixteen-year-old white girl here was saved from lynching early today when a physician secreted him in the basement of his home while a mob of several hundred persons searched vainly in another part of town.

Dr. James W. Reid hid the twenty-year-old youth in his cellar after the Negro had been accused of attempting to assault Kathleen Jenkins.

He kept the Negro there until the mob moved away, then notified Sheriff's officers and took the Negro to Mecklenberg County jail at Charlotte for safekeeping.

Dr. Reid said the Negro stealthily approached his home, told him of the alleged crime and asked the physician to save him. The mob still searched for Reid after he had been safely lodged in the Charlotte jail.

Macon, Ga. News
Monday, March 27, 1933

Doctor Hides Youth To Avert Lynching

LOWELL, N. C., March 27 (UP)—A young Negro accused of attacking a 16-year-old white girl here was tributed to it.

saved from lynching Sunday when a physician secreted him in the basement of his home while a mob of several hundred persons searched vainly in another part of town.

Dr. James W. Reid hid Kirk Reid 20-year-old Negro in his cellar after the Negro had been accused of attempting to assault Kathleen Jenkins.

He kept the Negro there until the mob moved away, then notified sheriff's officers and took the Negro to Mecklenberg county jail at Charlotte for safe-keeping.

Gastonia. N. C. Gazette
Monday, March 27, 1933

Dr. Reid Saves Lowell From A Negro Lynching

Physician's Quick Action Landed Accused Negro In Charlotte Jail.

ATTEMPTED ATTACK ON MISS JENKINS

Angry Mob Foiled When Kirk Reid Is Spirited Away.

An angry Lowell mob was foiled in its intent to lynch Kirk Reid, 20-year-old Lowell negro, by quick thought and action on the part of Dr. J. W. Reid, prominent Lowell physician, Saturday night.

The young negro was accused of attempting to criminally attack Kathleen Jenkins, 16-year-old daughter of Mrs. Ralph Jenkins, of Lowell, about 7:30 o'clock Saturday night.

Miss Jenkins said she was returning from a Lowell drug store to her home with some medicine she had purchased when the negro attempted to attack her. Her screams brought her mother and others to the scene and frightened the negro away. In his attempt to attack her the negro badly bruised her throat by choking her and bruised her in several places by rough handling, it was said. She was reported Monday as confined to her home in Lowell with injuries, and is being treated by Dr. Reid, it was reported. Besides her other injuries she suffered severe scratches on the roof of her mouth when the negro jammed his hand in her mouth in an attempt to quiet her screams, reports from Lowell said.

Witnesses said the negro was hanging about the drug store when Miss Jenkins was there making her purchases and that he left just

Continued On Page 2

ahead of her, with the probable intention of lying in wait along her road home.

A mob formed almost immediately with the expressed intention of finding and lynching the accused negro. Fearful for his life, the negro slipped to the home of Dr. Reid and told him of the occurrence. Dr. Reid hid him in the basement of his home until about 9 o'clock Saturday night. Then, when the mob, several hundred strong, was searching in another part of the town, Dr. Reid put the negro in his car and speeded him to Belmont, where Reid was locked in jail. Sheriff's headquarters in Gastonia were notified and Sheriff Wilkie A. McGinnis immediately went to Belmont and took the negro to jail in Charlotte for safekeeping. Sheriff McGinnis this morning expressed his appreciation of Dr. Reid's prompt action in averting a probable lynching.

As soon as the injured girl has recovered from her injuries, the negro will be given a hearing in Gastonia, Sheriff McGinnis said. Miss Jenkins says she can positively identify the negro. She had known him at sight for some time, it was said.

The young negro's mother is a servant in the household of Dr. Reid.

Miss Jenkins was said to be hysterical when she reached her home, following the occurrence, Saturday night. But she was reported as resting more quietly today.

CHARLOTTE, N. C.
NEWS

MAR 28 1933

Judge Lynch ~~Denied~~.

The entire State, not to mention the frustrated mob itself, owes a vote of thanks to Dr. J. W. Reid of Lowell for his courageous behavior in forestalling what likely would have been another lynching in North Carolina. Dr. Reid hid the Negro until opportunity came to turn him over to the officers, who brought him to Charlotte immediately.

Thus it is that justice will be allowed to take the course which all men, upon the slightest reflection, are bound to admit is the only course. We brag of our fondness for liberty, yet if it is to continue to display itself in mobs we'd best find something else upon which to lavish admiration

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JAIL YOUTH TO FOIL MOB

4-1-33

LOWELL, N. C., Mar. 30—Hidden in the cellar of a physician while a bloodthirsty mob of whites scoured another part of the city for him last Monday, an unidentified youth, accused of attacking a 16 year old white girl here, was rushed to Mecklenberg County jail at Charlotte for safekeeping. The physician secreted the youth until the mob of several hundred persons dispersed.

FAYETTEVILLE, N. C.
OBSERVER

JUL 13 1933

NEED BUCKSHOT

Maryland officers, acting in sharp contrast to South Carolina sheriffs, yesterday prevented the lynching of a negro by getting him out of the way of a mob that was forming to take him. It is unfortunate that flight is the best remedy against lynching because it merely serves to perpetuate the practice. It is unfortunate that officers could not stand their ground before mobs and give them a taste of buckshot.

If every would-be lyncher knew that he stood a good chance of having his yellow hide punctured by a bullet from a sheriff's gun, memberships in mobs would go begging at ten cents a gross.

SHERIFF PREVENTS LYNCHING

Pittsburg Courier
7-15-33
Pittsburg, Pa.

WILMINGTON, N. C., July 13—(By ANP)—Alertness on the part of a sheriff saved Jerry Gibbs from a lynching mob Monday.

Gibbs had run down a white man in his car, killing him. It is alleged that Gibbs was driving while drunk.

After the accident a mob chased Gibbs a mile and a half before he was captured. Sheriff David Jones rescued him from the threatening mob and placed him in a cell. There were no further demonstrations on the part of the would-be lynchers.

Lynchings-1933
Prevented

Oklahoma

4426

Oklahoma Troops Sent To Guard Cowboy Who Slew Kansas Couple

Advertiser
12-11-33

Montgomery, Ala.

KINGFISHER, OKLA., Dec. 10.—(AP)—National Guardsmen were ordered out tonight to protect Jack Wisdom, 26-year-old cowboy, while scores of officers and citizens pressed a search for the body of Harry Pritchard, kidnaped merchant, whose wife was found dead in a roadway culvert today.

Gov. W. H. Murray called for mobilization of two guard units "to prevent any mob action" against the young cowhand accused of kidnaping the Wichita, Kan., couple Nov. 23 to evade police action against him for issuance of a worthless check for $21.40.

The Governor ordered the immediate mobilization of batteries of the 189th Field Artillery at Enid and at Kingfisher, from where Kansas and Oklahoma officers were directing the search for the body of Pritchard.

Mrs. Pritchard's body was found near Kingfisher today shortly after Wisdom was arrested at Leach Prairie, in the Eastern Oklahoma hills.

"My understanding is a mob is forming at Wichita," said the Governor, ordering that Kingfisher guardsmen take custody of Wisdom and in directing that the Enid battery proceed South on U. S. Highway 81 toward Kingfisher to prevent violence.

At Enid, Okla., Deputy Sheriff Mason Hart said at 10 o'clock tonight that 57 motor cars and a bus, en route South toward Kingfisher, had just passed through Enid.

Gov. Murray said it was his understanding that Wisdom had confessed killing the Pritchards.

Upon receiving reports of contemplated violence, he telephoned authorities at Kingfisher to take charge of Wisdom at Okarche, 12 miles South of Kingfisher, where the search centered at the time.

However, Wisdom was rushed Northward through Kingfisher before the troops arrived.

"I told the guardsmen to shoot to kill if necessary," Gov. Murray said.

With Wisdom, in handcuffs, along to aid them, officers tonight searched a wide area South of Kingfisher with lantern and motor car lights. Police said they were trying to follow Wisdom's instructions.

Members of the searching party once returned to Kingfisher after following a 35-mile trail and set out again over a new route. They said the cowboy was "bawled up in his directions."

Many citizens armed with electric torches joined the hunt. About 35 carloads participated in the preliminary stages and the searchers were being augmented rapidly.

Advertiser
11-33

The officers, led by Sheriff Ed Martin, of Kingfisher, and Chief of Detectives W. O. Lyle, of Wichita, were reluctant to discuss details of what Wisdom had told them, but it was reported they expected to find Pritchard's body under a bridge on an East and West road East of U. S. Highway 81, perhaps in the region near Okarche.

Montgomery Ala.

Wisom, a small, dark man, was understood to have pleaded with the officers for protection from violence and, while there was no evidence here of high feeling, the authorities were taking every precaution.

When first arrested in a hill hideaway South of Jay, several hundred miles East of Kingfisher, Wisdom told officers he knew nothing of the Pritchards' disappearance. However, in announcing the discovery of Mrs. Pritchard's body, Sheriff Joe Cavin, of Enid said he was advised the cowboy had volunteered to help recover the bodies.

Removal of Wisdom from the scene of the Kingfisher hunt came with unexpected suddenness.

The motor car containing Wichita officers and the manacled suspect shot Northward through Kingfisher on U. S. Highway 81 at top speed. It was believed he was being taken to a place of safety, possibly the Kansas State Penitentiary at Lansing, or the Hutchinson, Kan., Reformatory.

He waived extradition at the time of his arrest.

Lynchings - 1933
Prevented

Pennsylvania

4427

CANDEM, N. J.
POST
OCT 31 1933

MAN RUSHED TO 'PEN' TO AVERT LYNCHING

Accused of Assault on Woman, 63, Suspect Spirited From Media

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Fears of an attempted lynching were allayed last night when a colored man accused of an attack on a 63-year-old woman was spirited from the Delaware county jail at Media, Pa., to the Eastern Penitentiary.

The man is Horace Dorsey, of Sharon Hill. He is alleged to have assaulted Mrs. Robert C. Creer, of 226 North Rolling road, Springfield township.

Mrs. Creer was sitting on her lawn drying her hair when Dorsey entered her yard to collect garbage. He crept up behind her and grabbed her in his arms.

Russell Kershaw, foreman of the truck crew in which Dorsey was employed, heard the woman's screams. He ran into the yard and struck Dorsey on the head with a garbage bucket. Dorsey fled but was captured after a four-block chase by Police Sergeant Isaac Smith.

Dorsey was taken to the township jail. When residents began gathering about the jail, Smith notified county authorities and he was transferred without incident to the county jail.

Later Louis Palmer, chief probation officer for the county, and he heard rumors of an uprising in the township. He conferred with Judges John M. Broomall and W. Roger Fronefield, who signed the necessary papers for transfer to the penitentiary.

The recent lynching of George Armwood, at Princess Anne, Md., is believed to have led to the precautions taken by the Delaware county authorities.

POLICE SAVE PA. RAPE SUSPECT FROM MOB'S IRE

Afro American
11-4-33

Horace Dorsey Spirited from Springfield, Pa., to Media Jail.

Baltimore, Md.

WEALTHY WIDOW CLAIMS ATTACK

Man Later Moved to Penitentiary.

(By Staff Correspondent)

PHILADELPHIA. — With restless queues of muttering whites forming about the small police station in Springfield Township, a few miles from here, last Monday evening Horace Dorsey, 40, of 173 Olive Street, Sharon Hill, Pa., was spirited away under heavy local and State police guard to the Media jail for safe keeping, after threats of a jail break and lynching had been made.

Dorsey, charged with an attempted attack upon Mrs. Robert Greer, 63, wealthy white widow of 266 Rolling Road, Springfield, Monday afternoon while making garbage collections, is reported by police to have confessed the attack, explaining he "must of gone crizy."

Won't See Reporter.

Mrs. Greer would not see an AFRO reporter who sought an interview with her Tuesday at her palatial residence on Rolling Road. A daughter, refusing to open a screen door, obviously nervous, advised the reporter—through the door—to "see the Springfield police; they will give you whatever information you desire."

"Are newspaper reports true to the effect that Dorsey choked and beat your mother when she resisted the alleged attack?" the AFRO reporter asked the daughter.

"I have nothing to say; see the police," was the laconic reply.

As the AFRO reporter and an AFRO cameraman drove through Springfield, whites gathered on street corners glanced balefully at the duo. It was evident that feeling was high, obviously inspired by the recen lynching of George Armwood i Princess Anne, Md.

Moved to Philly.

In the meantime Dorsey was imprisoned in the Eastern State Penitentiary in Philadelphia, whence h had been hastily removed late Monday night from the Media jail. I was explained by police officials a Springfield that after the remova of the prisoner fro mthe Springfiel jail to the Media jail the report persisted that a jail break attemp would be made, and, fearful tha sufficient protection might not be afforded the prisoner in the small jail at Media, he was whisked away to Philadelphia under cover of darkness.

Mrs. Greer, according to police, was drying her hair on the back lawn of her palatial estate at the time of the alleged attack. . Dorsey, who is employed by Russel Kershaw, white, of Springfield, is alleged to have seized her by the hair. Kershaw heard her cries for help and drove Dorsey away, police say.

Dorsey fled, pursued by Kershaw and Smith, a Springfield policeman, and was captured about four blocks from the scene of the alleged attack.

Claim Record.

Police officials insist that twenty years ago Dorsey attacked a colored woman in Oxford, Pa., and that he had served sentences in the Dauphin County jail and the jail at York, Pa., for similar offenses.

John Chadham, with whom Dorsey lived in Sharon Hill, told the AFRO, however, that he knew of no police record of Dorsey's and expressed doubt that he had ever been arrested.

"I don't see what he would want with an old woman like that," Chadham stated Tuesday. "He was keeping company with a young woman in Philadelphia."

Chadham described Dorsey as a "quiet man who kept to himself and minded his own business."

Dorsey has lived with Chadham since his sister, Mrs. Oliver Collins, of Dover, Del., lost title to a property she was purchasing next door to Chadham's some months ago and moved from Sharon Hill.

Lynchings-1933
Prevented

South Carolina

4428

South Carolina Mob Is Cheated

Telegraph

Negro Removed to Penitentiary for Safe Keeping

3-8-33

GREENWOOD, S. C., March 7 (AP) A mob of approximately 100 armed men from Laurens county came here Tuesday night searching for Barnett Smith, Negro who was alleged to have attacked a young Laurens county married woman Tuesday, but found he had already been taken to the state penitentiary at Columbia for safekeeping.

Macon, Ga.

The men demanded entry into the county jail here, and Jailer J. T. Clem finally conducted a committee of three through the building to convince them the Negro was not here.

The crowd made open threats of lynching should the Negro be discovered, but began to leave quietly after officers showed the Negro had been en route to Columbia for about an hour.

The Negro was arrested in the Ware Shoals section by Deputy Sheriff Tess Crawford just as a large Laurens county posse arrived.

Murder Suspect Taken by Deputy

Telegraph

Negro Is Charged With Killing Sheriff Feaster

11-9-33

WINNSBORO, S. C., Nov. 7 (AP)—John Watkins, 25-year-old Negro farmer, wanted for the slaying Friday of Sheriff R. A. Fesater, was captured near here tonight by Deputy Ernest Rabb and rushed immediately to the state penitentiary at Columbia for safe keeping.

Macon, Ga.

Watkins was apprehended in a Negro house 12 miles from here by the deputy sheriff and Ca[illegible]n Clark, a farmer, after a Negro had tipped off officers that Watkins was in the vicinity.

The Negro gave no resistance and made no statement, officers said.

Feaster was found shot to death in his automobile on the Chester-Winnsboro road Friday. Earlier in the day he had taken Watkins, who was under arrest, into that vicinity to recover some articles which officers said the Negro had confessed stealing.

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Macon, Ga Telegraph
Wednesday, March 8, 1933

South Carolina Mob Is Cheated

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Lynchings-1933

Prevented.

Tennessee.

4429

Sheriff And Son Killed While Conducting Raid

4-24-33

NASHVILLE, TENN., April 23.—(AP)—Sheriff G. B. Winningham, of Pickett County, and his son, Deputy Sheriff Floyd Winningham, were dead today as the result of wounds received during a raid at Byrdstown, near the Kentucky line.

Young Winningham was killed instantly by gunfire coming from a box car as the party of officers were approaching to arrest several men alleged to have attempted to attack an aged resident of the Rock Creek section. Sheriff Winningham, wounded in the abdomen, was brought to a Nashville hospital where he died shortly before last midnight.

Another deputy in the party arrested three men and took them to the Cookeville jail for safekeeping. Officers were searching for the others. The shooting occurred late Friday night.

Tennessee Sheriff Makes Quick Move, Outwits Mob

9-1-33

NASHVILLE. — (ANP)—Leland Bracy, 20, resident of the Barfield community near Murfreesboro, was speedily rushed to the Davidson county jail, Wednesday night, by the sheriff of Barfield community after rumors predicted a possible mob uprising, when a white women, whose name was purposely withheld, accused Leland Bracy of attempted rape Tuesday.

Sheriff Bauman of Davidson county maintained his same policy towards Bracy as he has shown in his past administration under similar circumstances when he defied the threats of a Lebanon mob last August by stating to the ANP reporter:

"Whenever a prisoner is brought into this building he is safe, or else my body will be prostrated in blood clutching my empty gun, before I'll suffer one prisoner, black or white, to be taken from the law by a mob."

Birmingham, Ala., News
August 30, 1933

GUARDSMEN ON DUTY

Precautionary Measure Taken In Trial Of Officers' Deaths

LEBANON, Tenn. —(AP)— A detachment of national guardsmen was asked here Wednesday to protect three Negroes ordered to trial a second time in the slaying of two officers.

Officials said the request was made as a precautionary measure. The Negroes, George Oldham, Jake Alexander and Charles Alexander, were accused of murdering the officers last September. The Alexanders got life sentences and Oldham 25 years at the first trial, but the case was remanded by the Supreme Court.

The Negroes were threatened with mob violence after their arrest last Fall and the national guard called out.

Chattanooga, Tenn. News
August 30, 1933

ALLEGED NEGRO SLAYERS GUARDED AT MURDER TRIAL

Troops Present as Three Arraigned for Slaying Deputy Sheriff at Lebanon.

Lebonon, Aug. 30.—(U. P.)—National guardsmen surrounded the courthouse here this morning as three Negroes went on trial for the second time charged with killing a deputy sheriff and a special deputy, two deputy sheriffs.

Officials asked for the guardsmen because of demonstrations against the Negroes after the killing last September and during the first trial which was thrown out by the State Supreme court.

There were no signs of trouble as the trial opened this morning and the guardsmen carried the Negroes into court.

The Negroes are Jake Alexander and his son, Charles and George B. Oldham. They are accused of slaying Deputy Sheriff Ben Northern and Special Deputy Millard Brown when the two officers went to the Alexander home last September to make an arrest.

In their first trial the Alexanders were sentenced to life imprisonment and Oldham given twenty-five years.

Lynchings-1933
Prevented.

Texas.

4430

DALLAS MOB SEEKS NEGROES IN JAIL

Gathering as Deputies Hunt Bailey, It Disperses in Face of Police Reserves.

9-5-33

TEAR GAS AND GUNS READY

New York

N.Y.

Arraigning of Two Confessed Slayers of Girl Is Deferred as Too Dangerous.

DALLAS, Texas, Sept. 4 (AP).—A large crowd gathered today at the county jail, from which Harvey Bailey escaped and where two confessed Negro slayers were held in solitary confinement, but dispersed an hour later after milling about the doors aimlessly.

Their presence led officers to fear for a time that an attempt might be made to harm Thurman and Bluitt Burkley, Negro brothers, who confessed, officers said, to killing Miss Katheryn Prince, 19 years old, and wounding her escort, Mace Carver, 27, on a lonely road near Dallas on Wednesday night.

The "mob doors" on the front of the jail were closed and barred for the first time in several years as a precaution and police reserves mobilized at 2 P. M., formed a heavy guard to resist any attempt at lynching.

Policemen under Captain E. V Bunch carried a suitcase full of tear gas bombs and machine guns and riot guns were in eradiness should the bombs prove ineffective.

Meanwhile, word came Mesquite the rural community near Dallas where Miss Prince lived, that another mob was gathering to reinforce the crowd in Dallas.

The absence of deputy sheriffs who had gone out in search of Bailey was believed to have encouraged the mob movement against the Negro prisoners.

Under the circumstances, District Judge Grover Adams had considered it too dangerous to arraign the Negroes in his court this morning, as originally planned.

The two Negroes were indicted on Friday for the killing of Miss Prince after they had confessed to a similar attack and the killing of Abe Schreiber and his companion, Miss Pauline Corman, 17, on a lonely road near Dallas two years ago.

Texas Authorities Take Precautions to Prevent Lynching of Two Negroes

9-9-33

DALLAS, Tex.—Machine guns, riot guns and tear gas bombs are being held in readiness by authorities at the Dallas County jail to prevent armed bands of men from making an attempt to lynch Thurman and Bluitt Burkley, alleged killers of Kathryn Prince, white.

The two brothers were indicted last Friday for the alleged killing of the white girl lived at Mesquite, rural community. Another mob was said to be marching on Dallas from Mesquitet to reinforce the lynch-bent mob already at Dallas.

New York Evening Journal

DEC 5 1933

100 Deputies Guard 3 in Jail From Texas Lynch Threat

BEAUMONT, Texas, Dec. 5.—Hardin County Jail resembled a fortress early today as Sheriff Miles Gordon threw a cordon of 100 armed deputies around the building to gaurd three negroes from being lynched in connection with the torch murder of Mrs. Nellie Williams Brockman here Saturday.

Hardin County was seething as

feeling throughout the district mounted, and the authorities left nothing undone to prevent mob violence suc has marked recent outbreaks in Maryland and California and Missouri.

Meanwhile, official investigation disclosed that two men might have committed the crime. Shells from two different shotguns were found near the scene of the crime. Officials believe that

prisoners held i nthe county jail know the identity of the persons involved.

New Republic

10-4-33

New York N.Y.

Vol. 76 No. 983

THE Dallas, Texas, police on Labor Day prevented the lynching of two Negroes who had confessed, it is said, to murdering a white girl and seriously wounding her escort. This case is unusual both in respect to the flagrant nature of the crime involved and to the energetic part played by the police. It cannot be too often emphasized that the majority of Cotton Belt lynchings have nothing to do with outrages upon white women: usually they grow out of a dispute between a white landlord and a renter or share-cropper who may be either white or black. The tenant is shot or hanged or beaten to death, the authorities do nothing, and the whole affair is dismissed with a three-inch item in the local newspaper. Thus, in Benton, Alabama, a Negro named Joe Soles was recently accused of stealing a cow which, in reality, had strayed into his garden patch three years before. Other tenants in the neighborhood report that the charge of theft was only an excuse for canceling Soles's lease. They say he was taken into the woods by a gang which included a white landlord named Edward Mealings, and Archie Bryant, Asa Mays, Arthur Hall and a Mr. Giffindown, and was there beaten with a soaked double line. The whipping post to which he was tied had already been used this year for ten Negro men and three Negro women, all victims of an organized gang which has been terrorizing renters and croppers. In Soles's case, the beating was carried too far. He collapsed and was carried to the office of Dr. H. C. Clements, of Benton, where he died. No inquest was held.—In Warrenton, Georgia, a Negro named Watson Darden was shot by a landlord named Lovett Cockwell during an argument over the plowing of a peanut field. Cockwell reported the killing to the sheriff, who, it is said, merely told him to bury the body.—In North Carolina a Negro tenant was shot and killed because he cashed the check he received from the government instead of turning it over to his landlord.—The list of organized killings grows from day to day. In three cases out of four (and really, perhaps, in nine cases out of ten) they have nothing to do with the defense of pure womanhood. They are class murders, money murders, mean crimes committed to keep landlords up and tenants down.

New York American

DEC 5 1933

Texas Sheriff Guards Negroes, Fearing Mob

BEAUMONT, Tex., Dec. 4 (US).—Sheriff Gordon threw a cordon of 100 armed deputies around Hardin County jail today to guard three Negroes from being lynched in connection with the torch murder of Mrs. Nellie Williams Brockman here Saturday.

Feeling throughout the district remains at high pitch. Shells from two different guage shotguns were found near the scene of the crime. Officials believe the prisoners know the identiy of the persons involved.

New Republic –
N.Y.

OCT 4 1933

THE Dallas, Texas, police on Labor Day prevented the lynching of two Negroes who had confessed, it is said, to murdering a white girl and seriously wounding her escort. This case is unusual both in respect to the flagrant nature of the crime involved and to the energetic part played by the police. It cannot be too often emphasized that the majority of Cotton Belt lynchings have nothing to do with outrages upon white women: usually they grow out of a dispute between a white landlord and a renter or share-cropper who may be either white or black. The tenant is shot or hanged or beaten to death, the authorities do nothing, and the whole affair is dismissed with a three-inch item in the local newspaper. Thus, in Benton, Alabama, a Negro named Joe Soles was recently accused of stealing a cow which, in reality, had strayed into his garden patch three years before. Other tenants in the neighborhood report that the charge of theft was only an excuse for canceling Soles's lease. They say he was taken into the woods by a gang which included a white landlord named Edward Mealings, and Archie Bryant, Asa Mays, Arthur Hall and a Mr. Giffindown, and was there beaten with a soaked double line. The whipping post to which he was tied had already been used this year for ten Negro men and three Negro women, all victims of an organized gang which has been terrorizing renters and croppers. In Soles's case, the beating was carried too far. He collapsed and was carried to the office of Dr. H. C. Clements, of Benton, where he died. No inquest was held.—In Warrenton, Georgia, a Negro named Watson Darden was shot by a landlord named Lovett Cockwell during an argument over the plowing of a peanut field. Cockwell reported the killing to the sheriff, who, it is said, merely told him to bury the body.—In North Carolina a Negro tenant was shot and killed because he cashed the check he received from the government instead of turning it over to his landlord.—The list of organized killings grows from day to day. In three cases out of four (and really, perhaps, in nine cases out of ten) they have nothing to do with the defense of pure womanhood. They are class murders, money murders, mean crimes committed to keep landlords up and tenants down.

Lynchings-1933
Prevented

Virginia.

4431

Negro Held In Assault On Young School Girl

Advertiser

GOOCHLAND COURTHOUSE, VA., March 22.—(AP)—Bernard Fleming, Powhatan County negro, was held at the State farm today as a suspect in an attempted criminal assault on a 15-year-old school girl.

3-23-33

Fleming, sought by a posse of 600 men who followed bloodhounds over the countryside for several hours after the attempted assault, was taken into custody at his home last night.

Montgomery, Ala.

He was spirited by Captain Penn across the river to the State farm for safe keeping after threats at lynching had been made.

Commonwealth's Attorney Milton P. Bonifant, of Powhatan County, who questioned the negro at the State farm, said his course of action had not been determined. He said the grand jury meets on May 23 and that it had not been determined whether a special term would be called.

The girl has not been brought before Fleming in an attempt at identification.

VA. OFFICER FOILS LYNCHING ATTEMPT

Afro-American

GOOCHLAND COURTHOUSE, Va.—Captured at his home after a posse of 600 men with bloodhounds had scoured the countryside, Bernard Fleming was saved from being lynched, last week, by the quick thinking of Captain E. Penn, police officer.

4-8-33

Baltimore, Md.

Fleming, who is suspected of attempting an assault upon a 15-year-old girl, was spirited across the river to the state farm for safe keeping when lynching threats were heard.

The prisoner was arrested after a country store keeper stated the cap snatched by the assailant was one from a box he had sold to Fleming. No identification of the man has been made.

VIRGINIA LYNCHING AVERTED

Afro-American

MORRISONVILLE, Va.—A little white child, fearing punishment for playing hookey, told of two "burly Negroes" attacking, beating, binding and gagging him one day last week.

10-14-33

Posses immediately organized to scour the countrysde in search of the culprits. The child's father closely questioned the youthful victim and found that the whole thing was just that. Scores of arrested colored suspects were released.

Baltimore, Md.

Virginia Slayer Of Couple Hid From Lynchers

LYNCHBURG, VA., July 31.—(AP)—Fearing possible mob violence Campbell County authorities tonight spirited away from the Rustburg jail Reginald Leftwich, 19, negro, confessed slayer of Mr. and Mrs. A. B. Coate, fruit growers, who were fatally assaulted at their farm home Sunday morning.

Advertiser

8-1-33

Authorities refused to reveal where they took Leftwich.

Letwich signed an alleged confession in the presence of Lynchburg and County police today in which he told how the man and woman were cut by a hatchet and then shot.

Montgomery, Ala.

Mr. Coate was discovered about 11 a.m. Sunday lying dead in the dining room door of his farm house on the outskirts of Lynchburg. His wife was found, mortally wounded, in another room. She was taken to Lynchburg hospital where she died.

In his alleged confession Leftwich sought to show he acted in self defense, saying Mrs. Coate first drew a pistol on him after an argument.

When Mrs. Coate brandished the pistol, Leftwich said he took it away from her and struck her with it and later hit her with a hatchet.

Later, Leftwich said, he encountered Coate outside the back door and the latter drew a pistol and fired upon him Leftwich said he ran into the yard and hid behind a tree. Coate ran back into the house and the negro followed. Leftwich said he caught his victim when he thought he was reaching for another pistol, knocked him down with his fist, hit him with the hatchet and shot him twice.

MURDER SUSPECT REMOVED FROM JAIL IN CREWE

Journal and Guide

Taken To Richmond For Safety After Mob Rumors

12-30-33

CREWE, Va.—A 16-year-old youth, being held here in connection with the murder of Godfrey Taylor, ~~white~~ filling station operator, ~~was~~ taken to Richmond last week because of threats of mob violence. Meanwhile police are making an extensive search for three other youths said to have participated in the killing.

Norfolk, Va.

Taylor, who lives alone, was killed on the night of December 11 on highway number 60 about one-half mile south of Jenning's Ordinary. After beating his head in with a blunt instrument, said to have been a length of lead pipe, the murders placed the body of the victim on a railroad track where a passing train further mutilated the body beyond recognition.

Foreman Finds Body

The remains of Taylor were found by Charlie Knott, white section foreman the following morning.

Willie Wright, 16, the only member of the alleged gang in custody is said to have confessed to a part in the crime and named Rufus Stokes, 19, Albert Allen, 18 and Burley Wright, also 18, his brother, as participators in the the killing.

Police are conducting an extensive search for the three. No motive has been established for the murder.

The brutality of the crime is held responsible for the bitter feeling here against Wright whose alleged confession is said to have brought sentiment to a head. His removal to Richmond was deemed wise when rumors of mobs collecting became frequent.

LYNCHINGS PREVENTED FROM OCTOBER 1, 1931 TO JANUARY 1, 1933

Date	State	Place	Charge	Number of Persons		What was done to save Prisoners		
				White	Negro	Persons Removed	Guards Augmented	Force Used
1931								
	Georgia							
Dec. 5		Moultrie	Rape		1		1	
Dec. 25		Alpharetta	Wounding Man	1		1		
	Kentucky							
Dec. 26		Richmond	Murder		1	1		
	Maryland							
Oct. 13		Snowhill	Murder		1	1		
Nov. 5		Snowhill	Legal defense of a Negro accused of murder	2 men 1 woman		3		
	Mississippi							
Oct. 22		Liberty	Murder		1			1
	North Carolina							
Oct. 1		Greensboro	Murder		1	1		
	South Carolina							
Nov. 15		York	Attempted rape		1	1		
Nov. 15		York	Improper advances to white woman		1	1		
Nov. 15		York	Murder		1	1		
	Texas							
Nov. 8		Greenville	Rape		1	1		
1932								
	Alabama							
April 6		Talladega	Attempted rape		1	1		
Aug. 6		Ashland	Attempted rape		1	1		
	Arizona							
Dec. 20		Yuma	Suspected murder		1	1		
	Arkansas							
April		Little Rock	Murder		1	1		
Aug.		Poplar Bluff	Attempted rape		1	1		
Nov.		Blytheville	Attempted rape		1	1		
	Florida							
Jan. 23		Bartow	Rape	1		1		
March 27		Lakeland	Killing Officer of the law	4				4
	Georgia							
May 15		Albany	Attempted rape		1			1
June 18		Bainbridge	Murder		1	1		
Aug. 7		Rome	Wounding woman		1	1		
Oct. 9		Damascus	Murder		1	1		

DIVISION OF BEHAVIORAL SCIENCE RESEARCH
TUSKEGEE INSTITUTE

TUSKEGEE INSTITUTE ARCHIVES

	Indiana							
May 19		Marion	Rape		1			1
	Kentucky							
Feb. 19		Hiseville	Wounding man		1			1
Feb. 27		Jenkins	Murder		1	1		
Aug.		Manchester	Murder	1			1	
	Louisiana							
May		Coushatta	Murder		1			1
Aug. 8		Lake Charles	Murder		1	1		
	Maryland							
Jan. 5		Elkton	Attempted rape		1	1		
	Michigan							
Aug. 4		Ludington	Murder	1			1	
	Mississippi							
April 20		Rawls Springs	Threatening woman		1	1		
June 20		Amory	Rape		1	1		
Sept. 23		Philadelphia	Murder		1	1		
Oct. 3		McComb	Rape		1	1		
Oct. 18		Crystal Springs	Wounding man		1	1		
	Missouri							
Aug. 9		New Madrid	Attempted rape		1	1		
	North Carolina							
May 7		Gastonia	Murder		2	2		
Sept. 7		Waynesville	Insulting woman and killing Officer of the law		1			1
	Ohio							
Feb. 13		Massillon	Attempted rape		2	2		
	South Carolina							
May 24		Walterboro	Rape		1	1		
	Tennessee							
Sept. 5		Lebanon	Killing two officers of the law		5 (3 men (2 women			5
	Texas							
Aug. 29		Texarkana	Rape		1	1		
	Virginia							
July		Radford	Rape		1		1	
Totals				11 ~~10~~	4~~2~~4 ~~39~~	3~~4~~6 ~~31~~	4 ~~3~~	15

DIVISION OF BEHAVIORAL SCIENCE RESEARCH REEL 2?8

Lynchings-1933

Alabama

4432

Rape: Alleged Attacks by Negroes.

Advertiser

9-13-33

Montgomery, Ala.

Seibels To Ask Death For Two Negro Ruffians,

Perpetrators Of Attack On Court Street Extension Trapped By City Police

One Confesses All

Special Session Of Grand Jury Called For Friday; Trial To Start Monday

Indictments alleging robbery and probably assault to murder will be sought against George Meadows and Frank Jackson, negroes, Friday in a called session of the Grand Jury, in connection with the robbery and assault of Robert Webb, Montgomery salesman, and a girl companion on the Court Street extension a week ago.

The call for assembly of the Grand Jury was issued by Judge Leon McCord, of the Montgomery Circuit Court, yesterday upon request of Solicitor W. T. Seibels, following Meadows's confession in which he named Jackson as his accomplice.

Meadows's confession was obtained at 7 a.m. yesterday by Officers A. J. Coker and Thomas H. Goins, of the Montgomery Police Department. They arrested Jackson within an hour after Meadows had confessed.

Motorscouts Coker and Goins last night revealed they obtained the "tip" that led to the negroes' arrest from a negro whom they had given some change to participate in a card game. The negro, they said, overheard one of the players remark that he intended to assault a white woman.

The work of the officers, two of the younger men of the department who laid aside their motorscout uniforms and donned plain clothes for the job, won strong commendation from Col. W. P. Screws, police commissioner, who declared it was an "excellent piece of work."

Later in Jackson's presence, Meadows made a full confession. Solicitor Seibels, Officers Goins and Coker, Capt. Ralph King, Sheriff Sam Stearns and Commissioner Screws, also were present.

Jackson, however, denied knowledge of the crime.

Upon the return of indictments it is probable that the trial of the case will be set for Monday.

Solicitor Seibels indicated he would ask for the death penalty in both cases if both are indicted for robbery. The penalty for conviction of assault with intent to murder, or assault with intent to ravish is from two to 20 years.

Meadows, who is 27 years old, told how he had gone to Jackson's home on Oak Street near Fairview Avenue and not far from the spot where the robbery and assault was attempted, and called Jackson from his home.

He said he told Jackson to get his pistol and "let's go out and see if we can't find something."

From Jackson's house, he said, they walked to the spot near the Court Street extension where they awaited their victims. Presently, he said, a car with a couple in it came along and stopped a short distance from them, and they made ready to rob the occupants. As they drew close to the car, however, it moved on off and they withdrew to wait for another car.

In a short while, he said, the car in which Webb and the young girl were riding, drew along and stopped. He and Jackson, he said, came up from behind the car and ordered them out. They took some money from Webb's pocket, and his watch, he said. Webb made no effort to resist, Meadows said, until one of them ordered the girl to go some distance away into the weeds. Webb fought, he said, and they both fell to the ground. Meadows said he fired his revolver one time while Webb held him on the ground. He said both were prevented from assaulting the girl.

An interesting feature of the confession revealed that the dogs from Kilby Prison which were put on the trail evidently ran the trail of some other person as the trail pursued by the dogs led in a direction opposite from that which the negroes took. Meadows said they went through the field to Goode Street and then to their homes on Oak Street. They did not walk in the road, they said, because they were afraid the police might catch them with their revolvers. Meadows said he didn't hear the dogs that night.

Meadows denied that he and Jackson had perpetrated other outrages in that section.

Police learned, however, that Meadows and Jackson had held up and assaulted members of their own race, a 15-year-old negro girl being among their recent victims, and the negroes in that section were eager to give the police their cooperation.

Officers Coker and Goins, following the arrest of Meadows Monday, found hidden under Meadows's house the watch that was taken from Webb. Meadows had also hidden the girl's underwear in the chimney with his revolver and several women's pocketbooks—souvenirs of other outrages.

Jackson's revolver also was found hidden in the chimney of his home.

Until these articles were found Meadows maintained his innocence. When shown Webb's watch, however, the negro wilted.

"I'm guilty," he said.

9-13

Montgomery Adv.

Adv. 9-13-33

Lynchings-1933
6
Rape, Alleged Attacks by Negroes.
6

Alabama.

4433

Cont

Negro Shot By Father Of Girl He Assaulted

Advertiser

MOBILE, ALA., Jan. 4.—(AP)— A negro reported to have attacked an eight year old white girl last night was shot and seriously wounded by the child's father at Fowl River, near here.

1-5-33

The negro was brought to jail here by traffic officer Larry [illegible] who reported a [illegible] quickly after [illegible] reported at [illegible] and the wounding of the negro.

NEGRO ATTACKS GIRL

Advertiser

BIRMINGHAM, ALA., Jan. 12—(AP)— A 14-year-old white girl en route to school today was knocked to the ground by a negro who fled police reported. The girl, Ethelyne Herrod, an orphan living with her grandparents, said the negro attacked her as she followed a short cut through the woods. She fled as a white man approached. The child suffered slight head injuries as she fell on a pile of rocks but continued to school.

Negro Jailed Here On Attack Charge

Advertiser
2-1-33

Jimmie Lee Johnson, negro youth, is held by police under $1,000 bail for an attempted attack upon a 14-year-old white girl in the 300 block of North Decatur Street last night about 7 p.m.

The negro, 19 years old, was arrested by Detectives J. L. Miller and W. A Davis shortly after the alleged attack as he walked down Decatur Street a few blocks from the scene. He admitted being in the yard where the girl was attacked but denied touching her, officers said.

Montgomery, Ala.

The girl, whose clothes were torn from her body, but who otherwise was uninjured, told officers that she had stepped out into the yard to get some clothes when the negro appeared and grabbed her dress. Breaking loose from the negro's grasp, she started to run up the steps, but tripped and fell on the steps, she said. Then the negro grabbed her again and she screamed, the girl declared. Apparently frightened by her cries, the negro went off down the street.

A neighbor told officers that he saw the negro and shouted to him, but that the negro told him that he was "washing his hands" at a hydrant in the yard.

The girl furnished a good description which enabled officers to identify him, it was said. The girl positively identified Johnson as the negro who attacked her.

The negro will be given a hearing before the city recorder this morning.

Aged Woman's Attacker Is Shot

Advertiser
5-25-33

Sheriff's Men Get One Of Three Negroes Wanted For Year-Old Assault

Montgomery, Ala.

Black Buster, alias Sam Williams, 24-year-old negro described by county officers as a desperate character, wanted for an attack on an aged German woman on the Selma Road nearly a year ago, was shot and critically wounded by deputies when the negro resisted arrest and fled from a house at 14 Murray Street yesterday morning. Physicians said the negro had an even chance to live at St. Margaret's Hospital.

County officers have been on the trail of the negro since the attack last year and yesterday morning they were advised that he could be found at the Murray Street house. Deputies Hayden Sellers, Addie Mosley and J. F. Tucker went to the place and surrounded the house. When one of the officers entered the front door, the negro jumped out of a window and fled toward the next house.

Deputy Sellers withheld his fire until the negro was out of range of some people walking down the street, but when he darted between two houses, the officer shot him once. The negro continued to run and was stopped only by a charge of buckshot from a shotgun in the hands of Deputy Mosley.

The attack on the woman, who died about six weeks ago, occurred on the O. A. Richardson plantation on the old Selma Road about eight miles from Montgomery. Three negroes rented an automobile here and drove down to the farm house where they attacked her, with robbery as the motive. They were frightened away by a negro boy on the plantation who came up to the house while the crime was being committed.

About three months ago Deputies Sellers and Mosley located the automobile the negroes used, in the possession of a Birmingham negro. Both of the officers said there was no doubt about the negro being the one who helped strike down the aged woman.

Sheriff Sam Stearnes said that the negro was well known here and had given officers considerable trouble. The negro is said to have struck a policeman on the head with a brick when officers were pursuing a band of burglars at a grocery store some time ago. The Sheriff said that the deputies were clearly justified in shooting the negro.

Two Negroes Identify Third As Attacker

Advertiser

BIRMINGHAM, ALA., June 24.—(AP) —Two negroes held in jail here in the slaying of Miss Vaudine Maddox, 21, in Tuscaloosa County two weeks ago, today identified Honey Clark, another negro, as the slayer of the girl.

The negroes, A. T. Harden, 15, and Tom Pippen, Jr., 18, when confronted with Clark told officers they had seen him drag the girl from a lonely road, attack and kill her.

6-25-33

Head Warden Erwin, Deputy Warden Disheroon, Solicitor Foster and two deputies sheriff from Tuscaloosa were present when the two young negroes identified the third.

Montgomery, Ala.

Solicitor Foster and the two deputies immediately left for Tuscaloosa with Harden and Clark, presumably to take them before the Grand Jury which convened there today to probe the slaying, and also a demand by a crowd that two of the negroes be delivered over to them.

Harden and Pippen were quietly brought to the Jefferson County Jail early this week as a safeguard against any effort at violence against them.

Witness To Slaying Of Girl Held By Officers

Advertiser
6-20-33

TUSCALOOSA, ALA., June 19.—(AP)— Officers announced this afternoon that A. T. Harden, 15-year-old negro, had said he was an eye witness to the slaying of Miss Vaudine Maddox, 21, last Monday and named another negro, Dan Pippin, Jr., 18, as the slayer.

Harden was quoted by officers as saying that Pippen came by his home and asked him to go along as he, Pippen, was "going to do some dirt to a white girl."

Officers said the young negro admitted going along, and that when Pippin stopped Miss Maddox he left and went to a hill where he watched the attack and slaying of Miss Maddox, but took no part in it.

Montgomery, Ala.

Pippin, confronted with Harden's story, still denied to officers that he was in any way connected with the slaying or attack.

Harden and Dan Pippen, Sr., were taken into custody last night for questioning, and officers said today they believed the young negro was an actual participant in the crime.

Negro Held For On Woman At D

DECATUR, ALA., Aug. 21. Thomas Brown, negro, was arreste afternoon and identified by Mrs. George Dugger as the negro who attacked her two hours earlier near her home in a outlying section of the city.

The negro was taken into custody soon after county and city officers were joined by a posse, organized quickly after word of the attack was spread.

Feeling was running high as the search for the attacker started and Brown was hurried to the Morgan County Jail immediately after his arrest. Officers said some persons who gathered at the jail left within a few minutes and that no trouble was anticipated.

NEGRO IS IDENTIFIED IN ALABAMA ATTACK

DECATUR, Ala., Aug. 21.—(AP)— Thomas Brown, negro, was arrested this afternoon and identified by Mrs. George Dugger as the negro who attacked her two hours earlier near her home in an outlying section of the city.

The negro was taken into custody soon after county and city officers were joined by a posse, organized quickly after word of the attack was spread.

Negroes Attack Girl Here After Robbing Escort

Advertiser
9-7-33
Montgomery, Ala.

Overpower Couple Seated In Car Parked On South Court Street Extension

Identity Withheld

Similar Assault At Same Spot Two Weeks Ago Hidden Until Yesterday

County officers last night still were searching for two negro men who robbed and beat a man and criminally attacked his young woman companion early Wednesday morning on the South Court Street extension. Sheriff Sam Stearns said that a negro, Nathaniel Williams, had been arrested in connection with the case, but that he did not believe Williams had any part in the crime.

Meanwhile, Sheriff B. D. Chambliss, of Autauga County, announced at Prattville that he had arrested another negro charged with attacking a young white woman in the southeastern part of that county Wednesday morning. The sheriff removed the negro to an unidentified jail.

County officers here who investigated the South Court Street affair were unable to supply the name of the couple. Extensive inquiry last night revealed that strenuous efforts were being made to withhold the names of the principals in the robbery and attack.

According to the officers, the couple were seated in the automobile when the two negroes approached, one of them flourishing a pistol, and ordered the couple out of the car. As the young woman got out, one negro covered her with the pistol while his confederate went through the man's pockets, took $20 and a watch, and cursed him for not having more.

Fight In Cornfield

The man and woman were led out in a cornfield, and when one of the negroes mentioned attacking the girl, the young man grappled with the negro holding the pistol and attempted to wrest it from him, officers said. Three shots were fired while the two fought over the pistol, and officers said that spot bore evidences of a terrific struggle, with cornstalks knocked down and the ground torn up. The man put up a brave fight in defense of his companion, they said.

After the man was subdued, one of the negroes held the pistol on him while the other negro led the woman a few feet away and criminally attacked her, according to officers. This negro then held the gun on the man while his companion attacked the woman.

The negroes then fled, apparently making their escape by an automobile which had been parked on Fairview Avenue. The man took his companion to a home in Capitol Heights where a physician was summoned to care for her and the county officers were notified. Deputies Moseley and Sellers went to the scene of the crime and found the woman's watch and a .32 caliber cartridge.

Assault Reported Late

A similarly brutal attack upon an unaccompanied white married woman about two weeks ago in the same vicinity was revealed yesterday by officers who declared that the incident went unreported until yesterday. Two negroes answering the same descriptions as the pair that attacked the young woman yesterday, were involved in that case, it was said.

The woman, who lives beyond Fairview Avenue, had started to town and due to the fact that her automobile had only one light, she decided to drive on a back street, it was said. The two negroes are said to have jumped on the running board of the car, forced the woman from the seat and dragged her into the woods where they each attacked her. To avoid publicity the affair was not reported to officers and it came to light yesterday following this other attack.

According to a description of the negroes involved in the attack here yesterday, furnished by their victims, one was a heavy-set negro, over six feet tall, while the other was a medium-sized negro.

The young woman told officers that she put a ring in her mouth and that she must have swallowed it.

Details of the Autauga County attack were lacking and Sheriff Chambliss and officers declined to say anything other than that they had arrested a negro for an attack on a young widow in the southeastern part of the county, about 20 miles from Prattville.

Sheriff Chambliss wanted to transfer his prisoner to the Montgomery County jail, but permission to do this was refused here on account of the South

Court Street affair. The Sheriff would not say to what jail he took his prisoner.

Screws Assigns Four Detectives To Attack Case

Advertiser

Men Who Solved Fletcher Murder Are Set On Trail Of Two Negro Ruffians

9-9-33

Face A Handicap

Montgomery, Ala.

Police Say Sheriff's Men Concealed Names Of White Victims In Case

An unrelenting search for the two negroes who on Wednesday morning made an attempted assault on a white woman and robbed her male companion on the Court Street extension was ordered yesterday by Col. W. P. Screws, police commissioner, who ordered that the full resources of the department be utilized and no effort be spared until the men were behind the bars.

Paul Rapport, chief of detectives, immediately assigned four veteran members of the department to work on this case exclusively and to trace every clue.

While the sheriff's office continued to keep secret the names of the two white principals in the events of Wednesday morning, representatives of The Advertiser yesterday established their identities and were told by a kinsman of the girl that the negroes were not successful in their attempts.

The girl's companion, whose vigorous resistance of the negroes' attack was probably responsible for the failure of their purpose, was learned to be Robert Webb, a traveling salesman who resides at 8 Linden Avenue. Mr. Webb was out of the city yesterday.

The girl's relatives expressed resentment that first accounts of the incident indicated that she had been ravished. This, however, was part of the meager information given out by Sheriff's Deputies Moseley and Sellers, who were called on by Webb shortly after the events took place.

The quartet of veterans assigned to this case are the same who about two years ago, soon after Col. Screws became police commissioner, "cracked" the Fletcher murder case and smashed a newly organized gang that had conceived and executed several daring robberies.

The officers in this case, Detectives Curtis, Waugh, Dennison and Chancellor, won for themselves wide recognition in what was conceded to be one of the most thorough clean-ups of its kind that has been conducted in the history of the State.

The detectives entered the present case under somewhat adverse circumstances as the police department was not notified of the crime by the sheriff's department until later during the day, Col. Screws said. The Police Department had plenty of men available to aid the sheriff's department at 1 o'clock in the morning, Col. Screws added. The crime was committed within the city limits, he said.

"You can say that we are going to do our best to get these men," Col. Screws said last night. "I have confidence in the ability of the entire department and we are all going to work. Most of the crimes that have been solved in the past have been solved by hard work, and most of the unsolved cases are cases in which the officers relaxed or became indifferent."

Col. Screws declared there would be no relaxation or indifference in this man hunt. The fact is generally recognized that the Montgomery Police Department has proven in the past that it ranks as one of the most thorough and efficient in the country.

Another handicap for the Police Department at the start was the fact that they did not learn from the Sheriff's Department the names of the couple attacked. The Sheriff's Department reported that the best information it had was that the man's name was "Webb" and that the sheriff's office had not learned the name of the woman. Detectives yesterday after some work were able to get the necessary facts of the case and a few clues also. The sheriff's office now also was said to be in full possession of the facts.

The Sheriff's Department yesterday arrested a second negro for questioning but the man, whose name the department still refused to disclose, declined to say positively that the negro arrested was one of the pair.

Col. Screws said the assault and robbery Wednesday morning had brought to light a number of recent roadside robberies which the principals did not report to the authorities for fear of the noteriety that would result in a trial. In one instance, it was learned, another white woman had been assaulted, but this case, too, was not reported.

In some of the cases, Col. Screws said, women had been used as lures in a racket in which white men were the robbers. The game, he said, is for a woman and her male companion, who often poses as her husband, to come into Montgomery. The woman meets a victim, often a married man, and steers him to a place on the roadside where her male confederate appears and robs them both.

Col. Screws gave orders to the department yesterday to round up all of the "transient" women that could be found and give them 24 hours in which to leave town. Otherwise he said, they will be charged with vagrancy.

$400 Rewards In Assault Case

Advertiser

9-9-33

Governor To Offer $200 Each For Negroes Who Made Attempt On Girl

Montgomery, Ala.

With a reward of $400 pledged for information leading to the arrest and conviction of the two negroes who early Wednesday morning attempted to assault a young white woman and robbed her and her escort on the Court Street extension, the search for the ruffians continued last night with but few developments.

Governor Miller, advised that a request for a reward by the State of $200 for each of the negroes, had been placed in the mail by Solicitor W. T. Seibels, said yesterday he will dictate the necessary official order the minute the letter is received. The letter is expected to reach his desk this morning.

Stearns Offers $25

In addition Sheriff Sam Stearns has announced that he will pay a reward of $25 out of his pocket to anyone volunteering information that will lead to the apprehension of the negroes.

Sheriff Stearns yesterday conferred at length with Col. Screws at Police Headquarters and Col. Screws last night requested that it be made clear that the Sheriff and Police Departments are cooperating in the man hunt. He emphasized that there is no friction existing between the city police and the sheriff's office.

Rumors Victimize Girls

The tight-lipped secrecy maintained by the Sheriff's officers for two days following the crime as to the names of the man and girl involved, it was learned yesterday, had placed about a half dozen young women under a cloud—the victims of rumor mongers. Some of these young women, as a result, have been unable to convince their friends that it was all a mistake, so persistent and far-reaching is the effect of ill-founded and unauthenticated rumors. Publication of the name of the man, Robert Webb, of 8 Linden Street, in The Advertiser yesterday, however, had the effect of largely dispelling the rumors.

Meanwhile Detectives Curtis, Waugh, Dennison and Chancellor of the Montgomery Police Department, took up the cold trail yesterday with only a meager description of the negroes and a few clues, the nature of which they would not divulge, to lead them in the search.

Suspect Held

One negro has been arrested thus far by Deputies Sellers and Moseley. The negro, Nathaniel Williams, is being held for further questioning, Sheriff Stearns said yesterday.

Webb and the young woman were in an automobile on the Court Street extension when the two negroes came up flourishing revolvers and ordered them to get out of the car. Webb was robbed of about $20. The negroes took a watch from the girl, but later dropped it.

Thereupon the negroes proceeded to attempt to ravish the girl and Webb gave battle to both of the negroes, although he was unarmed. A revolver held by one of the negroes was discharged twice in an effort to kill Webb, but Webb escaped injury from bullet wounds. He was struck a heavy blow on the head.

The girl also fought furiously until the negroes abandoned the attempt and backed away into a cornfield nearby.

Dogs from Kilby Prison trailed the negroes to Fairview Avenue where they apparently had parked their car.

The assault occurred about 1 a.m. Wednesday.

Hot Clue Leads Toward Blacks Guilty In Assault

Advertiser

9-12-33

Montgomery, Ala.

County Officers Confident They're On Warm Trail; Mystery Car Is Involved

Arrest Is Expected

Two Known Men Sought; Auto Explains Getaway From Fairview Avenue

It was learned Monday night that sheriff's officers working on the criminal assault and robbery case which occurred on the South Court Street extension early Wednesday morning, are in possession of a clue which they are running down and which may result in the arrest of the two negroes guilty of the crime.

It is learned that the clue revolves around a parked automobile which was noted for an hour or more Tuesday night just prior to the assault and robbery. The car was standing on the south side of Fairview Avenue about 200 yards west of the intersection of Fairview Avenue and Court Street. It is believed that this is the car that was used by the two negroes in escaping from the scene of the crime.

The car had been noted standing about at the spot where the bloodhounds from Kilby Prison lost the hot scent they had been following from the scene of the crime.

The two negro hold-up men had cut across a field from the scene of the crime on the Court Street extension to the extension of Fairview Avenue. The dogs had no trouble in trailing them across the field but lost the trail when the two negroes reached the Fairview Avenue extension pavement.

Sheriff's officers, so it is learned, believe that they will soon be able to trace the ownership of the parked car and they expect to trace it to two negroes who have been seen for sometime haunting the Court Street extension and into the loop from that extension to Perry Street. The two negroes, so it is learned, have not been seen in their accustomed haunts since the night of the crime. Every effort, so it is learned, is being made to locate them.

There has been no let-up, so it is learned, by Sheriff's deputies to trace to the criminals since the night of the crime. The search has been continuing night and day and if the clue which the officers are now working upon can be followed to its conclusion, the belief is that the guilty negroes will be placed in custody.

Lynchings-1933

Arkansas.

4434

Rape: Alleged Attacks by Negroes.

NEGRO ARRESTED FOR SLAYING AND ASSAULT

Commercial Appeal

Will Face the Charges at Little Rock.

2-24-33

LITTLE ROCK, Feb. 23.—Pulaski County deputy sheriffs tonight were en route from Baton Rouge, La., to Little Rock with Jake Banks, negro convict, who was arrested near the Louisiana capital today in connection with the slaying of Mark M. Goodson, suspended Little Rock patrolman, and attacking Mrs. Ethel J. May, his companion, near North Little Rock, [illegible]

Memphis

Banks' arrest ended a search which extended into several states during the past two weeks, after Mrs. May had identified Banks' photograph as the man who killed Goodson and attacked her. The negro was indicted by the Pulaski County grand jury at its last session on a charge of first degree murder. Mrs. May appeared as a witness.

The search for Banks was started when officers were provided with information by a relative. The relative told them that Banks on the day of the murder was dressed as Mrs. May described him, and was carrying a shotgun, and was hunting near the scene of the murder. He returned to his home that night and said that he was going to leave for a few days. He left his shotgun at the home.

Officials followed information obtained here which led to the arrest of Banks today at Kleinpeter Station, 10 miles south of Baton Rouge. D. J. Raper and J. D. Conner, Pulaski County deputy sheriffs, probably will arrive here tomorrow morning with banks.

Mrs. May identified Banks from a photograph following the arrest of another negro in connection with the crime. They obtained information from the suspect which aided in the search. Mrs. May was brought to the grand jury room to testify in the case. She was seriously injured by the negro who killed Goodson.

Banks escaped from the Texas state penitentiary a year ago after he had served only a few months of a 90-year term. Officers learned that since that time he had been living with a half-brother near North Little Rock, a short distance from the scene of the murder and burtal attack. The search for Banks extended into South Arkansas, Teas and Louisiana.

Mrs. May said that she and Goodson were sitting in a parked automobile in a secluded spot several miles from North Little Rock when the negro appeared and forced them out of the car. He marched them a considerable distance from the automobile, where he shot and instantly killed Goodson after first robbing him.

He then assaulted Mrs. May, she related, stabbing her a dozen times with a knife when she resisted. He also struck her on the head with the butt of the shotgun, and previously he had peppered her legs with shot from the gun when she was slow in obeying an order. He then fled.

Lynchings - 1933
Rape: Alleged Attacks by Negroes.

Georgia

4435

POSSE SEEKS NEGRO ACCUSED OF ATTACK

3-23-33

THOMASVILLE, Ga., March 23. (AP)—Sheriff Gordon E. Davis and a posse from Coolidge and Thomasville were searching woods near Coolidge tonight for an unidentified negro who made an unsuccessful attempt to assault a young white woman today.

The attempt was made at the woman's home near Coolidge, she told authorities. The negro, she said, wore a veil or mask. He choked her, she said, and scraped her throat slightly with an old knife.

She was alone when the negro came, she related, but escaped from him and fled to a neighbor's house.

The negro made his getaway, but a posse was assembled and bloodhounds were put on a scent. Several suspects were detained, but none has been identified.

Negro Held in Assault.

Police Tuesday night were holding J. B. Murphy, 37, negro, of 855 Ashby street, on suspicion in connection with an attack on a white woman who was assaulted in the rear of 453 Washington street. Murphy was arrested by Patrolmen C. W. Mauldin and J. B. Harper.

Negro Held in Attack.

Albert Dobbs, negro, was placed in Fulton Tower late Thursday afternoon for an alleged attack upon a white woman. The attack occurred near Mooney's lake. Dobbs was captured within an hour by Captain J. C. Oliver and officers Webb, Patrick, Douglas and Wallace, of the county police.

NEGRO SHOT TO DEATH BY SHERIFF OF BROOKS

Constitution

Man Accused of Assault Had Been Secretly Sought Since Monday

12-9-33

QUITMAN, Ga., Dec. 8.—In an effort to arrest Lester Dasher, a negro alleged to have criminally assaulted a prominent white woman in the northern part of the county, Sheriff Colin E. Clanton, of Brooks county, shot the fugitive through the head today killing him instantly.

The criminal assault occurred last Monday afternoon, but only the male relatives and the sheriff knew of the crime. Sheriff Clanton secured an agreement with the woman's relatives that they would not make any announcement of the crime and would not resort to violence upon his promise to locate the negro and arrest him.

At noon today the sheriff located Dasher, who was armed with a shot gun. When the negro saw the officer he leveled the gun but dodged around a negro house attempting to fire.

Three times the gun was drawn upon the sheriff while the latter was trying to reach the negro. As the negro got into position and raised the weapon for the fourth time, Sheriff Clanton shot, killing the man instantly.

A coroner's jury asked for by Sheriff Clanton, immediately exonerated him, declaring he not only shot in self-defense but took too many chances before shooting. The negro's body was brought to an undertaker in Quitman.

WOMAN ATTACKED; THREE ARE HELD

Telegraph

Attempted Criminal Assault Made on White Woman at Her Home Near Lumpkin

12-5-33

LUMPKIN, Ga., Dec. 4.—Three Negroes suspected of being implicated in an attempted criminal assault on a white woman near here on Sunday night, Nov. 26, are being held in jail at Columbus.

The Negroes are Roosevelt Newsome, Marvin Harris and Willey Williams. Only two are said to have taken part in the attack, but the third is being held until the victim has sufficiently recovered from her injuries to see if she can identify either of them.

It is understood that the woman can identify one Negro who it is said, hit her on the head with an axe. While defending herself and her 13-year-old daughter, she was hit with the axe and suffered cuts and bruises and a broken bone in one of her hands.

The attempted assault took place at the home of the woman about 11 o'clock at night. Her husband was away at the time. Immediately after the Negroes left, officers were notified, and the arrests were made Monday, Nov. 27.

Harris and Newsome are natives of Stewart county, and Williams is an ex-convict, having been recently released from the chain gang.

Negro Convict Held On Assault Charge

Telegraph

METTER, Ga., Nov. 24.—Clifford Duncan, 25-year-old Negro trusty convict, is in the Candler county jail charged with assaulting a 12-year-old white girl near the county farm late today.

11-25-33

The girl is the daughter of a prominent planter residing near Metter. The offense was committed while the girl was returning to her home from school Friday afternoon. The Negro stopped the girl and forced her companion to remain nearby while the crime was being committed.

Sheriff Trapnell was immediately notified and he arrested the Negro at the convict camp and lodged him in jail. Reports from the little girl are that she is not in a very serious condition as a result of the assault.

Solicitor General Gross has been notified and will probably come to Metter this week to determine whether or not to advise that a special term of court be called to try the case.

GEORGIA NEGRO HELD ON ATTACK CHARGES

Constitution

Chattanooga Officers Guard Man as High Feeling Rampant.

12-11-33

CHATTANOOGA, Tenn., Dec. 10. (AP)—A negro listed by police as Will Moses, of Summerville, Ga., was arrested today at Whitwell, Tenn., on charges of attempting to attack the wife of a prominent resident of Marion county.

Atlanta Ga.

He was brought to Hamilton county jail here for safekeeping after Sheriff C. L. Coffelt of Marion county, reported high feeling in the vicinity of Jasper.

The negro, who was caught by Deputy Sheriff George Condra and W. C. Paxton, coal mine superintendent, after a posse had given up the search last night, denied the attempted attack and said he had left when the woman, by whom he was employed, discharged him.

Negro Held in Assault.

Police Tuesday night were holding J. B. Murphy, 37, negro, of 855 Ashby street, on suspicion in connection with an attack on a white woman who was assaulted in the rear of 453 Washington street. Murphy was arrested by Patrolmen C. W. Mauldin and J. B. Harper.

Louisiana

4436

Lynchings-1933

Rape: Alleged Attacks by Negroes.

One Negro Shot, Another Whipped By Louisianians

BATON ROUGE, LA., Jan. 26.—(AP)—Robert Richardson, negro, was shot and killed and another negro reported beaten today when a group of West Feliciana Parish citizens, headed by a deputy sheriff, went to their home to question them about a reported attempt to annoy a young white woman.

The sheriff's office declined to give out details, but Mayor J. R. Matthews, of St. Francisville, nearby, said Richardson was shot by Deputy Ted Martin when the negro resisted arrest and attempted to run away. The mayor said he was informed that the band of men, numbering about 25, whipped the other negro when he was slow in answering questions.

Lynchings-1933

Rape: Alleged Attacks by Negroes.

Maryland.

4437

100 IN MOB OF LYNCHERS SEEK MARYLAND MAN

Afro-American
12-9-33
Baltimore Md.

WASHINGTON.—A posse of more than 100 white farmers, searching for a man alleged to have attacked a 72-year-old white woman with a rock at her home in Accokeek last Saturday morning, are without their prey.

A suspect in the attack on Mrs. Suzanne Kuehn, was being treated in the same hospital at the same time the aged woman was being treated for a possible fractured skull.

Lloyd Newman, 22, 2100 Good Hope Road, southeast, told the white physicians who treated him at Providence Hospital that he was cut in a fight at Accokeek, Md. He had wounds on forehead, cheeks and chin, and was later transferred to Gallinger, where he was released.

Washington police who notified Maryland authorities of the alleged fight at Accokeek learned too late that Newman answered the description of a man wanted in the beating of Mrs. Kuehn at her Accokeek home. Maryland police claimed that the face wounds Newman bore were fingernail scratches caused by the woman.

Disappears in Car.

When Newman was sought at the Good Hope Road address he had disappeared in a car carrying Maryland license plates.

Mrs. Kuehn said her assailant was a tall thick-set colored man, who came to her house and knocked on her kitchen door, stating that he had been sent to repair an automobile by her son, Walter. She added:

"He was polite at first, helping me gather eggs as we looked for the tools. Then, without saying a word he grabbed me from behind and threw me to the ground.

"He choked me and pounded my head with a rock. When I regained my senses I could hear him throwing things about in the house. Then he ran away and I called for help."

Bloodhounds were obtained from the Lorton Reformatory. Farmers armed with pitchforks and shotguns aided firemen and police in beating the woods and covering all roads.

Men patrolled the Potomac near Marshall Hall in motorboats for fear the fugitive would slip across the river into Virginia and escape.

Walter Kuehn, the son, told investigators he often carried large sums of money on his person. He said this might have led to the attack. He believed the robber thought he would find several hundred dollars hidden in the house. A silver dollar was the only thing said to be missing.

Meanwhile authorities planned precautions to prevent a lynching should the assailant be captured. It was feared he would be hanged on the spot.

82-Year-Old Woman Attacked by Negro

Constitution
10-17-33

PRINCESS ANNE, Md., Oct. 16 (AP)—Officers and armed civilians on Maryland's eastern shore searched tonight for a negro accused of attacking an 82-year-old white woman.

Assembling after the news spread that Mrs. Mary Denston, the aged wife of a Somerset county farmer, had been attacked today, the group variously estimated at numbering from 500 to 1,000, began a systematic combing of woods and swamplands. Nightfall did not halt the search.

Mrs. Denston said she did not know the man who attacked her as she returned home after spending the night at her daughter's, but a 24-year-old negro was sought after a hat said to belong to him was found near the scene of the attack. The negro's name was given by officers as George Armwood.

GIRL REPUDIATES KIDNAPING CHARGE

BELAIR, Md., Dec. [illegible]—(AP)—State's Attorney Mayer H. Getz today announced that kidnaping charges against two negroes, jailed upon the evidence of a 15-year-old white girl, had been dropped.

The girl, Marie Ball, of Taylor, Md., has admitted that her story was untrue, declared Getz.

"She admitted that she concocted the tale because of fear of punishment for staying away from home and that she had never seen the accused men before she identified them in the magistrate's court," he said.

Getz added that the two negroes, George Highman, of Black Horse, and Ross Jones, of Fallston, Md., would be released.

"For their own safety, however, I deem it wiser to hold them in jail another 24 hours until the news of their innocence can be spread," the state's attorney added.

TWO NEGROES HELD AS GIRL'S KIDNAPERS

Commercial Appeal

Victim Seized While Out For Sunday Stroll

12-13-33

BELAIR, Md., Dec. 12.—(AP)—Two negroes were held in jail here tonight as authorities pressed their investigation into the kidnaping story of Marie Ball, 15, sister of the four steeplechase-riding Ball brothers.

Memphis, Tenn.

The negroes, identified as Ross Jones and George Highman, were arrested early tonight by Deputy Sheriff Walter Bennington and Corp. Gilbert Wollenburg of the state police.

Bennington said that the girl had identified both prisoners as the men who, while she was walking near the home of her sister, Mrs. Robert Knight, Rutledge, Sunday afternoon, drew up beside her in an automobile, seized her and bound and gagged her.

She said that she was forced to sit between them while they drove about the country for several hours.

She said that she told them that she was "Georgiana Dixon," but that when she finally admitted that was not her real name, they appeared to become frightened and released her.

Mississippi.

4438

Lynchings-1933
Rape: Alleged Attacks by Negroes.

4438

Memphis Tenn Commerical Ap-Peal
Aug. 9, 1933

HURRY NEGROES AWAY AFTER ATTACK ON GIRL

Greenville Sheriff Seeks to Prevent Mob Violence

GREENVILLE, Miss., Aug. 8.—Sheriff Ben H. Gildart tonight hurried two negro assault suspects away from the Greenville jail to another county as a mob of 100 men advanced from the Chatham community following an attempted attack upon a 11-year-old girl this morning shortly before noon and the arrest of the two negroes for questioning.

Late tonight, the crowd, part of the members armed, was dispersing after milling around the jail for some time, reluctant to believe that the negroes had been taken away.

The negroes were arrested near the scene of the crime after Sheriff Gildart had been called to the community. The girl, returning from school, had been accosted by a negro and dragged into some woods. She made her way home later and was in a highly nervous state.

NEGRO SOUGHT AFTER ATTACK AT MERIDIAN

Finger Prints on Clock May Lead to Arrest

MERIDIAN, Miss., Dec. 6.—After an all-day search, officers are still making efforts to capture a negro who entered the bedroom of Miss Bernice Harris, 19, this morning and attacked her.

A suspect is being held at police headquarters and three have been released.

12-7-33

A small alarm clock may lead to identification of the attacker, it is believed by investigators. The clock contained splendid finger prints, according to City Detective T. D. Harbour.

According to officers Miss Harris stated that when she retired about 10 p.m. yesterday she had placed the clock on a chair near the head of her bed and the negro had taken it to prop open the door when he entered the room. This precaution was believed by the chief to have been taken by the black in preparation for a quick escape.

Miss Harris was awakened early this morning by the negro's hands on her throat. Following the assault, he asked for her money and she sent him to another room as she fled into the streets screaming. Police officers and neighbors hurried to her assistance. Bloodhounds were placed on the trail, but this was soon lost because of rain which obliterated all tracks.

SEEK NEGRO ATTACKER

Intruder Chokes Meridian Girl Before Assaulting Her

MERIDIAN, Miss.—A posse Wednesday was seeking an unidentified Negro who early Wednesday entered the room of Miss Bernice Harris, 19, choked and then attacked her.

12-7-33

The girl said she was awakened when she felt the Negro's fingers upon her throat.

Following the attack she told him she had money across the hall and then ran out of the room screaming.

Officers Gunn and Kinard, who heard her scream quickly took up the chase of the Negro. Two suspects are being held.

The girl said she believed she could recognize the Negro by his voice.

NEGRO HELD IN ATTACK

Joe Turner Taken to Unannounced Jail From Hattiesburg

HATTIESBURG, Miss., Dec. 27.—(AP)—A negro tenant farmer, Joe Turner, who resides near McLaurin, was being held in an unannounced jail tonight, charged with a criminal attack on a 16-year-old girl.

12-28-33

Officials in the office of Sheriff Estus Hudson, who rushed the negro away for safe keeping, immediately after his arrest today, said that the alleged crime occurred near McLaurin several days ago.

HATTIESBURG, Miss.—(AP)—A Negro tenant farmer, Joe Turner, who resides near McLaurin, was being held in an undisclosed jail Wednesday night, charged with a criminal attack on a 12-[illegible] white girl.

12-29

Officials in the office of [illegible] Hudson, who rushed the [illegible] away for safekeeping immediately after his arrest Thursday, said the alleged crime occurred near McLaurin several days ago.

THREE NEGROES HELD IN ATTACK CASE HERE

Girl Victim of Assault Still in Hysterical Condition

12-29-33

POLICE GRILL SUSPECTS

Finger Prints Taken From Steering Wheel of Automobile Recovered After Crime. Uncle Recounts Story

Three negroes suspected of complicity in a criminal assault on 16-year-old Mildred Collins, Holly Springs high school junior, Tuesday night in Mississippi just over the Tennessee line near the Tchulahoma Road, were arrested by police and sheriff's deputies here yesterday morning.

12-20-33

The girl's aunt, Mrs. W. L. Jackson, 584 Alexander, and her uncle G. A. Collins, living near Holly Springs, who were with the girl at the time of the attack, were unable to identify the negroes at police station. The girl's physical condition prevented her from viewing them.

The attackers leaped on the car driven by Collins at 7:30 o'clock Tuesday night as it was haltea for a red traffic light at Lamar and Parkway. One of the negroes took the wheel of the car and the other two got into the back seat wth Miss Collins.

A short distance from this spot they forced the three from the car and robbed them, taking $9 from Collins, and $4.50 from Mrs. Jackson. They also forced her to write two checks on the First National Bank, one for $100 and one for $25. Both were made payable to cash.

Cursed Them

"They made us get back into the car," said Collins, "and cursed us vilely. They said they were going to kill al lof us. Somewnere out Airways Boulevard the car ran out of gasoline. They made us get out again and one of the negroes guarded us whiel the other two pushed the car over a hill and got some gasoline.

"Then they drove on over into Mississippi to some woods and made us get out again. Two of the negroes took Mildred into the woods while the other one guarded us. Theny they came back and the one who had guarded us attacked her."

"After they left us, we walked to the home of Elmore Holmes, Jr., which was not far away and called E. W. Groves, 1030 New York, a realtives of ours."

Miss Collins, who was assaulted by each of the three negroes, was in a hysterical condition last night. After being treated at Methodist was taken to the home of Mrs. Jackson last night.

Coudn't Find Street

Inabiilty of Collins to find Walker Avenue played an important part in the assault. Had Collins found this street instead of going onto Lamar, thinking that it was Walker, the party would have missed the negroes. Collins and Miss Collins had been to Union Station to meet Mrs. Jackson who had returned from a visit to Myrtle, Miss., with her father, A. N. Collins. Miss Collins and Collins had driven to Memphis Tuesday mornin gand were to return today.

Deputy Sheriffs Galloway and Bertschi found the Collins car at 7:45 o'clock yesterday morning on Alcy Avenue, a half-mile west of Airways Boulevard. Detective Sergeant Burney William took finger print off the steering whele, but as yet the police identification bureau has been unable to dientify the negroes by the prints.

Clyde Collins, father of the girl, lats night said, "Don't worry, if they ever get those negroes, we'll take them back to Mississippi with us and there won't be any officers along." Mr. Collins came to Memphis as soon as he was notified of the attack. He is a machinist.

Special Details

Inspector Griffin assigned Detective Sergeants "Bimbo" Clark and Terrel Pilkinton to the case with the instructions "work on this alone until you get these fiends." Sheriff Bacon had his entire force asigned to the case.

Chief Lee yesterday morning offered a $100 reward for information leading to thearrest and conviction of the negroes.

"This is a heinous crime," said the chief, "and we do not expect to let up until the pereptrators of ished."

Attorney General McLain, who assigned his star investigator, Brill Willis, to the case said, "This is a continuing crime for which trial can be held either in Shelby County or DeSoto County, Miss."

Lynchings-1933
Rape: Alleged Attacks by Negroes.

Mississippi.

4439

Rolphers, A La Mississippi Are Foiled

Courier
12-16-33
Pittsburgh, Pa.

MERIDIAN, Miss., ~~Dec. 14,~~—(By ANP)—A mob of 50 rolphers, who sought the life of a Negro suspect held in the county jail here in connection with an alleged attack on a 19-year-old white girl, was turned back by the sheriff shortly after midnight, Wednesday.

The lynchers came to the jail and demanded the suspect while the night jailer was on duty. He told them no Negro was being held there. But the rolphers refused to leave. The jailer then called the sheriff.

When the sheriff arrived, he took two of the mob leaders through the prison and was able to convince them that he was holding no one in custody. Then the mob dispersed.

Later, however, the sheriff reported that he had arrested three men, one of whom was in jail at the time of the search, and that the other two had been released.

The girl victim in the case was unable to identify either of the men held, but if the sheriff had not shown some wit, the rolphers would have lynched the innocent suspect in custody.

Lynchings - 1933

Missouri.

4440

Rape: Alleged Attacks by Negroes.

ATTACKER IS SENTENCED

St. Louis Negro Pleads Guilty to Assaults on Women

10-1-33

ST. LOUIS, Sept. 30.—(INS.)—John Winston Boyd, ex-convict and the elusive marauder whose attacks on women terrorized the community until his recent capture, today pleaded guilty to a criminal attack charge and was sentenced to hang. He had confessed to attacks on 11 women in this section.

Lynchings-1933

Rape: Alleged Attacks by Negroes.

New York

4441

Huntington, N.Y.

AUG 4 1933

ALABAMA JUSTICE NEEDED

The attack by a giant negro upon a 10-year-old white girl in Greenlawn within the past week brought into sharp relief the problem of coping with ~~the negro element~~ in Huntington township.

Much furor was raised in New York State recently over the famous Scottsboro case in Alabama. Public sentiment here, for the most part, appeared to favor the cause of the eight negroes who were condemned to hang for a crime only a little less monstrous than that which occurred within our own town limits. Public sentiment, nevertheless, failed to realize the problem of white versus black in Alabama; a problem so acute that white girls of better class families are forced to carry revolvers in their purses for protection; a problem so acute that the rape or attempted rape of a white girl by a negro carries with it a sentence of capital punishment.

Huntington has had its negro problem for a number of years. A decade ago, this did not exist. The negro families living here were honest, hard-working folks, who knew their place in the scheme of things and kept it. Within the last five years, however, Huntington has been faced with the problem of the negro "floater." Brought here, often from the South, or from Harlem by building contractors, the "floater" is left stranded when the construction job is completed, and settles in the town, to be supported by the loca relief organizations, or by friends, or by picking up odd jobs

Periodic trouble with the latter negro element has faced the Huntington police for some time. Usually it is confined to brawls between the negroes themselves, with an occasional shooting or knifing. Two years ago, however, the race feeling ran so high that on two or more occasions there were skirmishes between the white men and negroes at Huntington Station.

Huntington, as a town, has been very tolerant to its negro residents in the past. It has given them equal opportunities for education and for work. It has left its negro residents to live their own lives and do whatever they pleased, as long as they respected the law.

The time has come, however, when the authorities must take hold and enforce the law rigorousy. Both the Huntington Police and operatives of the District Attorney's office must bend every effort toward apprehending the negro who was responsible for the Greenlawn outrage. And once captured, there should be a swift, drastic trial and conviction which will show once and for all that the laws of New York State have the power to protect the wives, daughters, and sisters of the people of this state.

South Carolina.

4442

Lynchings-1933
6
Rape: Alleged Attacks by Negroes.
6

2 SIDES TO ATTACK CASE

CONWAY, S. C.—(ANP)—While the white folk are telling their story of the alleged criminal attack on a white girl, said to have been made by Peter McCoy, 23, the Negroes of this region have their story to tell too.

The white folk say that McCoy surprised the white girl while she was asleep on the back seat of her automobile and attacked her. After the supposed attack, she and another white girl who was with her were taken to town by two white men, one of whom is married. The married man is said to have advised that no report of the attack be made.

The colored people want to know what the attacked girl's companion was doing while the attack was going on, and why the girl attacked was asleep on the back seat of her car and what the other girl was doing while she was asleep. They also want to know where the two white men came from, and why the married man was so particular that the case should not be reported to the sheriff.

NEGRO HELD IN ATTA
ON GREENVILLE GI

GREENVILLE, S. C., May 31.—(AP)—An unnamed negro was arrested here today as a suspect in connection with an attack on an 11-year-old white girl of Greenville who was found [illegible] and abandoned in a city park last night.

The child was reported by her family today to be "all right." She was not mistreated, they said.

Charleston, S. C., Post

July 19, 1933

YOUNG NEGRO ADMITS CRIME

Condemned Rapist Also Tries Suicide and Escape

Columbia, July 19. (AP)—After attempting first to kill himself and then to break out of his penitentiary death cell, Barnie Smith, 21-year-old negro, has confessed he attacked a young Laurens county white married woman, it was learned today.

The negro, under sentence to be electrocuted Friday, made his confession yesterday to the Rev. Sam K. Phillips, penitentiary chaplain. Before that time he had protested his innocence.

Today Smith calmly reiterated his confession and gave details of the crime he was convicted of committing near Ware Shoals. Shortly after he was removed to a death cell in the prison he made an attempt to dig out with a stove poker he pulled in from outside his cell with a piece of bed spring. The next morning guards found a hole nearly the size of a man's hat.

The negro said "a voice of the Lord" told him to stop digging the hole. He said he merely wanted to get out and "take a look at the electric chair" in a nearby room.

A few days earlier he had soaked match heads in water and drunk the water in an effort to kill himself. He, however, suffered no ill effects from the mixture.

In his confession, the negro told how he forced his way into the home of the young woman, mother of a small child, and attacked her in the absence of her husband. He was drinking, he said, and carried a shotgun.

Lynchings-1933

Rape: Alleged Attacks by Negroes.

Tennessee.

4443

"Just Say A Negro Did It", Slogan

Despite Rumors That White Man Is "Cover Snatcher," Police Try to Fasten Intruder Charge On a "Light-Colored Negro."

Courier 4-8-33

NASHVILLE, Tenn., April 6—(By ANP)—Police were given orders to "shoot to kill" Wednesday for a light skinned colored man suspected as a "cover snatcher," despite the fact that contrary reports states that a white man is the terrorist of eleven white girls. Pittsburgh, Pa.

The man is alleged by the girls to have entered their bedrooms, armed with a revolver, his face masked, and flashed a light in their faces. None of the girls was harmed.

Spurious reports have been sent out and published in white publications since the "reign of terror" started last Friday to the extent of almost "pinning" the crime on a colored man. The name of the colored man being sought is withheld by police. However, they state that he has been sought for the past year on charges of having assaulted a white girl, and upon this flimsy excuse their suspicion is centered on this particular Negro.

NEGRO ATTACKER IS JAILED; CONFESSES

Commercial Appeal

Caught at Whitehaven Trying to Get Away

IDENTIFIED BY VICTIM

11-5-33

"That's Him," Screams Mrs. Hartsfied as Percy Smith Tells How He Laid in Wait at Bartlett Home

Memphis, Tenn.

The boldness that made him deaf to the pleas for mercy by Mrs. R. L. Hartsfield and the prayers of her paralyzed sister, who was locked in a closet while Mrs. Hartsfield was attacked in her home at Bartlett Friday morning, melted to craven fright yesterday afternoon as Percy Smith, 25-year-old negro, recited to officers at police station an account of his crime.

Smith, who lived near Bartlett and had worked at the Hartsfield home, was arrested at 1 o'clock yesterday by Detective Sergts. Clark and Pilkinton a short distance from Whitehaven. He was riding on a wagon at the time.

An hour later the negro had confessed to Inspector Griffin, Sheriff Bacon, Lieut. Lee Quianthy and several witnesses. Facing the possibility of being captured by posses from Bartlett, which were scouring the countryside, the negro gladly gave himself up to the officers and without hesitation confessed to having attacked Mrs. Hartsfield.

Mrs. Hartsfield Screams

Mrs. Hartsfield, in a highly nervous state, late yesterday afternoon identified Smith at the county jail, where he was taken immediately after his confession at police station.

"That's him. Oh, yes, that's him," she screamed when brought face to face with the negro. She was accompanied to the jail by her husband, an employe of the Lee Lumber Company.

The pistol used by the negro in intimidating Mrs. Hartsfield and her sister, Mrs. Rose Newman, was identified by Henry Slavick, director of WMC, radio station of The Commercial Appeal, as one stolen from his home by Frances Fizer, a negro maid who was known as Smith's "woman."

Frances Fizer was arrested early yesterday by Deputy Sheriffs Joe Hendrick and Phil Armour after Deputies Galloway and Bertschi had obtained information that she spent the night with Smith at a place on Winchester between Third and Fourth.

Sergts. Clark and Pilkinton were told by the woman that she rode to the end of the Lamar car line with Smith a short while before she was arrested and that he was headed for Mississippi. She was in the detectives' car at the time that Smith was arrested.

In his confession Smith said two weeks ago he had dug sweet potatoes for Mr. Hartsfield.

"I thought they had some money," he said. "At 7 o'clock Friday morning I went out to the Hartsfield place and went up in the barn loft and got a brown coat.

"Then I went to the back door of the house. It was unlocked and I went in. Mrs. Hartsfield came into the room and I got behind the door. Then I stepped out with the gun and made her and the large lady (Mrs. Newman) get in a closet.

"I put a handkerchief over my face and made Mrs. Hartsfield come out of the closet. She begged me not to bother her, and said if I wouldn't she wouldn't tell anybody I had been there. The other woman was praying in the closet but that didn't scare me none.

Here the negro detailed the assault on Mrs. Hartsfield.

Knocks at Door

"After I had et and was playing the radio, somebody knocked at the door," he said. I asked Mrs. Hartsfield who it was, and she said it was her husband. I grabbed some jewelry and a watch and went in the next room. She run out front and hollered. Then I run out the back door and come on to town."

Smith's arrest followed an intensive hunt by Sheriff Bacon and his deputies, aided by the police department. Every man on the sheriff's force was assigned to the case.

After congratulating Sheriff Bacon and Inspector Griffin on the speed with which they effected Smith's capture, Attorney General McLain last night said, "We are working up an air-tight case against this fiend, and he will be tried at the next term of court."

Feeling was still high at Bartlett last night after posses had spent a day and night searching for the negro. Although Sheriff Bacon said that he expected no trouble, he is taking every precaution to guard his prisoner.

Greeneville, Tenn. Democrat-Sun
December 6, 1933

EXECUTIVE CLEMENCY

Some months since, maybe, more than a year. Miss Carrie Allen, a young business woman of Knoxville, was found alone in her apartment, was raped, murdered and robbed. The young lady bore a spotless reputation, public indignation was at fever heat.

In the course of the following investigation, a young Negro, son of a good old father, became suspected as rapist, killer and robber. On arrest, an alibi, attempted to be established, was shown to be false in every particular. Brought to trial, the following facts were proved beyond the shadow of doubt: The prisoner was identified by several reliable witnesses as the man who had entered their homes for the purpose of robbery, a pair of blunt scissors, that had evidently been used to remove screms in door locks, was found in his possession. The day after the murder, he had blacked his tan colored shoes, bloody rags were found hidden in his home, he had washed his hands the night of the crime under most suspicious circumstances, he had had blood cleaned from a pair of pants, he had given the dead girl's ring and another piece of jewelry to his father who had buried these evidences of guilt. To a woman acquaintance, the accused had entrusted several other pieces of jewelry obtained through robbery. On the night of the murder, the accused had spent money although he had no job and no work.

The accused was tried by due process of law, the State spared no expense, counsel was appointed, witnesses in his behalf were summoned, every effort was made to prove innocence but the chain of circumstantial evidence was complete. The jury brought in a verdict of guilty, the prisoner was sentenced to death for his brutal crime.

With patience and restraint, citizens of Knoxville had awaited the outcome of the prisoner's day in court, that day that the most guilty is permitted to have. The public made no threats, the public was satisfied that justice had been done and awaited the event sure that the verdict of the law would be carried out.

Just before Thanksgiving, it was announced that Governor McAlister would visit this prisoner in his cell at the State Capital to examine him to see if it was a case where the exercise of executive clemency would be justified. No more about the case has come to light.

During the administrtaion of Henry Horton as Governor of Tennessee, the number of convicted murderers who received "executive celemency" and were turned loose on a helpless citizenry, some of them to again exercise their proud prerogative of killing, became a scandal and a terror.

In spite of his splendid record in financial matters, Governor McAlister has issued some pardons that are far from satisfactory or comforting to the communities affected. Tennessee resents convicted murderers being turned loose to again roam their old haunts and jeopardize the lives of peaceful and law-abiding people.

After sentence has been passed on one accused of a major crime, there are rare cases where new evidence develops doubt of guilt or proves complete innocence. The pardoning power is yielded to the chief executive so that, in his good judgment, such injustice may be corrected.

But abuse by Governors of this power to pardon, has aroused universal resentment. Abuse of the pardoning power is chief cause of those outbreaks of public sentiment that inflict condign punishment, unwise use of the pardoning power is the background, the cause and the reason for the crime of lynching.

It is hoped and prayed that Governor McAlister will give no excuse to any Tennessee community to doubt his wisdom and conscience in this respect.

Too often judges and juries fail to administer justice, too often are these legal defenses of life and innocence, false to the trust reposed in them. Too often do Governors yield to some sort of pressure and pardon the known guilty.

If in such cases another crime follows the first crime, who is guilty?

Public Hanging Urged For Negro Attackers

12-29-35

MEMPHIS, TENN., Dec. 28.—(AP)—A criminal attack on a young Mississippi girl here last night by three negroes today brought a statement from Chancellor D. W. DeHaven, that "a public hanging at the fairgrounds would be a wholesale lesson for years to come."

"Those three negroes," he said, "apparently did not know that there is a negro in jail now under sentence to die for the crime they committed, but they would have known it if there had been a public, legal hanging here in recent years.

"The purpose of executions is to show people the result of crime and deter others from crime—not a revenge on the criminals.

"But now, we take the criminals to Nashville secretly and electrocute them behind closed doors at the middle of the night, and executions become revenge."

Negro Sought For Attack On High School Girl, 17

Advertiser

12-29-35

Montgomery

MEMPHIS, TENN., Dec. 28.—(AP)—Police expressed hope tonight that two checks an aunt was forced to sign may aid them in apprehending three negroes who last night attacked a 17-year-old New Albany, Miss., high school girl.

The girl and her uncle, G. A. Collins, of Holly Springs, Miss., and an aunt, Mrs. W. T. Jackson, of Memphis, were en route to Mrs. Jackson's home from a depot, where Mrs. Jackson had arrived from a Mississippi visit when the negroes commandeered their auto.

Collins was forced to drive out a country road where the attacks occurred, he said. He and Mrs. Jackson were robbed. Mrs. Jackson was forced to make out and sign checks for $25 and $100 when the negroes found her with a check book on a Memphis bank. Merchants have been asked to look out for the checks, made payable to cash.

Police began a roundup of negroes this afternoon for questioning.

Reward For Capture Of Negro Attackers Offered

12-30-35

MEMPHIS, TENN., Dec. 29.—(AP)—Rewards amounting to $425 were offered today for the apprehension of three negroes who attacked a 17-year-old Holly Springs and New Albany, Miss., school girl, near here Wednesday night.

Police Chief Will D. Lee's offer of $100 brought an announcement today from District Attorney Gerald Chatham, of Herando, Miss., that a $300 reward was available there, and an unnamed Memphis business man offered an additional $25.

The girl was attacked by three negroes who boarded her uncle's auto and forced him to drive out a country road. The uncle and an aunt were robbed. Officers said today the attack probably occurred across the State line in Desoto County, Miss.

Sheriff Dudley M. Birmingham, of Desoto County, conferred with Sheriff W J. Bacon on the case today.

NEGROES HUNTED IN GIRL'S ATTACK

News

12-29-35

Birmingham

MEMPHIS—(AP)—An intensive search was organized for three Negroes who Wednesday night criminally assaulted a 17-year-old New Albany, Miss., high school girl after commandeering the automobile in which she was riding with an aunt and an uncle.

The uncle, G. A. Collins, of Holly Springs, Miss., said the Negroes all were armed with pistols, forced their way into the car when he stopped for a traffic light in a residential section of the city.

Forced to drive far out on a country road, Collins said the Negroes ordered the girl, her aunt, Mrs. W. T. Jackson, of Memphis, and him out of the car. During the attack they were held under guns, he said, and he and Mrs. Jackson were robbed, and Mrs. Jackson was forced to sign two checks, one for $100 and one for $25. After holding them prisoner nearly an hour the Negroes left in the automobile.

The automobile was found abandoned on a highway several miles away Thursday morning. Police hope to find fingerprints on the car that may aid them in identifying the Negroes.

Will D. Lee, chief of police, announced that the Police Department would pay $100 reward for information leading to the arrest of the Negroes and Sheriff Bacon termed the crime "the worst in the criminal history of Memphis."

The girl had come to Memphis only Wednesday evening to visit her aunt.

Collins and Mrs. Jackson said they didn't know how long they walked before reaching a telephone to notify officers. As soon as the report was made a special patrol of radio-equipped police cars was called into the search.

NEGROES' VICTIM DID NOT SEE ATTACKERS

Schoolgirl Will Be Unable to Identify Trio

Commercial Appeal

SEARCH IS HANDICAPPED

Officers Will Rely on Filling Station Operator, Merchant to Link Suspects With the Crime

12-30-35

Memphis

Because she never saw them in the light, Mildred Collins, 16-year-old Holly Springs High School junior, will be unable to identify any of the three negroes who attacked her Tuesday night. It is also doubtful if Mrs. W. L. Jackson, 584 Alexander, aunt of the girl, or her uncle, G. A. Collins, Myrtle, Miss., who were with her at the time of the attack, will be able to identify the negroes.

Recovering from the attack at the home of her aunt here, Mildred yesterday said that she never saw the negroes clearly and that she did not think that she would be able to identify them. The uncle and aunt were unable to say whether any of the negroes wore a mustache or were smooth shaven.

For identification, police will probably depend on a filling station operator who sold gas to the negroes and J. Weisberg, operator of a store at 1472 South Trezevant, who said that Thursday morning a negro tried to get him to cash the $25 check written by Mrs. Jackson. At that time Weisberg did not know that Mrs. Jackson had been forced to write out the check.

Two More Arrested

Despite this handicap sheriff's deputies and city detectives continued their intensive search for the negroes. Sheriff W. M. Birmingham of DeSoto County, Miss., where the assault occurred, yesterday brought a suspect here to be questioned by Inspector Griffin. On information furnished by this negro, another negro was arrested here. Whether or not these two negroes will be connected with the attack, Inspector Griffin said that he believed that they will be identified as two negroes who took part in a recent holdup here.

One of these negroes was held at police station and the other was sent to the county jail on a fugitive from justice warrant.

Three negroes who were arrested Wednesday are still being held. As yet police have been unable to connect them with the crime.

The attackers boarded the car driven by Collins Tuesday night at 7:30 o'clock and forced him to drive into the country where they robbed Mrs. Jackson and Mr. Collins, forcing Mrs. Collins to write out two checks on the First National Bank, one for $25 and one for $100. Then they drove on into Mississippi where Mildred Collins was attacked.

Inspector Griffin said yesterday: "We have little to work on, but we are leaving no stone unturned in our efforts to capture these negroes. Sooner or later we will get them and I don't believe it will be far distant."

Sheriff Bacon has assigned his entire force of deputies to the case and is himself leading the investigation.

Lynchings-1933

Rape: Alleged Attacks by Negroes.

Texas.

4444

SLAY YOUTH IN AUTO; ATTACK COMPANION

Journal

Two Negroes, Who Bound and Gagged Girl, Are Hunted by Posses in Texas.

3-28-33

HOUSTON, Texas, March 27 (AP).—Posses with bloodhounds today were trailing two Negroes, alleged to have shot to death William W. Porch ,25, and attacked his companion, Miss Adele Torian, 24.

[illegible]

The hysterical young woman told police she and her escort, both of prominent families, were seated in an automobile about 12:30 A. M. when the Negroes appeared and ordered them out of the car. One was on each side.

"I thought I told yo uto hold up your hands," one of the Negroes said, according to Miss Torian. Immediately after speaking, the Negro fired the shot which killed Porch, who was facing the other Negro. The bullet penetrated his back.

Miss Torian said she threw herself over his body and begged the Negroes for mercy, pleading with them to take Porch to a hospital. Unheeding, they blindfolded and gagged her.

Then one of them picked her up bodily while the other dragged Porch's body through a roadside ditch and under afence into thick woods about 100 yards from the car.

The Negroes rifled Porch's pockets and fled into the woods, Miss Torian said.

After removing the blindfold and gag, Miss Torian ran to the home of John Anderson, a blind man living on a near-by boulevard, and telephoned the police.

Young Woman Identifies Negro In Attack Case

Advertiser

3-30-33

CONROE, TEXAS, March 29.—(AP)—Standing before a crowd of 3,000 persons clustered around the jail yard here tonight, a young Houston woman who had been attacked Sunday night after two negro terrorists slew her escort, William W. Porch, 24, of Houston, said a negro suspect slain here by a ranger "looked exactly like" her attacker.

Montgomery Adv.

The young woman, obviously nervous and showing the strain of her harrowing experience of Sunday night, stammered in a weak voice "that looks exactly like him but I can't say for sure."

A crowd formed immediately after the negro, who was tentatively identified as Manuel Henry, 25, alias Buddy York, was brought here after being shot to death by Ranger L. A. Eaves in a wood two miles from here. For the most part the crowd was orderly but there were some threats, officers said.

REMOVE NEGRO ATTACKER

Commercial Appeal

Threatened Mob Action Leads To Prisoner's Transfer

WAXAHACHIE, Texas, Dec. 14.—(AP)—Threatened mob action led officers late today to transfer a negro youth, accused of an attempted criminal atack, from the county jail here to the county jail in Dallas.

12-15-33

The negro was William Rankin Jackson from Ennis. He had been charged with an attack on Mrs. Tom Prestidge, living between Waxahachie and Ennis.

Rape. acc- [illegible] [illegible]

CAUGHT IN LIE, WHITE GIRL CONFESSES SHE SLUGGED MOTHER; HAD PLACED BLAME ON NEGRO

Black suspect

Oklahoma City

QUARRELED WITH MOTHER ABOUT SWEETHEART FOLLOWING VISIT TO MOVIES

Okla.

Girl Goes To Police Station and Reports Attack of Colored Man

WASHINGTON, D. C., Mar. 23.—Theresa Faber, 16-year-old white girl, admitted to police Wednesday that she slugged her mother, Mrs. Margaret Faber, 48, 4132 Gait Place, on the night of March 9, and the story told police about her mother being assaulted and robbed by a colored man was a lie.

The older woman was knocked unconscious at Barnes Place and Minnesota avenue, Northeast, as she and her daughter were returning home from a motion picture show. It was reported at the time that Mrs. Faber had been slugged by a colored man, who took her purse containing about $10. The purse was found the next day near the scene.

According to police, the girl said she became angry at her mother during a quarrel about a man with whom she was keeping company, and struck her with the stone.

The woman suffered a severe head injury, which was at first diagnosed as a possible skull fracture. She is still in Casualty Hospital.

After slugging her mother, the girl ran to the Eleventh Precinct Station House where she told a story of an alleged attack on her mother by a Negro. Police began a city-wide search for the man. The girl's picture appeared in the white papers with a story of how she escaped from the man and

(Continued on Page 2; Col. 2)

young women groups, the college women's associations, etc.;

"Upon my ideals of Christian culture proclaiming everywhere the principles of Jesus as the sound basis for successful living, and finally, upon my belief in and loyalty to the N. A. of C. W. whose interests and advancement I have for thirty years showed in every office from parliamentarian to vice president at large, I base my candidacy for presidency of the N. A. C. W. and openly declare to the Negro women of America, that if upon this record I cannot be elected without resorting to petty politics, I shall gladly give my support to any other woman worthy of the the women of our

24.

The other stick-ups had take $200 from the dead druggist at th point of guns, it is reported.

White Girl Admit Telling [illegible]

(Continued From Page One)

summoned help. She was played up as a heroine. She also told a story of how she and her mother were discussing a possible hold-up.

Voter's League Slate Victorious

(Continued From Page One)

with the exception of Precinct 8, where official watcher, Malcolm Whitby declared he observed irregularities. Whitby was busy Wednesday checking his records over to Charles W. Offutt, and it is possible that election officials will be called on the carpet.

Charge Irregularities.

According to Whitby two of the election officials were going into the booths with the voters and stamping their ballots when he arrived at the home of J. T. Jones about 1:45 Tuesday. He says that he immediately protested against the practice and that following his challenge of those so voted the practice was stopped. Whitby not only challenged each vote which he alleges was cast illegally, but he made a record of all such voters. Before leaving the polling place at 7 p. m. a near fight occurred when the son of one of the election officials attempted to snatch away from Whitby the records he had been making.

One Arrest.

One arrest was also a high poin in the election. A felowl by th

Lynchings-1933
6

Rape by Whites.

Alabama.

4445

SUSPECT MOVED FROM SCOTTSBORO JAIL

Reporter

5-6-33

Huntsville, Ala.—Special—[illegible] L. Roseberry, 28, salesman, was in Madison County jail today for safe keeping, following his arrest at Scottsboro, Ala., on a charge of criminally assaulting a high school girl. Roseberry was spirited from Scottsboro jail when more than 100 persons milled about the jail threatening to lynch him. As stories of the attack spread angry citizens poured into Scottsboro. All principals in the case are white.

Birmingham Ala.

Lynchings-1933

Rape by Whites.

Mississippi.

4446

Mississippi Negro Held For Assault Upon Girl

Advertiser

12-28-33

HATTIESBURG, MISS., Dec. 27—(AP)—A negro tenant farmer, Joe Turner, who lives near McLaurin, was being held in an undisclosed jail tonight charged with a criminal attack on a 16-year-old white girl.

New Jersey

Lynchings- 1933
Rape by Whites.

4447

77 Year Old White Fakir Tries To Rape 17 Year Old Mother

Tribune 10-19-33

Philadelphia

By S. A. HAYNES

MERCHANTVILLE, N. J.—A young Negro woman, recuperating at her home after giving birth to a 2 months old boy child, was brutally assaulted and narrowly missed being raped by a wealthy Jew who wandered into the Negro section from Keansburg, posing as a fortune teller.

Mrs. Lydia Cream, 17, the girl-wife is now a patient at the home of her mother-in-law and is being treated by Dr. Icam Wilson.

The man in the case identified himself to the police as Morris Runkel. He said his address was 45 Ocean ave., Keansburg, and gave his age as 77. He was held for the grand jury in $4,000 bail by Police Recorder Edwin Field Crane. North Jersey relatives of Runkel quickly obtained his release. Runkel asked the Recorder to reduce his bail to $700.

Several hours after he was arrested and lodged in the Delaware Township jail, Runkel sought to end his life by hanging. Sergeant William Jester, hearing groans issuing from his cell, found him hanging from an improvised rope. The prisoner had tied several handkerchiefs together, knotted one end about his throat, and suspended himself from the top bars of the cell.

The lurid affair took place at 57 Merchant st., where Mrs. Cream lives with her husband and baby, Saturday morning, October 7th, but did not become known in the Negro section until four days later, due to the reticence of the girl's mother, Mrs. Jessie H. Talton, who lives next door to 59 Merchant st., and her neighbors.

Because of her delicate condition, the young wife could not give a personal interview but asked her parents to do so.

Rev. Jesse H. Talton, the girl's father, said that he was on his way home when he heard his wife screaming as he approached the house. He rushed to her aid and learned what had happened.

He pursued Runkel, who was swiftly making a get-a-way from the scene across the open field into Main st where he caught him. Without waiting for the father to speak, Runkel said to him, "What's the matter?" "Wait until my wife gets here," Talton replied. Runkel, seeing he was trapped and unable to free himself from the younger man, offered the girl's father $10 to let him go. Talton refused. Runkel raised the offer to $20. Talton again refused. Runkel raised his bid from freedom to $30. Talton refused

In the meantime, Mrs. Talton had called the police department in Ellisburg. When an officer arrived she brought her daughter out of the house to tell her story. After listening to the girl's recital Runkel was arrested.

Mrs. Talton said that when Runkel was questioned as to what he was doing in the Negro section and why he assaulted Mrs. Cream, he told the police he was reading palms when his passion got the better of him. He had a large sum of money in his possession with which he also attempted to bribe Mrs. Talton.

The assault took place within the shadow of the grammar school attended by Negro pupils and adjoining the house in which the Creams live.

Mrs. Talton, who operates a notion store on Clayton ave., was visibly affected as she reviewed the affair as related to her by her daughter.

"I left the store to go home for a moment," she said. "When I arrived I saw the white man in the house with my daughter, holding her hand in an intimate manner. She was standing in a corner of the house, a wild look in her eyes and acting stupidly. Runkel was very close to her, talking softly.

"I called to my daughter: 'What is this man doing to you?'. She said to me, 'Give me the money to give this man to get the spell off me.'

"While I was questioning her, Runkel offered me a handful of money. When I refused it he made for the door and said, 'I have taken the spell off your daughter and will be back Monday for the money.' When he left, my daughter told me more intimately what really happened."

Mrs. Talton said Runkel had first scared, then hypnotized the girl after she had repulsed his earlier advances and was about to carry out his fiendish design when she arrived at the house. The 2 months old baby cried all through the struggle, the girl's mother said.

The Taltons are reputable citizens of the community and Mrs. Cream was born in the house where she was assaulted. She attended the Merchantville High School.

Local religious and political leaders awed by ~~Runkel's wealth, and~~ fearful of local whites, had taken no steps to aid the Taltons in prosecuting Runkel up to last Friday.

Lynchings - 1933
6
Rape by Whites

Oklahoma.

4448

WHITE RAPIST JUDGED INSANE

[illegible]
10-28-33
[illegible]

Down in Oklahoma a few days ago, one Glenn Swanson white and brother of ex-county commissioner, was committed to the county insane asylum when Miss [illegible] Stokes, 14 year old colored girl, charged him with rape. The questio raised and the assumption of the judges was that a whit man of such "high standing" would not rape a colored gir unless he was insane. Our comment to this is that the accused, if insane at all, had an insane passion for this beautiful colored girl. The same sort of passion which makes other me rape women, white and black. Nothing more, nothing less We make this statement because, according to the pres dispatches, Swanson was driving a high powered automobile saw the young girl on the street, slowed down, stopped he and asked, "Why are you out of school: I am a county office and will take you before the judge." Thus he forced the gir into his car and drove away and when on the out-skirts of th city, brutally attacked her. The girl was smart enough t take the auto license number.

Now with these facts before us. we are compelled to say that this man was not insane. He didn't run over anybody, driving a high powered car in the busy streets and after attacking the girl made his get-away just like any other criminal.

Of course, shift the scene, get the picture of what would have happened had a colored man attacked a white girl. Had his case reached the courts, he would have been immediately adjudged sane. It would have further been said that he was actuated by a passion for white women and his doom would have been written in the strongest code the law allows. Any plea of insanity on his part, or on the part of anyone in his behalf, would have fell upon deaf ears so far as the court was concerned. In fact, such a plea on his part would have stirred the mob instinct the more.

Tennessee.

Lynchings - 1933

Rape by Whites.

4449

ATTACKING STEPCHILD LAID TO TENNESSEEAN

(Constitution)

12-24-33

ATHENS, Tenn., Dec. 23.—(AP)—A man docketed as Lowery Young, 21, has been bound over to the grand jury without bond on a charge of assaulting his nine-year-old stepdaughter.

Atlanta, Ga.

Sheriff Boling Shoemaker early today discounted rumors that a mob was forming in an effort to obtain the prisoner. Shoemaker said the alleged attack took place Tuesday and that the child was in a serious but not critical condition.

Lynchings-1933
Rape by Whites.

Virginia

4450

White Man Can't Rape a Colored Girl, Attorney Claims

Exclusive to the AFRO.

WARRENTON, Va.—Throughout the trial of four white men found guilty Monday of attempted rape upon a 14-yr-old colored child, M. Flynn, white attorney, used unprintable epitnets in referring to colored people.

He argued that raping of colored girls by white men is no crime, and he had never heard of such sexual relations being termed rape.

He asked every juror if he had been born and raised in Virginia.

With this preface laid he said in his argument:

"I asked you, gentlemen, if you were born in Virginia because if you were you would know now the d—— stretch their imaginations and you could realize how this tale has spread until it engulfs these four white men.

"I was born in Virginia and I have never heard of a WHITE man raping a d—— girl in this State. If we put all the good white boys and good white men in Virginia in the pen who have fooled with d—— girls we would have some GOOD white men in the penitentiary."

N.A.A.C.P. Not Represented.

Efforts of the girl's aunt to secure help from the Washington, D.C. branch of the N.A.A.C.P. failed.

Such help was discouraged also by Warrenton whites who promised that justice would be done if the colored people would keep the N.A.A.C.P. out of the case.

PERVERSION, RAPE FIGURE IN VIRGINIA TRIAL

Afro-American

14-Year-Old Kidnaped from Streets of Warrenton, Va.

6-10-33

Baltimore, Md.

BOYS LAUGH AS JURY DEBATES

Hang Heads When the Verdict Is Given.

[Special to the AFRO]

WARRENTON, Va.—After an impassioned plea to the racial prejudices of a white jury, Monday, and the free use of unprintable epithets applied to the Negro by the white defense attorney, four white men were sentenced to serve three years each for attempting to rape 14-year-old Addie Clark, last April.

The jury was out slightly more than an hour and returned with a verdict of guilty in the case of each defendant, and fixed the sentenced at three years each, in the state penitentiary.

The defense lawyer asked if that was the opinion of each juror and they were questioned in open court individually, and each answered that it was his personal conviction and verdict.

Following this the lawyer asked that the judge set aside the verdict on the grounds that the conviction was contrary to the laws of evidence. Judge Alexander ruled against this motion.

Bond is $3,000

Lawyer Flynn then said that his clients might want to appeal the case, and he was given 60 days in

[Continued on Next Page]

PERVERSION, RAPE FIGURE IN VIRGINIA TRIAL

[Continued from Preceding Page]

which to file for an appeal. He asked that bond be set at $1,000 for the convicted because they had been in jail since the assault.

Judge Alexander set the bond at $3,000 each. It was not posted on Wednesday, and it is expected that they will not appeal the case.

Child with Aunt

Addie, who weighs barely 80 pounds, appeared in the court-room with her aunt, Mrs. Golda Rowe, of Waterloo, Va. She seemed somewhat amazed to hear the tales told by the white boys as they testified.

Girl's Story

Addie testified that she had been sent on an errand with a note, and had been to a movie at the town theatre. She left the movies shortly after nine o'clock that night, and had bought some ice cream to carry home. Just across from the movies the car driven by Joe Kearns, white, 21, one of the men, pulled up over the sidewalk and blocked her passage. She said she went around the machine and ran down the street.

Addie said that Mark Maxheimer, white, 18, chased her for three blocks before he caught her and she was put in the car. Maxheimer did not go with the men after she was put in the car. He is the grandson of the town's jailer, and there were no charges placed against him, although he was instructed to appear at the trial to testify.

Addie said she was driven to the cattle pens a half mile away, where the attempted assault took place.

Perverted

She said four white men, ranging in weight from 130 to 190 pounds, could not accomplish their fiendish desires because of her size, as she was only 13 years old. Failing in this they attempted to have her perform a perverted act, she said.

She told of the three hectic hours from nine to past midnight, in which she fought off the drunken brutes when her clothing was torn to shreds and her little body covered with mud. Her face and arms were bruised from the brutal handling. She had been lifted over two fences, thrown on the ground and wallowed in a mud hole by the four maddened sex-crazed ofays, she said.

Addie, bruised, beaten and almost exhausted, managed to gather her torn clothes about her, she said, and make her way home to the little cottage—barely a quarter mile from the scene of the attack. After she told her aged great-aunt, Mrs. Kate Wilson, of the attack, the aged woman, who had raised her, broke into tears and became sick from nervousness.

Found Pocketbook

The next morning Mrs. Mary Dowell, who lived in the same house with the girl, went to the scene of the atrocious attack, where she found the pocketbook belonging to one of the attackers, Mayberry Kearns, 19. This was a clue which led to their arrest.

Women Interested

Two white women, Mrs. B. F. Portland and Mrs. Bessie Horton became interested in the case when they noticed some days later that Addie had been bruised and her eye blackened. They both testified at the trial that she was bruised even three days after the assault.

One Man Has Four Children

The four white men are Clifton Cofflin, 18; Sandy Elkins, 30, married, and the father of four children; Mayberry Kearns, 19, and Joe Kearns, 21, his brother.

Heard Screams

Samuel Rosell, who lived nearby, heard the screams coming from the cattle pen and heard one of the men threatening her saying:

"If you don't cut out that yelling I'll cut your —— throat." He notified the local police.

Police Too Late

Samuel Hall, white, police sergeant of the city, testified that he went to the scene but the boys had left. He did not know whether the girl was colored or white, or if the boys were white or not. Later, following an investigation he learned that the men had been there and he questioned them. They denied it at first, he said.

Hall said Elkins, the married man, when first questioned, told him that they had forced the girl to the attack and that she had asked him to be the first one to attack her when she found her struggles would be useless.

The Defense

On the stand the men all testified that they had met the girl and asked her to take a ride. They said she told them to come around the corner and she would get in, but not on the main street. They said they drove around the corner and she got in the car willingly. When they got to the cattle pens they said she got out and went to the cattle pen with Mayberry Kearns. None of the others went over the fence, they said. Other witnesses testified that they had heard the voices of more than one man in the pens.

The men swore that the girl consented to go with them but refused to engage in sexual relations, but offered to perform the perversion.

The Kearns boy said he slapped her and left.

All declared they had been drinking since early afternoon and could not remember how long they were in the pens nor what they started the assault. They remembered all other details and time, however, as the Commonwealth's Attorney Carter pointed out.

Laugh While Jury's Out

While the jury was out and when they filed in the four men were sitting in the prisoners' chairs laughing and chatting with each other. When the verdict was announced they dropped their heads as if they had been expecting an immediate release instead of a sentence.

They seemed to hold hope when the jury was being questioned when it was unanimously decided by the jury that they were guilty the sentence seemed to take their nerve and they were all visibly affected.

For a period of one hour the newspapermen, seated with Mrs. Becton in the front of her residence, were closely watched by a man wearing a grey suit and approximately five feet, seven inches in height.

Finally, Mrs. Becton nervously called attention to the vigil maintained by the man. He apparently sensed his discovery, after which he hastily walked in the direction of Seventh Avenue. One of the newspapermen followed him to the corner, where the man entered a store and made a telephone call.

Whispers

En route to the store, midway in the block, he approached a white man, to whom he whispered hurriedly. Upon the return of the white man the reporter discovered that he had taken a position on steps adjacent to the home of Mrs. Becton.

Mrs. Becton, obviously frightened, arose, indicating that the interview was ended. As the newspapermen approached their car the white man moved a few paces east on 120th Street, wheeled about and directly faced the trio, signaling with a drop of his hand.

As the car bearing the newspapermen shot east on 120th Street, the white man sped west on 120th Street. The newsmen turned south in Lenox Avenue to 119th Street, west to Seventh Avenue and south, headed for Central Park.

Two Ofays Now

South on Seventh Avenue to Central Park the press car sped, followed closely by a roadster in which the colored man, previously spotted, the white man and another white man rode. Through Central Park the roadster hugged closely to the car bearing the reporters, until on Seventh Avenue, outside the boundaries of the park, the reporters succeeded in shaking off the roadster in a traffic jam.

[illegible] was discovered that precautions have been taken to prevent further assassinations in the membership of the Gospel Feast Party, because it is believed that at least three men, Mav Davies, Thomas Hightower, both members of the present party, and Jay Harris Jackson, a former member of the party, are in possession of facts concerning the intimate business affairs of the late evangelist.

Police Theory

Police, Tuesday, indicated that the theory advanced by the AFRO in connection with the motive for the killing of the Rev. Mr. Becton is still the theory being pursued by them.

Reports that police were within 24 hours of making an arrest in the case were discredited by police working on the case here.

Meanwhile, in New York the Gos-

Lynchings-1933.
Reports on, Sent Press.

Jan. - June.

4467

Report on Lynchings for First Six Months

TUSKEGEE, Ala., July 7.—According to the records compiled at Tuskegee institute in the department of records and research, there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is, 10 years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented public lynchings. Of these, three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances, force was used to repel the would-be lynchers; thus, a total of 17 persons, 6 whites and 11 of our Race, were saved from death at the hands of mobs.

Of the persons lynched, two were white and four were of our Race. The offenses charged were rape, one; murder, four; charge not reported, one.

The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two, and Texas, one.

This report does not include the number of members of the Race who have been beaten to death and killed by whites in petty fights.

LYNCHING RECORD

Camden Argus

Conditions Much Better Than Ten Years Ago

Camden New Jersey
7-10-33

Editor of Camden Argus:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses charged were: rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Very truly yours,
R. R. MOTON, Principal,
Tuskegee Normal and
Industrial Institute.
Tuskegee Institute, Ala., July 1, 1933.

REPORT ON LYNCHINGS

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern states and 11 in Southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negroes. The offenses charged were: rape, 1; murder, 4; charges not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.—Bulletin Tuskegee Normal and Industrial Institute.

7-5-33

SIX LYNCHINGS LISTED FOR 1ST 6 MONTHS OF '33

7-8-33
Norfolk, Va.

Virginia Man's Death Still Cause Of Controversy

Special to Journal and Guide

NEWTON, Ga.—Because he has persistently investigated two lynchings which occurred within five days of one another near here, Sheriff Jud Griffin, of Baker County, has had threats of death made against him, but he says his inquiry will continue.

The sheriff said last week-end that a Negro named T. J. Thomas was kidnaped from his home and killed by a mob after a fight between groups of white and colored boys about three weeks ago (approximately June 14). A white boy died in the fight.

Five days later, the sheriff says, Richard Marshall, another Negro, was lynched not far from where Thomas died at the hands of the lawless gang.

Motive Is Unknown

Sheriff Griffin blamed the fight between the boys for the lynching of Thomas, but said he was unable to assign a reason why Marshall should have been mobbed.

His investigations, he added, brought threats of death if he got "too nosey," but he declared he was not worried nor frightened into dropping his inquiry.

SIX LYNCHINGS DURING FIRST SIX MONTHS IN 1933

TUSKEGEE INSTITUTE, Ala.—According to the records compiled at Tuskegee Institute by its department of records and research, there were 6 lynchings during the first six months of 1933, Dr. R. R. Moton, principal of the institute, announced Saturday, July 1.

This number is 1 more than the number 5 reported by Tuskegee for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year, Dr. Moton recalls.

17 Saved From Mobs

"During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern states," the report adds.

"In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

"Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

"The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1." (Apparently the two Georgia lynchings now being investigated are not included in Tuskegee's report).

LYNCHINGS IN THE UNITED STATES.

Robert R. Moton, principal of the Tuskegee Normal and Industrial School founded by Booker T. Washington for the training of colored young men and women, is keeping a close watch on the lynching record in the United States, evidently on the theory that emancipation of the colored race may not be said to have been fully accomplished until an end has been put to frenzied mobs taking the law into their own hands.

During the first six months of 1933 there were six lynchings, one more than in the corresponding period last year. However, during the first half of the present year there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers. Thus, Mr. Moton reports, a total of 17 persons—6 white and 11 negroes—were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The interesting thing here is that while, in the public mind, lynchings are associated almost entirely with negro victims, persons of the white race occasionally are singled out, too. In the main, however, this form of lawlessness is confined to the South, the States in which human life was thus taken being Georgia, Louisiana, Tennessee and Texas.

In its effort to purge the country of this method of setting aside the orderly processes of the law, Tuskegee Institute resorts to publicity, a weapon which can be said to be well suited to the purpose.

7-30-33

Belleville Daily News Democrat 7-1-33 Belleville, Illinois

We are in receipt this morning of the following report from the trenchant pen of R. R. Moton, Principal of the Tuskegee Normal and Industrial Institute. The report covering the lynching record for the first six months of 1933 reads as follows:

"According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were fifteen persons lynched in the first six months of the year.

"During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in Northern States and eleven in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs.

"Of the persons lynched two were white and four were Negro. The offenses charged were rape, one; murder, four; charge not reported, one.

"The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

"Very truly yours,
"R. R. MOTON,
"Principal."

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13 Lynched in Past Six Months, I.L.D. Reports

Daily Worker 7-7-33 New York, N.Y.

Survey Does Not Include Police Killings; "Death to Lynchers!" Demands I. L. D.

NEW YORK.—Thirteen lynchings recorded in the first six months of 1933 are reported in a survey made public by the International Labor Defense today. Eleven of the victims were Negroes, and two white.

The list drawn up by the I.L.D. lays no claim to being complete, it was pointed out, but contains only those lynchings which have been publicly reported. It does not take into account the increasing number of police killings or Negroes which are becoming more popular as substitutes for the old-fashioned lynchings for which mobs of hundreds were often organized; nor does it count legal lynchings, which have also become more popular with the white ruling class as it becomes more difficult even in the South to draw white workers into lynch-gangs, or to stem the tide of protest from Negro and white workers following such mob lynchings.

Lynchings Not Reported

Many lynchings, it was also pointed out, are never reported anywhere, and others are recorded only in single paragraphs in perhaps one small-town weekly published in the region in which it occurred. News agencies are showing a constantly growing reluctance to carry news of lynchings over the wires, with the result that the appearance is created that lynchings are on the decrease. The same applies to police lynchings, legal lynchings, and lynch-murders by less than three persons.

In its campaign against lynching, peonage, Jim Crow, and all forms of national oppression against the Negro people, the International Labor Defense is pushing its campaign for passage of the "Bill of Civil Rights for the Negro People," proposed by the League of Struggle for Negro Rights, endorsed by the National Scottsboro Action Committee, and presented to the President and Congress by the Free the Scottsboro Boys marchers.

Section 19 of this Bill provides that:

"Any person who aids or participates in a lynching or other act of violence directed against a person wholly or partly because of supposed 'inferiority' of race, color or nationality, or directed against a person because of alleged or suspected crimes associated in public tradition with supposed 'inferiority' of race, nationality or color, shall be considered and adjudged guilty of a crime punishable by death."

The I.L.D. raises the slogan of "Death to Lynchers," and demands the application of the death penalty in these cases and in the increasing number of cases of wanton murder of Negroes by police or individuals, which now go completely unpunished.

A survey of police lynchings, and lynch-murders during the first six months of 1933, as reported in the press and estimated to cover less than one per cent of the total of such murders, but a typical cross-section of them, will be released shortly by the International Labor Defense, it was announced.

Recorded Lynchings

Following is the list of recorded lynchings for the first six months of 1933:

1. Harry Ross, shot and killed Jan. 3 by three white men, outside of Memphis, Tenn. They reported they were taking him into the city to lay charges of "having made improper proposals to a white woman," against him, when he "tried to escape" from their moving car.

2. Fell Jenkins, 20, was beaten to death by three white farmers at Aycock, La., January 11. They said he had been trespassing on the property of one of them.

3, 4, and 5. Three members of a Negro family of fishermen were hacked to death on Tavernier Island, one of the Florida keys, Jan. 19, by an invading gang of white men. All further information, including the names of the victims, suppressed by the authorities.

6. Robert Richardson was shot to death in Baton Rouge, La., Feb. 2, while "attempting to escape" from a gang of 25, headed by a deputy sheriff which invaded his house on a report, given out later, that he had "annoyed a white woman."

7. Nelson Nash, 24, was hanged from a tree by a gang of men at Ringgold, La., February 19.

8. George Jeter, died February 19 at Aiken, S. C., from a beating administered by three white men who later said he had "stolen their whiskey."

9. Levon Carlock, 19, beaten, tortured, and shot to death by six policemen "out on a lark" in Memphis, February 25, 1933. Police called on a white prostitute to say Carlock had "raped" her, at a time when he was sitting by his wife's sick-bed.

10. John Williams, lynched during first week of May, 1933, by a mob of seventy-five led by a sheriff. It was charged he had stolen a hog.

11. Will Kinsey, 25, lynched May 12 by mob of forty, following a dispute with his landlord in which his brother and the landlord were both killed. Kinsey, wounded by the landlord, was taken by a mob from a physician's office.

12 and 13. Jerome Boyett and Harvey Winchester, both white, held on murder charges, were taken out of Huntsville, Tenn. jail and lynched by a mob of armed men.

LYNCHING RECORD FOR 1933

Star 6-24-33 Charlotte, N.C.

Tuskegee Institute, Ala.
July 1, 1933.

Dear Sir: I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law preevnted lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the gaurds augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Very truly yours,
R. R. Moton, Principal.

Pittsburg Courier 7-6-33 Pittsburg, Pa.

LYNCH 6 DURING FIRST HALF OF '33

TUSKEGEE, July 6—(By ANP)—Dr. R. Moton made public July 1st, the record of lynching for the first six months of 1933 as compiled by the Department of Records and Research of Tuskegee Institute. There were according to these records, compiled carefully and painstakingy by Dr. Monroe N. Work, six lynching in the first six months. This number is one more than occurred during the same period in 1932 when there were five.

The states which are on the lynching black list according to these records are Georgia, 1; Tennessee, 2; Louisiana 2 and Texas, 1.

Of the persons lynched two were white and four were Negroes. The report pointed to the fact that there was a growing tendency on the part of law enforcing officers to prevent lynchings. Three northern and 11 southern instances were given where the alertness and bravery of police forces prevented lynchings.

Lynchings-1933

Reports on, Sent Press.

Jan. - June.

4468

SIX LYNCHINGS FOR FIRST SIX MONTHS OF 1933

Reporter
7-8-33
Birmingham, Ala.

Tuskegee Inst., Ala., July 1.—According to the records compiled at Tuskegee Institute in the Department of Records and Research there were 6 lynchings in hte first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern states and 11 in Southern states. In 9 of the instances the prisoners were removed or the guards augmented; in 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

LYNCHING RECORD FOR FIRST SIX MONTHS, 1933

Richmond Planet
7-8-33
Richmond, Va.

According to records compiled at Tuskegee Institute in the department of records and research, there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in Northern States and eleven in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers, thus a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Lynchings: 1933
6

Reports on, Sent Press.

Jan. – June

4469

MONTGOMERY, ALA.
ADVERTISER

JUN 30 1933

FIGURES ON LYNCHINGS

Editor, The Advertiser:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern States and 11 in southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas 1.

Tuskegee, Ala. R. R. MOTON

TAMPA, FLA.
TRIBUNE

JUL 2 1933

Six Lynchings This Year

Principal R. R. Moton, of Tuskegee Institute, has issued a report of lynchings for the first six months of this year. The number is six, one more than for the first half of 1932. Ten years ago, in 1923, there were 15 lynchings in the corresponding period. Offenses charged in the six lynchings this year were murder four, rape one, not reported one. One was in Georgia, two in Louisiana, two in Tennessee, one in Texas. Two were white, four negro.

During the six months, officers of the law prevented lynchings in 14 cases, three in northern and 11 in southern states. In nine of these, the prisoners were removed or guards increased; in five force was used to repel mobs.

There is a steady improvement in the lynching record, especially in their prevention by officers. But for delays of justice, there would be none.

EL DORADO, KANS.
TIMES

JUL 1 1933

LYNCHING RECORD IMPROVES

The semi-annual lynching record for the United States is not too black. During that time, six persons met death at the hands of mobs, according to records compiled by Tuskegee Institute. This was one more than for the same period a year ago. Ten years ago, in 1923, 15 persons were lynched during the first six months of the year.

Now while six persons were being made the victims of Judge Lynch in this country during the past six months, there were 14 instances in which officers of the law prevented lynchings. Three of these were in Northern and eleven in Southern states. In nine of these instances, the prisoners were removed or the guards augmented. In the five other instances, force was used to repel the would-be lynchers. Thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs. This is the brightest spot in the whole picture. States in which the actual lynchings occurred were: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Maybe the happy day will come some time when there will be no more lynchings in this country. But to bring about that condition, courts and officers of the law will have to function, the pardon power will have to be used sparingly and the conviction be drilled into the public mind that any violation of law whatever will meet a prompt and certain punishment. And even under conditions which do not approach such a Utopia, the lynching record is becoming better, year by year.

GREENSBORO, N. C.
NEWS

JUL 2 1933

LYNCHING FIGURES.

Editor of The Daily News:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskagee institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augumented; in the five other instances force was used to repel the would be lynchers; thus a total of 17 persons, six whites and 11 negroes were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses charged were rape, one; murder, four; charge not reported, one.

The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

R. R. MOTON,
Principal.
Tuskagee Institute, Alabama.

EUFAULA, ALA.
TRIBUNE

JUN 30 1933

SIX LYNCHINGS FIRST HALF 1933

Two White And Four Negroes Killed By Mobs; All In Southern States

TUSKEGEE, June 30—According to the records compiled at Tuskegee Institute in the department of records and research, there were 6 lynchings in the first six months of 1933. This number is one more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

MILWAUKEE, WIS.
SENTINEL

JUL 2 1933

The Lynching Record.

To the Editor of the Sentinel:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these, three were in Northern states and 11 in Southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers; thus a total of 17 persons, six whites and 11 colored. were saved from death at the hands of mobs.

Of the persons lynched, two were white and four were colored. The offenses charged were rape, one; murder, four; charge not reported, one.

The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

ROBERT R. MOTON,
Tuskegee institute, Ala.
Principal.

CLEVELAND, O
PRESS

JUL 5 1933

To the Editor of The Press:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were six lynchings in the first six months of 1933. This number is 1 more than the number five for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards were augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, one; murder, four; charge not reported, one.

The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

R. R. Moton
Principal Tuskegee Normal and Industrial Institute, Alabama.

DAYTON, O.
NEWS

JUN 30 1933

LYNCHING RECORD

To the Editor of The News:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the other five instances force was used to repel the would be lynchers; thus a total of 17 persons, six whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched, two were white and four were Negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

R. R. MOTON,
Principal, Tuskegee Normal and Industrial Institute.
Tuskegee, Ala.

Titusville, Fla., Advocate
June 29, 1933

Fewer Lynchings

Tuskegee Institute, Ala., — Lynchings for the first six months of this year totalled six. This number was one less than the number for the same period of 1932. In 1923, ten years ago, there were 15 persons lynched in the first half of the year. Of the six persons lynched this year, two were white and four were negroes.

MONTGOMERY, ALA.
ADVERTISER

JUL 1 1933

Six Lynchings For Year Are Reported

TUSKEGEE, ALA., June 30.—(AP)—R. R. Moton, principal of Tuskegee Institute, said today records compiled by his school show six persons were lynched in the United States during the first six months of this year.

This number is one more than the number lynched during the same period last year. Ten years ago, 15 persons were lynched during the first six months of 1923.

Officers prevented lynchings in 14 cases during the first half of 1933. Three Northern officers and 11 Southern officers protected their prisoners from mobs. In nine of the instances, prisoners were removed or guards augmented, in five other instances force was used to repel mobs. Seventeen persons—six whites and 11 negroes—were saved from death at the hands of mobs.

Two of the six persons lynched were whites. The offenses charged were criminal assault 1, murder 4, charge not reported 1.

The States in which lynchings occurred and the number follow:

Georgia 1, Louisiana 2, Tennessee 2, Texas 1.

TRIBUNE
Bay City, Tex.
JUN 30 1933

The Lynching Record For The First Six Months Of 1933

According to the records compiled at Tuskegee Institute in the department of records and research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negros. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennesse, 2; Texas, 1.

N. Y. HERALD
JUL 2 1933

Six Lynchings in Six Months

TUSKEGEE, Ala., July 2 (UP).—There were six lynchings in the United States in the first six months of 1933, Tuskegee Institute, leading Negro school, announced today. This was one more than in the first six months of 1932. Officers prevented fourteen attempted lynchings. Two of the six lynched were white men.

Bainbridge, Ga., Post-Searchlight
July 6, 1933

REPORT ON LYNCHINGS

July 1, 1933.

The Lynching Record for the first six months of 1933.

Dear Sir:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented. in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites, and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Very truly yours,
R. R. MOTON. Principal.

Augusta, Ga. Herald
July 1, 1933

SIX LYNCHINGS

In U. S. During the First Half of Year

TUSKEGEE ALA, July 1—(AP)—Six persons were reported lynched in the United States during the first six months of the year in a survey released by R. R. Moton, principal of Tuskegee Institute.

Moton said figures compiled by the school showed the number one more than for the same period of last year while fifteen were lynched during the time ten years ago.

Kershaw, S. C. Era
July 5, 1933

The Lynching Record for the First Six Months of 1933

According to the records compiled at Tuskegee Institute in the Department of Recorls and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number of 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were nogro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State rate as follows: Georgia, 1; Louisiana, 2: Tennessee. 2; Texas, 1.

Roanoke, Ala., Leader
July 5, 1933

REPORT ON LYNCHINGS

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern states and 11 in Southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negroes. The offenses charged were: rape, 1; murder, 4; charges not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.—Bulletin Tuskegee Normal and Industrial Institute.

Savannah, Ga., News
July 1, 1933

LYNCHING RECORD FOR SIX MONTHS

Tuskegee's Figures Show One More Over Last Year

According to the records compiled at Tuskegee Institute in the department of records and research, there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is, ten years ago, there were fifteen persons lynched in the first six months of the year.

During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in Northern states and eleven in Southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of seventeen persons, six whites and eleven negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses charged were criminal assault, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1. These figures were sent out by Robert R. Moton, principal of Tuskegee Institute.

Camden, S. C. Chronicle
July [illegible] 1933

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings, according to records gathered by Robert R. Morton, principal of Tuskegee Institute. Of these, three were in Northern states and 11 in Southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers; thus a total of 17 persons, six whites and eleven negroes, were saved from death at the hands of mobs. Of the persons lynched two were white and 4 were negroes. The offenses charged were rape, one; murder, four; charge not reported, one. The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

Jan.- June

4470

Lynchings-1933

Reports on, Sent Press.

HARTFORD, CONN.
COURANT

JUN 30 1933

THE LYNCHING RECORD

Principal Moton Reports Six in Six Months Now Ending

To the Editor of The Courant:—

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were fifteen persons lynched in the first six months of the year.

During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in Northern States and eleven in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers. Thus a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs. Of the persons lynched two were white and four were Negroes. The offenses charged were rape, one; murder, four; charge not reported, one.

The States in which lynchings occurred and the number in each State are as follows: Georgia, one; Louisiana; two; Tennessee, two; Texas, one.

R. R. MOTON.

Tuskegee, Ala., June 28, 1933.

SAN ANTONIO, TEX.
EXPRESS

JUL 1 1933

LATEST RECORD ON "THE TRAGEDY OF LYNCHING"

Though revealing a backset as compared with the first half of 1932, Tuskegee Normal and Industrial Institute's lynching record for the first six months of 1933 goes to show that the educational and moral forces are gaining ground against mob law.

That authority reports that during the past half-year six persons were lynched, as against five in the corresponding period of 1932. However, the Institute recalls that ten years ago—the first half of 1923—the mob claimed 15 victims. The total lynch-murder toll last year was 8; that in 1923 was 28. Over a ten-year period, therefore, encouraging progress was achieved.

The latest report credits law officers with having saved 17 persons from threatened lynching during the past six months. Another noteworthy circumstance is that two of the six victims were white men. Moreover, only one of the six was accused of the "usual crime."

Texas again figures in the roll, with one lynching; Georgia reports one, and Louisiana and Tennessee, two each. Mississippi remains strikingly absent, as it was all last year.

Official courage in the face of mob threats has been, and will continue to be, a powerful factor in reducing and finally eliminating the lynching evil—but back of that is an enlightened sentiment. To a steadily increasing degree, the people in the South and elsewhere are coming to recognize "lynch law" for the monstrous thing it is. They have shown themselves more and more determined to rid this section of that blot forever.

During the past two and a half years the Association of Southern Women for the Prevention of Lynching has grown rapidly in membership and has spread its influence into the rural communities — Judge Lynch's traditional stronghold. Churches, clubs and other civic agencies vigorously have supported that educational movement. At the same time the Southern Commission on the Study of Lynching—a group of distinguished citizens—attacked the evil by thorough, impartial fact-finding.

Only lately the University of North Carolina published the Commission's findings and conclusions. That document, "The Tragedy of Lynching", constitutes a powerful indictment of the mob by the South's own spokesmen. Probably no other work on the subject has aroused so much attention or promised more lasting benefits. As Dr. Arthur C. Raper, the editor, writes, the facts there set forth "deal a hard blow to the idea that the mob merely administers summary justice."

The evidence (for 1930) shows that several mob-victims were undoubtedly innocent—and their blood is on the heads of community and State:

"Lynchings...are the logical issue of prejudice and lack of respect for the law and personality." Only "the growth of a sane, deliberate public opinion" can stop such crimes.

Chattanooga, Tenn.
TIMES

JUN 30 1933

THE LYNCHING RECORD.

According to statistics compiled by the Department of Records and Research, of Tuskegee Institute, there have been six lynchings during the first six months of 1933. Two of the victims were whites and four were Negroes. In one case rape was charged; in four, murder was the charge; in one case no charge was reported.

The total for the first half of this year is one in excess of the number of lynchings during the first six months of last year. The States which have had lynchings to their discredit this year are as follows: Georgia, 1; Texas, 1; Louisiana, 2; Tennessee, 2. Concerning efforts to prevent lynchings, Principal Moton says:

"During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these, three were in Northern States and eleven in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers. Thus a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs."

While there is cause for regret in the fact that the number of lynchings this year has exceeded, even by one, the number during the first half of 1932, there is ground for encouragement in the fact that only six persons have met death at the hands of mobs this year, while fifteen were lynched during the first six months of 1923. It is also cause for gratification that officers in so many instances succeeded in preventing mobs from carrying out their purpose.

The record argues for continuance of efforts, along present lines, to eradicate the barbarous practice of lynching, supplemented by honest efforts to apprehend and punish lynchers. That two of the lynchings reported this year occurred in Tennessee gives the people of this State cause to blush with shame. And the shame is all the greater by reason of the fact that nothing appears to have been done to mete out justice to the lynchers.

SELMA, ALA.
TIMES-JOURNAL

JUL 2 1933

Half Dozen Lynchings For Six Months Bared

TUSKEGEE, Ala., July 1—(AP)—Six persons were reported lynched in the United States during the first six months of the year in a survey released by R. R. Moton, principal of Tuskegee Institute.

Moton said figures compiled by the school showed the number one more than for the same period of last year while 15 were lynched during the time ten years ago.

Lynchings were prevented by officers in 14 cases during the first half of this year, three in the north and 11 in the south, through removal of prisoners, use of force or increases in the number of guards.

Two of the persons lynched were whites and four negroes. Offenses charged were rape, 1; murder, 4; charge not reported, 1. By states the lynchings were listed as Georgia 1, Louisiana 2, Tennessee 2 and Texas 1, the Institute reported.

CARTHAGE, MO.
DEMOCRAT

JUL 5 1933

ANNUAL LYNCHING REPORT

In a recent statement, by Robert R. Morton, principal of the Tuskegee ormal and Industrial Institute, the fololwing is the lynching record for the first six months of 1933:

Accordng to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of tha year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 o fthe instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 egroes, were saved from death at he hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

BEAUMONT, TEX.
ENTERPRISE

JUL 3 1933

LYNCHINGS IN 1933

During the first six months of this year, according to records compiled at Tuskegee institute, six persons were lynched in the United States, one in Texas. During the same period of time last year five were lynched. But during the first six months of 1923, or 10 years ago, 15 persons were lynched. The nation is making some progress toward the eradication of a form of lawlessness that is peculiar to the United States and has subjected the American people to more censure, perhaps, than any other admitted defect in American civilization.

One of the most gratifying evidences both of the tendency to discourage lynchings and of the willingness of law-enforcement officers to protect their prisoners from mob violence is found in the statement from Tuskegee institute that this year there are on record 14 instances in which officers prevented a lynching. Of these instances 11 occurred in southern states where it is popularly supposed that mobs of white men bent on lynching a negro seldom encounter much resistance from the law-enforcement authority. In nine of the instances prisoners were saved from mobs by removal or by augmenting guards; in five force was used.

Usually a show of force will halt a mob in its tracks, but it is encouraging to observe that even when it becomes necessary to use force, there are sheriffs and sheriff's deputies in the south who do not hesitate to do their duty. If some officers had not exercised proper vigilance and shown determination to protect their prisoners at all hazards, the number of persons lynched in the first half of 1933 might have been 23, instead of six.

DAYTON, O.
HERALD

JUL 3 1933

Only a Fair Record.

According to the record compiled at Tuskegee Institute, there were six lynchings in the first six months of the year. This number is one more than for the corresponding period last year but it compares favorably with totals of previous years, notably 1923, when 15 lynchings took place.

Against the number of such crimes this year, it is noteworthy that there were 14 instances in which officers of the law prevented lynchings. Adding acts and intentions to commit this crime, it would appear that this indecent and brutal offense against human life is not, as a yet, under absolute control as it should be.

The victims of this year's crimes were two whites and four negroes. The alleged offenses charged were criminal assault, one; murder, four, and unreported, one. Louisiana and Tennessee headed the list with two lynchings each and were followed by Georgia and Texas with one each. Moreover, the majority of unsuccessful attempts to lynch was furnished by southern states with 11 as against three in the northern states.

The southern states are improving, but the end of lynch law there is not in sight.

MANKATO, MINN.
FREE PRESS

JUL 1 1933

Record of Lynchings

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers; thus a total of 17 persons, six whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, one; murder, four; charge not reported, one.

The states in which lynching occurred and the number in each State are as follows: Georgia, 1; Lousiana, 2; Tennessee, 2; Texas, 1.

NEW HAVEN, CONN.
TIMES

JUL 1 1933

LYNCHING RECORD.

To the Editor:

Sir:—I send you the following information concerning lynchings for the first six m nths of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research. I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas 1.

R. R. MOTON,
Principal, Tuskegee Normal and Industrial Institute.
Tuskegee, Alabama, June 27.

Robesonian
Lumberton N.C.

JUL 3 1933

LYNCHING RECORD FOR FIRST 6 MONTHS 1933

According to records compiled at Tuskegee Institute, in the department of records and research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; change not reported, 1.

The states n which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

WINSTON SALEM, N. C.
JOURNAL

JUN 30 1933

Lynchings

As has been his custom for many years, Dr. R. R. Moton, principal of Tuskegee Normal and Industrial Institute, has furnished the press a semi-annual report on lynchings in this country. There were no lynchings in North Carolina.

His report reveals six lynchings in the first six months of 1933. This is one more than the number for the first six months of 1932. In 1923, however, ten years ago, there were 15 persons lynched in the first six months of the year.

The report, received by us yesterday, further reveals that during the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in Northern States and 11 in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, one; murder, four; charges not reported, one.

The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

MARTINS FERRY, O.
TIMES

JUN 30 1933

Lynchings

THE FIRST six months of 1933 failed to show any improvement in America's lynching record. Six lynchings occurred during that period compared with five in the first six months of the preceding year. However, the number of instances in which citizens of the country took the law in their own hands in the first half of 1933 was nine under the total for the first six months of 1923, showing that the trend during the decade has been downward. Vigilance of the authorities is partly responsible for this improvement, a survey revealing 14 cases this year in which officers of the law had prevented lynchings.

Most of the states in which lynchings occur are in the South and most of the victims are colored. Southerners in many respects are more law abiding than the people of the North, although in the matter of lynchings—which are among the worst effronts to constituted authority—they compare with the northern gangsters who also execute without the law.

Jan. - June

Lynchings - 1933

Reports on, Sent Press.

4471

Charlotte, N. C., News
July 4, 1933

Lynching Record First Six Months

Dear Sir: I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. In 1923, that is ten years ago there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in Northern states and 11 in Southern state. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 1; Texas, 1.

R. R. Morton,
Principal.

Tuskegee, Ala, July 1.

BOONE, IA.
NEWS REPUBLICAN
JUL 5 [illegible]

LESS MOB SPIRIT

In at least one way the United States seems to be making definite progress. So when you are inclined to become discouraged about the state of the country, remember that lynchings are on the decrease. That is a significant fact. The mob spirit does not rule as strongly as it did in earlier days. We are more inclined to let the law take its course, instead of taking the law into our own hands.

The Tuskegee Institute of Alabama, which was established by Booker T. Washington, has been keeping a record of the lynchings in the United States for many years. The Tuskegee Institute is particularly interested as in most cases it is a colored person who suffers at the hands of a mob. Until a little more than ten years ago lynchings of colored criminals in the south was common enough. In 1923, for instance, there were 15 persons lynched in the first six months of the year.

This year, just ten years later, there were six lynchings during the first six months. This number is one more than the record for a similar period in 1932. Two of the persons lynched this year were white and four Negro. The offenses with which they were charged were rape, 1; murder, 4; charge not reported, 1. All the lynchings occurred in southeren states: 1 in Georgia; 2 in Louisiana, 2 in Tennessee and one in Texas. During the first six months of 1933 there were 14 instances where officers of the law prevented lynchings, either by augmenting the prisoner's guards or by using force to repel the would-be lynchers.

Some year the report for the first six months will be "no lynchings."

GREENWOOD, S. C.
INDEX JOURNAL
JUN 30 193[illegible]

6 Lynchings So Far In South This Year

Editor The Index-Journal:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guard augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of the mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Very truly yours,
R. R. MOTON,
Principal Tuskegee Normal and Industrial Institute.

BELLEFONTAINE, O.
EXAMINER
JUL 1 1933

The Forum

THE LYNCHING RECORD.

Editor Examiner:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in Northern States and 11 in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Very truly yours,
R. R. Moton,
Principal Tuskegee Institute, Alabama.

MERIDEN, CONN.
RECORD
JUL 1 1933

Lynching Record

Tuskegee Institute, Alabama.
July 1, 1933.

Editor Morning Record,
Dear Sir:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lyuched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in Northern States and 11 in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and four were negro. The offenses charged were rape, one; murder, four; charge not reported, one.

The state in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

Very truly yours,
R. R. MORTON,
Principal.

HOBOKEN, N. J.
OBSERVER
JUN 30 1933

LYNCHINGS IN THE UNITED STATES.

Robert R. Moton, principal of the Tuskegee Normal and Industrial School founded by Booker T. Washington for the training of colored young men and women, is keeping a close watch on the lynching record in the United States, evidently on the theory that emancipation of the colored race may not be said to have been fully accomplished until an end has been put to frenzied mobs taking the law into their own hands.

During the first six months of 1933 there were six lynchings, one more than in the corresponding period last year. However, during the first half of the present year there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers. Thus, Mr. Moton reports, a total of 17 persons—6 white and 11 negroes—were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The interesting thing here is that while, in the public mind, lynchings are associated almost entirely with negro victims, persons of the white race occasionally are singled out, too. In the main, however, this form of lawlessness is confined to the South, the States in which human life was thus taken being Georgia, Louisiana, Tennessee and Texas.

In its effort to purge the country of this method of setting aside the orderly processes of the law, Tuskegee Institute resorts to publicity, a weapon which can be said to be well suited to the purpose.

MONTGOMERY, ALA.
ADVERTISER
JUL 1 1933

LYNCHINGS IN THE SOUTH

Yesterday The Advertiser printed a letter from Dr. R. R. Moton, of Tuskegee, in which he set forth the "lynch record" for the first six months this year.

The States with lynchings to their discredit this year are: Georgia 1, Texas 1, Louisiana 2, Tennessee 2.

"During the first six months of 1933," Dr. Moton writes, "there were fourteen instances in which officers of the law prevented lynchings. Of these, three were in the Northern States and eleven in the Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers. Thus a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs."

Fifteen persons were lynched during the first six months of 1923. The record has improved that much during the last ten years, which is encouraging. It is to be regretted, though, that there were more lynchings the first six months of this year than there were the first half of last year.

DAYTON, O.
HERALD
JUL 8 1933

THE LYNCHING RECORD.

To the Editor of The Herald:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchings; thus a total of 17 persons, six whites and 11 Negros, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape 1, mur[illegible]arge not reported 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia 1, Louisiana 2, Tennessee 2, Texas 1.

—R. R. MOTON,
Principal, Tuskegee Normal and
Industrial Institute.

CHARLOTTE, N. C.
OBSERVER
JUL 5 1933

THE LYNCHING RECORD.

North Carolina does not appear in Dr. R. R. Moton's list of lynchings that occurred in the United States for the first six months of this year.

His report reveals six lynchings in the first six months of 1933. This is one more than the number for the first six months of 1932. In 1923, however, 10 years ago, there were 15 persons lynched in the first six months of the year.

The report, received by us yesterday, further reveals that during the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in Northern States and 11 in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses were rape, one; murder, four; charges not reported, one.

The States in which lynchings occurred and the number in each State are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

CONCORD, N. C.
TRIBUNE
JUL 1 1933

LYNCHING RECORD FOR SIX MONTHS.

According to the records compiled at Tuskagee Institute in the department of records and research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number five for the first six months of 1932. In 1923 there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

TOPEKA, KANS.
CAPITAL
JUL 4 1933

Lynch Law in 1933.

Principal Moton's report of lynchings in the United States for the six months of 1933 is encouraging. Compared with 1923, when the number of lynchings in six months was 15, the number this year shows a falling off of more than half, being six. There were six recorded lynchings in the last six months, all in Southern states—two in Louisiana, two in Tennessee and one each in Georgia and Texas. Dr. Moton mentions, however, that 14 attempts of mobs were frustrated by police, 11 in Southern and three in Northern states. "Thus a total of 17 persons", he reports, "six whites and 11 Negroes, were saved from death at the hands of mobs." Of the six persons lynched this year four were charged with murder.

WILMINGTON, N. C.
STAR
JUN 30 1933

LYNCHINGS SHOW INCREASE

Lynchings for the first six months of 1933 show an increase of one over the corresponding period last year and are totalled at six according to the semi-annual report of the Department of Research at Tuskegee Institute.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern states and 11 in Southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2, and Texas 1.

YOUNGSTOWN, O.
VINDICATOR
JUL 1 1933

The Lynching Record for the First Six Months of 1933

Editor of The Vindicator, Sir:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons l9ynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers; htus a total of 17 persons, six whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, one, [illegible]r, four; charge not reported, one.

The states in which lynchings occurred and the number in each state are as follows; Georgia one; Louisiana two; Tennessee, two; Texas one.

R. R. MORTON, Principal.

ANNISTON, ALA.
STAR
JUL 3 1933

THE LYNCHING RECORD FOR FIRST HALF OF YEAR

Alabama has gone through another six months without a lynching, but the total in the South for the first half of this year is above that of the corresponding period in 1932. Records compiled by the department of records and research at Tuskegee Institute show that there were six lynchings in the first six months of 1933 in comparison with five in the same period last year. All of these were in Southern states.

However, the record this year is far better than that of ten years ago, for in 1923 there were 15 lynchings reported in the first six months.

Tennessee and Louisiana head the list this year with two mob killings each, while Georgia and Louisiana each reported one. But during the same period 17 persons, six white and 11 negroes, were saved from death at the hands of mobs. Of 14 instances in which lynchings were prevented, 11 were in Southern states and three in the North. Four of the persons lynched were negroes and two were white.

Regarding the offenses, it is stated in the report that four were charged with murder and one with an offense against a woman. In the other instance the charge was not reported.

It is worth while to note these charges, for as a rule one expects lynchings to be the result of cases involving attacks on women. But this time only one is placed in that group against four in which murder was the charge. This would seem to indicate that men are becoming less inclined to take matters in their own hands and commit murder when attacks on women are reported. Or it may mean that officers of the law have become more diligent in guarding their prisoners from mobs.

Jan. - June

4472

Lynchings - 1933

Reports on, Sent Press.

Lumberton, N. C. Robersonian
July 2, 1933

LYNCHING RECORD FOR FIRST 6 MONTHS 1933

According to records compiled at Tuskegee Institute, in the department of records and research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; change not reported, 1.

The states in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Tifton, Ga., Gazette
July 3, 1933

6 LYNCHINGS IN 6 MONTHS

Tuskegee, Ala., July 1.—According to records compiled at Tuskegee Institute, in the department of records and research, there were six lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these, 3 were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and eleven negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were: Rape, 1; murder, 4; charge not reported, 1.

The states in which the lynchings occurred were: Georgia, 1; Louisiana, 2; Tennessee, 2: Texas, 1.

Lynchings - 1933
Reports on, Sent Press

Jan. — June.

4473

Ashland, Ala. Progress
July 6, 1933

Records on Lynchings For For First Half of 1933.

Tuskegee, Ala., July 1.—According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, That is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern states and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched, 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Clanton, Ala., Banner
July 6, 1933

THE LYNCHING RECORD FOR THE FIRST SIX MONTHS OF 1933

According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occured and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Honea Path, S. C. Chronicle
July 7, 1933

Lynching Record First Six Months

According to records compiled at Tuskegee Institute, a negro institution located at Tuskegee, Ala., there were 6 lynchings in the first six months of 1933. This number is one more than the number 5 for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern states and 11 in Southern states. In 9 of the instances the prisoners were removed or the guard augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia 1; Louisiana 2; Tennessee 2; Texas 1.

MESSENGER
Camden, S.C.
JUL 5 1933

LYNCHING RECORD FOR THE FIRST SIX MONTHS OF 1933

The following information as to lynchings has been furnished us by R. R. Moton, Principal of Tuskegee Institute:

"According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923 that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder 4; charge not reported 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas 1."

Florence, S. C., News
July 1, 1933

Lynching Record Shows Decrease

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months in 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Bishopville, S. C., Messenger
July 6, 1933

SIX LYNCHINGS IN HALF YEAR

Tuskegee, Ala., July 1.—R. R. Morton, principal of Tuskegee institute said today records compiled by his school show six persons were lynched in the United States during the first six months of this year.

This number is one more than the number lynched during the same period last year. Ten years ago, 15 persons were lynched during the first six months of 1923.

Officers prevented lynchings in 14 cases during the first half of 1933. Three Northern officers and 11 Southern officers protected their prisoners from mobs. In nine of the instances, prisoners were removed or guards augmented; in five other instances force was used to repel mobs. Seventeen persons—six whites and 11 negroes—were saved from death at hands of mobs.

Two of the six persons lynched were whites. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number follow: Georgia 1; Louisiana 2; Tennessee 2; Texas 1.

Milton, Fla. Gazette
July 6, 1933

SIX LYNCHINGS REPORTED IN U. S. DURING FIRST HALF OF 1933; FIVE IN SAME TIME 1932

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana. 2; Tennessee, 2; Texas, 1.

Waycross, Ga. Journal-Herald
July 2, 1933

SIX PERSONS LYNCHED DURING PAST 6 MONTHS

TUSKEEGEE, Ala., July 1 (AP)—Six persons were reported lynched in the United States during the first six months of the year in a survey released by R. R. Morton, principal of Tuskegee Institute.

Morton said figures compiled by the school showed the number one more than for the same period of last year while fifteen were lynched during the time ten years ago.

Two of the persons lynched were whites and four Negroes. Offenses charged were rape, 1; murder, 4; charge not reported 1. By states the lynchings were listed as Georgia 1, Louisiana 2, Tennessee 2 and Texas 1. the institute reported.

Columbus, Ga. Enquirer-Sun
July 1, 1933

Six Persons Lynched In the South In 1933

Tuskegee, Ala., June 30—(AP)—R. R. Moton, principal of Tuskegee Institute, said today records compiled by his school show six persons were lynched in the United States during the first six months of the year.

This number is one more than the number lynched during the same yeriod last year. Ten years ago, 15 persons were lynched during the first six months of 1923.

Officers prevented lynchings in 14 cases during the first half of 1933 Three northern officers and 11 southern officers protected their prisoners from mobs. In nine of the instances, prisoners were removed or guards augmented in five other instances force was used to repel mobs. Seventeen persons—six whites and 11 negroes— were saved from death at hands of mobs.

Two of the six persons lynched were whites. The offenses charged were rape, 1; murder, 4: charge not reported, 1.

The states in which lynchings occurred and the number follow: Georgia, 1. Louisiana, 2; Tennessee, 2; Texas, 1.

Dawson, Ga., News
July 6, 1933

SIX LYNCHED FIRST SIX MONTHS OF YEAR

LYNCHINGS WERE PREVENTED BY OFFICERS OF LAW IN 14 INSTANCES.

According to the records compiled by Tuskegee Institute in the department of records and research, there were 6 lynchings in the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negroes. The offenses charged were: Rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Fitzgerald, Ga., Herald
July 4, 1933

Lynching Record For First Six Months Of 1933

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 0 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched, 2 wer white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2, Tennessee, 2; Texas, 1.

Savannah, Ga. Press
July 1, 1933

SIX PERSONS LYNCHED U. S. IN SIX MONTHS

TUSKEGEE, Ala., July 1 (AP)—Six persons were reported lynched in the United States during the first six months of the year in a survey released by R. R. Moton, principal of Tuskegee Institute.

Moton said figures compiled by the school showed the number one more than for the same period of last year while fifteen were lynched during the time ten years ago.

Two of the persons lynched were whites and four negroes. Offenses charged were rape, 1; murder, 4; charge not reported, 1. By states the lynchings were listed as Georgia, 1; Louisiana, 2; Tennessee, 2, and Texas one, the institute reported.

Crossville, Tenn. Chronicle
July 6, 1933

6 LYNCHINGS IN HALF-YEAR

For the first six months of this year there were six lynchings in the United States. Two were white and four Negroes. All the lynchings were in Southern States—Georgia 1, Louisiana 2, Tennessee 2, Texas 1.

Talladega
Ala- July 1 Home

RECORDS REVEAL SIX LYNCHINGS IN SIX MONTHS' TIME

TUSKEGEE, Ala., July 1.—R. R. Moton, principal of Tuskegee Institute, said yesterday records compiled by his school show six persons were lynched in the United States during the first six months of this year.

This number is one more than the number lynched during the same period last year. Ten years ago, 15 persons were lynched during the first six months in 1923.

Officers prevented lynching in 14 cases during the frist half of 1933. Three northern officers and 11 southern officers protected their prisoners from mobs. In nine of the instances prisoners were removed or guards augmented; in five other instances force was used to repel mobs. Seventeen persons—six whites and 11 negroes—were saved from death at hands of mobs.

Two of the six persons lynched were whites. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number follows:

Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

PHILADELPHIA, PA.
RECORD
JUL 2 1933

Lynch Record

Editor of The Record:

Sir:—I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in Northern States and 11 in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana 2; Tennessee, 2; Texas, 1.

R. R. MOTON,
Principal, Tuskegee Institute.

Jan. - June

4474

Lynchings-1933
Reports on, Sent Press

15 Mob Victims In 1923 Over Corresponding Period

Iowa Bystander

7-7-33

Des Moines, Iowa

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, 15 persons were lynched during the same period.

During the first six months of 1933, 14 instances, officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1. The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Lynchings - 1933
Reports on, Sent Press.

Jan. - June

4475

Lexington, Ky., Leader
July 9. 1933

THE LYNCHING RECORD

In the first six months of 1923 there were 15 lynchings in the United States. Since then there has been a falling off in the number of these crimes against society. In 1932, for the first six months of the year, there were five lynchings. During the first half-year 1933, there have been six.

It is interesting to note that during the past six months of the current year officers of the law prevented 14 lynchings and saved the lives of 17 persons who were threatened by mobs. Year by year there seems to be an increasing determination on the part of the authorities to resist mob violence even if force must be used against those who would employ it.

Of the persons lynched during the past six months two were white persons and four were Negroes. The crimes were committed in the following states: Georgia, one; Louisiana, two; Tennessee, two, and Texas, one. These are all southern states where lynchings have been more numerous throughout the years than in other sections of the country.

It is particularly gratifying to watch the growth and the increasing influence of the inter-racial groups which have been formed throughout the south for the purpose of creating better relations between the white people and the Negroes, led by some of the most public-spirited and trusted men and women of both races. The effects of their work have been felt throughout the entire south and throughout the country.

Lynching is not a practice of highly civilized peoples. It is the very antithesis of law and order. It strikes at the foundations of society. It is a direct blow at the courts of justice and the judicial processes which have been evolved over thousands of years of human effort to lift mankind above the levels of savagery and barbarism.

There may be excuses for lynchings, but there can be no real justification for mob law. If the laws are not properly enforced in any community, if there is any weakness or corruption associated with the administration of justice, the remedy is not to be found in the application of mob law, but in the normal and constitutional and orderly action of the people, who have it in their power to purify the course of justice and who can at any time substitute worthy for unworthy officials and judicial officers.

Carthage, Tenn., Courier
July 13, 1933

Lynchings First Six Months of 1933

Dear sir:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 person slynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern states and 11 in Southern states. In 9 of the the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder 4; charge not reported 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia 1; Louisiana 2; Tennessee 2; Texas 1.

Very truly yours,
R. R. MOTON, Principal.

Cynthiana, Ky., Democrat
July 13, 1933

LYNCHING RECORD FIRST SIX MONTHS OF 1933

According to the records compiled at Tuskegee Institute in the Departmen of Records and Research, there were 6 lynchings in the first six months of 1933. This number is one more than the number 5 for the first six months of 1932. In 1923, there were 15 persons lynched in the f'rst six mosths of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 4 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States is which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas 1.

Dadeville Ala, Record, July 20 - 1933

TIMELY TOPICS

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four were negroes, from the following states: Louisiana and Tennessee, two each, Georgia and Texas, one each. While this was six tynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.

Perhaps one of the most versatile young women in the world is Miss Ilya Zorn, described thus by a writer in Grit. "She speaks seven languages fluently; she is a licensed aviatrix in the United States, a dramatic stage star in South America, a hunter of wild animals in Africa, a social favorite in London, and a successful fiction writer in Portugal." She is said never to have lived more than six months successively in any one country.

Elba, Ala., Clipper
July 27, 1988

Six Lynchings For Year Are Reported

TUSKEGEE, Ala.—R. R. Moton, principal of Tuskegee Institute, said records compiled by his school show six persons were lynched in the United States during the first six months of this year.

This number is one more than the number lynched during the same period last year. Ten years ago, 15 persons were lynched during the first six months of 1923.

Officers prevented lynchings in 14 cases during the first half of 1933. Three Northern officers and 11 Southern officers protected their prisoners from mobs. In nine of the instances, prisoners were removed or guards augmented, in five other instances force was used to repel mobs. Seventeen persons—six whites and 11 negroes—were saved from death at the hands of mobs.

Two of the six persons lynched were whites. The offenses charged were criminal assault 1, murder 4, charge not reported 1.

The States in which lynchings occurred and the number follow:

Georgia 1, Louisiana 2, Tennessee 2, Texas 1.

Goodwater, Ala., Eenterprise
July 20. 1933

TIMELY TOPICS

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four were negroes, from the following states: Louisiana and Tennessee, two each, Georgia and Texas, one each. While this was six tynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white,

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McDonough, Ga., Advertiser
July 27, 1933

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four were Negroes, from the following states: Louisiana and Tennessee two each, Georgia and Texas one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.

Blakely, Ga., News
July 13, 1933

Statistics Given On Lynchings First Six Months of 1933

According to the records compiled at Tuskegee Institute in the Department of records and Research there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1933. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these, 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers, thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at hands of mobs.

Of the persons lynched, 2 were white and 4 were Negro. The offenses charged were: rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas [illegible]

Magge. Miss., Courier
July 28. 1933

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four were Negroes, from the following states: Louisiana and Tennessee two each, Georgia and Texas one each. While this was six lynchings too mamy, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them beimg white.

Hartsville, S. C. Messenger
July 20, 1933

ONE A MONTH

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four Negroes, from the following states: Louisiana and Tennessee, two each; Georgia and Texas, one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 225 persons were lynched in the United States, 100 of them being white.

It cannot be said to the credit of South Carolina, that in addition to the above, this state has added another lynching, that of a negro boy in the Piedmont section early this month.

Hamilton, Ala., News
July 20, 1933

TIMELY TOPICS

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four were Negroes, from the following states; Louisiana and Tennessee two each, Georgia and Texas one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States. 100 of them being white.

BARNESVILLE, O., WHETSTONE
JULY 20, 1933

TIMELY TOPICS

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported the corresponding period last year. Of those lynched, two were white and four were negroes from the following states: Louisiana and Tennessee two each; Georgia and Texas one each. While this was six lynchings too many, the record shows great improvement since the year 1892 when no less than 255 persons were lynched in the United States, 100 of them being white.

Greer, S. C. Citizen
July 20, 1933

Timely Topics

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four were negroes, from the following states: Louisiana and Tennessee two each, Georgia and Texas one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.

Lumpkin, Ga., Journal
July 28, 1933

Lynching Record For First Six Months Of 1933 Shows Six

According to the records compiled at Tuskegee Institute in the Department of Records and Research, it was found that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in the Northern States and 11 in Southern States. In 9 of these instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2, and Texas, 1.

Maysville, Ky. Bulletin
July 28, 1933

Timely Topics

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four were Negroes, from the following states: Louisiana and Tennessee, two each; Georgia and Texas, one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.

Manchester, Ga., Mercury
July 27, 1933

Tuskegee Institute reports six lynchings in the Unied States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four were negroes, from the following states: Louisiana and Tennessee two each, Georgia and Texas one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.

Abbeville, S. C. Press and Banner
August 7, 1933

28

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four were Negroes, from the following states: Lousiana and Tennessee two each, Georgia and Texas one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.

Jan. - June

4476

Lynchings-1933
6
Reports on, Sent Press.

BANGOR, ME.
COMMERCIAL
JUL 6 1933

During the first six months of the present year there were six lynchings, one more than in the same period last year, but infinitely less than a generation ago when the victims of lynch law numbered hundreds. Not since 1908 have the lynchings reached one hundred in a single year and in recent years they have numbered about a dozen annually. Of the mob murders of the present year four of the victims were colored and two white, and all occurred in the southern states, two in Louisiana, two in Tennessee and one each in Georgia and Texas. In submitting the figures Principal Moton of Tuskegee Institute remarks that there were 14 instances in which lynchings were prevented by the offices of the law.

BANGOR, ME.
COMMERCIAL
JUL 6

During the first six months of the present year there were six lynchings, one more than in the same period last year, but infinitely less than a generation ago when the victims of lynch law numbered hundreds. Not since 1908 have the lynchings reached one hundred in a single year and in recent years they have numbered about a dozen annually. Of the mob murders of the present year four of the victims were colored and two white, and all occurred in the southern states, two in Louisiana, two in Tennessee and one each in Georgia and Texas. In submitting the figures Principal Moton of Tuskegee Institute remarks that there were 14 instances in which lynchings were prevented by the offices of the law.

Greenville S.C.
Piedmont
JUL 6 1933

Few Lynchings

Tuskegee records show that six lynchings occurred in the country in the first half of this year, one more than in the corresponding period of last year but far under the records of other years.

Four of the persons lynched were negroes, two were whites, and the offenses charged were: rape, 1; murder, 4; charge not reported, 1.

Louisiana and Tennessee contributed two lynchings each, Georgia contributed one and Texas one. South Carolina's record again was clear, although it will not be clear for the last six months of the year, due to yesterday's outrage at Clinton.

These figures tell a shameful story but they show so much improvement that they are a source of encouragement. We have reason to hope that some day lynching will disappear from this country and punishment to offenders will be given in a proper, lawful manner.

Gold Leaf
Henderson, N.C.
JUL 6 1933

LYNCHINGS MORE FOR SIX MONTHS

Were Five For First Half of 1932, Tuskegee Figures Indicate

During the first six months of 1933, ending today, there were six lynchings in the nation, compared with five for the corresponding period of 1932 according to a compilation by Tuskegee Institute in Alabma, and received here today. In the first half of the year a decade ago, or 1923, there were 15 lynchings in the first half of the year.

During the past six months there were 14 instances in which officers of the law prevented lynchings. Three of these were in northern and eleven in southern states. In nine of the instances prisoners were removed or guards augmented, and in the five other instances force was used to repel the would-be lynchers. A total of 17 persons, six whites and eleven Negroes, were thus saved from death at the hands of mobs.

Of the six persons lynched two were white and four Negro men. The offenses charged included four for murder, one for rape and one in which the cause was not learned. Two lynchings each occurred in Louisiana and Tennessee, and one each in Georgia and Texas.

Missoula, Mont., Sentinel
WEDNESDAY, JULY 5, 1933

THE LYNCHING RECORD.

Robert R. Moton, principal of the Tuskegee Institute for colored people, makes his semi-annual report on lynching within the United States. The first six months of 1933 brought six lynchings, two in Louisiana, two in Tennessee, one in Georgia and one in Texas. Two of the victims were whites and four were negroes.

While this is one more than during the first half of 1932, the record is rather encouraging, for, in the first six months of 1923, there were fifteen such crimes. Then, there were fourteen instances this year of the prevention of lynchings by officers of the law, three in Northern and eleven in Southern states. Seventeen people, six whites and eleven negroes, were saved from death at lawless hands.

Gradually the country is learning that lynching is a disgraceful crime. This sort of outrage is decreasing year by year.

Honea Path S.C.
Chronicle
JUL 7 1933

Lynching Record First Six Months

According to records compiled at Tuskegee Institute, a negro institution located at Tuskegee, Ala., there were 6 lynchings in the first six months of 1933. This number is one more than the number 5 for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern states and 11 in Southern states. In 9 of the instances the prisoners were removed or the guard augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia 1; Louisiana 2; Tennessee 2; Texas 1.

Dawson Ga. News
JUL 6 1933

SIX LYNCHED FIRST SIX MONTHS OF YEAR

LYNCHINGS WERE PREVENTED BY OFFICERS OF LAW IN 14 INSTANCES.

According to the records compiled by Tuskegee Institute in the department of records and research, there were 6 lynchings in the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and

11 in southern states. In 9 of the instances the prisoners were removed or guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negroes. The offenses charged were: Rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Kingstree S C
Record

JUL 6 1933

Lynchings for First Half Year.

According to the records compile at Tuskegee Institute in the Depa ment ~~of Records~~ and Research, ther were 6 lynchings in the first si months of 1933. This number is more than the number 5 for the firs six months of 1932. In 1923, that i ten years ago, there were 15 person lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchings; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negroes. The offenses charged were rape, 1; murder, ; charge not reported, 1.

The states in which lynchings ocurred and the number in each state re as follows: Georgia, 1; Louisiana, ; Tennessee, 2; Texas, 1.

Sandersville Ga
Progress

JUL 6 1933

Lynching Record for Past Six Months

According to records compiled at Tuskegee Institute in the Department ~~of Records and~~ Research, there were only six lynchings

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in the first six montrs of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923 ,that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Bangor Me
Commercial

JUL 6 1933

During the first six months of the present year there were six lynchings, one more than in the same period last year, but infinitely less than a generation ago when the victims of lynch law numbered hundreds. Not since 1908 have the lynchings reached one hundred in a single year and in recent years they have numbered about a dozen annually. Of the mob murders of the present year four of the victims were colored and two white, and all occurred in the southern states, two in Louisiana, two in Tennessee and one each in Georgia and Texas. In submitting the figures Principal Moton of ~~Tuskegee~~ Institute remarks that there were 14 instances in which lynchings were prevented by the offices of the law.

VICKSBURG, MISS.
POST
JUL 16 1933

Lynchings Decrease

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four negroes, from the following states: Lousiaina and Tennessee two each, Georgia and Texas one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.

South Boston, Va. Gazette
July 13, 1933

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four were Negroes, from the following states: Louisana and Tennessee two each, Georgia and Texas one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.

Florence, Ala., Herald
July 14, 1933

Sidelights

Tuskegee Institute reports six lynchings in the United States during the first six months of 193 one more than the number repo for the corresponding period year. Of those lynched two white and four were Negroes, f the following states: Louisiana Tennessee two each, Georgia Texas one each. While this six lynchings too many, the re shows great improvement since year 1892, when no less than 255 sons were lynched in the Un States, 100 of them being white.

Fernandina, Fla., Leader
July 14, 1933

NOT A SINGLE LYNCHING IN STATE OF FLORIDA

During the past six months there has not been a single lynching in the state of Florida, according to statistics given out by the Tuskegee Institute. These figures are compiled twice each year and sent out to newspapers as readable information.

Those states in which such occured were: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1. Of the persons lynched two were white and four were negro. During this same period of time 17 persons, six of them white and the remaining ones negro were saved from deaht at the hands of mobs by various methdos.

The record over the same period of time for 1933 is one more than during the same months in 1932, yet it is quite a reduction of figures when compared to the 15 persons that were lynched in 1923.

Lynchings-1933
Reports on, Sent Press.

Jan. - June

4477

EIGHT LYNCHINGS

ACCORDING to the Tuskegee report there were six lynchings for the first half of the year 1933. Since that time South Carolina and Mississippi have each added black spots to America's record of barbarism.

During the beginning of the present month when America was celebrating its Independence as a free country founded upon the proposition that "all men are created equal," South Carolina lynched a man of color because he struck a white man.

Last week a Negro is alleged to have made improper remarks to a white woman and his body is found hanging in the fields of Mississippi.

In neither case was the lynching brought on as a result of rape. It is very important that the record be kept straight, for the reason that Southerners and Northerners too, for that matter, attempt to justify lynching on the ground that it is necessary to protect white women from the rapists who infest the Negro race.

When this fool argument is made colored citizens should be able to refute the accusation by showing that Negroes are lynched for striking white men in self defense and walking on the wrong side of the street. White womanhood is in practically little danger from black rapists. White men use it as a plausible excuse for engaging in acts of barbarism which give pleasure to and satisfy their hellish appetites for the blood of the defenseless.

Philadelphia Pa.

EVANSVILLE, IND.
JOURNAL
JUL 10 1933

Lynchings Becoming Fewer

Although there was one more lynching in the United States in the first six months of this year than in the same period last year, the situation with respect to mob law has some encouraging features.

The total of six this year is nine less than the total 10 years ago, according to figures compiled by Tuskegee institute. This represents a distinct advance for the cause of justice as opposed to mob law.

That part of the report showing the prevention by the constituted authorities of 14 lynchings involving 17 persons is another feature of the report that deserves special attention. It shows that the officers not only had the proper understanding of their duties but that they were diligent in performing them.

The fact that lynching has not kept proportunate pace with other forms of major law violations seems to indicate that the war on this crime is making gratifying progress. No let-up in the drive should be permitted. There is no proper place in a civilized land for mob action. A spotless record is the objective to be sought. Even if this is never attained, the work in its behalf will have yielded highly creditable results.

Freeman
Waukesha, Wis.
JUL 15 1933

Lynchings

Although there was one more lynching in the United States in the first six months of this year than in the same period last year, the situation with respect to mob law has some encouraging features. The total of six this year is nine less than the total ten years ago, according to figures compiled by Tuskegee institute. This represents a distinct advance for the cause of justice as opposed to mob law. That part of the report showing the prevention by the constituted authorities of fourteen lynchings involving seventeen persons is another feature of the report that deserves special attention. It shows that the officers not only had the proper understanding of their duties but that they were diligent in performing them. The fact that lynching has not kept proportionate pace with other forms of major law violations seems to indicate that the war on this crime is making gratifying progress. No let-up in the drive should be permitted. There is no proper place in a civilized land for mob action. A spotless record is the objective to be sought. 'Even if this is never attained, the work in its behalf will have yielded highly creditable results.

NIAGARA FALLS, N. Y.
GAZETTE
JUL 13 1933

LYNCHINGS

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MILFORD, MASS.
NEWS
JUL 12 1933

LYNCHINGS

Although there was one more lynching in the United States in the first six months of this year than in the same period last year, the situation with respect to mob has some encouraging features. The total of six this year is nine less than the total 10 years ago, according to figures compiled by Tuskegee institute. This represents a distinct advance for the cause of justice as opposed to mob law. That part of the report showing the prevention by the constituted authorities of 14 lynchings involving 17 persons is another feature of the report that deserves special attention.

It shows that the officers not only had the proper understanding of their duties but that they were diligent in performing them. The fact that lynching has not kept proportionate pace with other forms of major law violations seems to indicate that the war on this crime is making gratifying progress. No let-up in the drive should be permitted. There is no proper place in a civilized land for mob action. A spotless record is the objective to be sought.

Even if this is never attained, the work in its behalf will have yielded highly creditable results.

DES MOINES, IA.
REGISTER
JUL 7 1933

LYNCHING WANES—AND THERE'S A REASON.

The Tuskegee institute's report on lynchings during the first six months of 1933 shows that six persons—two whites and four Negroes—suffered execution at the hands of mobs in that period. The incidents all occurred in southern states—one each in Georgia and Texas, and two each in Louisiana and Tennessee.

The number is one higher than the total lynchings during the same period a year ago, and yet in the long view it is encouraging. In just the decade prior to 1924 the number of lynchings averaged 28 every six months, and until 1910 it was not unusual for 100 persons to be lynched in the United States annually. So we are definitely moving toward greater decency and justice, at least.

And the reason for that is not altogether in the diminution of mobs or their changed psychology. It is worth noting that in 14 other instances during the last six months in which lynchings were attempted, officers of the law prevented the acts, and 11 of these in southern states where the lynching of Negroes has long been something of a popular pastime. In nine of these 14 cases the crime was prevented by the simple process of removing the prisoner or augmenting his guards; in only five cases was force necessary to repel the mob. The total of prisoners thus saved from lynchers amounted to 17.

These latter facts are after all the more important, for they demonstrate that the barbaric process of killing accused persons without a fair trial could in most cases be prevented if those responsible for prisoners were de-

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LYNCHINGS CONTINUE

Reports from Tuskegee Institute show that there were six lynchings in the first half of 1933, and press reports bring news of the fact that South Carolina has started off the second half of the year with another lynching. This national disgrace does not die out; and all heroic efforts in that direction have failed to kill it out. 7-22-33.

True it is that much progress has been made; but it will be a welcome day when announcement can be made that we have finally ended the brutality of lynching in this country. It is distinctly an American sport and pasttime.

termined to do so. It is safe to presume that before many more years the success of a lynching bee will cast a sure stigma upon the state involved, and more particularly upon the weaklings of law enforcement who permit its perpetration.

NEWS
Fayetteville, Tenn.
JUL 6 1933

6 Lynching Occurred During Past 6 Months

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were fifteen persons lynched in the first six months of the year.

During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in northern states and eleven in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of seventeen persons, six whites and eleven negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses charged were: rape, one; murder, four; charge not reported, one.

The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two, and. Texas, one.

NEWARK, O.
Advocate and American Tribune
JUL 1 3 1933

LYNCHINGS.

Although the[illegible]as one more lynching in the United States in the first six months of this year than in the same period last year, the situation with respect to mob law has some encouraging features.

The total of hix this year is nine less than the total 10 years ago, according to figures compiled by Tuskegee institute. This represents a distinct advance for the cause of justice as opposed to mob law.

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The fact that lynching has not kept proportunate pace with other forms of major law violations seems to indicate that the war on this crime is making gratifying progress No let-up in the drive should be permitted.

There is no proper place in a civilized land for mob action. A spotless record is the objective to be sought. Even if this is never attained, the work in its behalf will have yielded highly creditable results.

Pelham, Ga., Journal
July 20, 1933

Lynching Record For Six Months

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which oficers of the law prevented lynchins. Of these 3 were in Northern States and 11 in Southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negroes. The offenses charged were: Rape 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each State are as follows: Georgia 1; Louisana, 2; Tennessee, 3; and Texas 1

Sardis, Miss. Reporter
July 14, 1933

The lynching record for the first six months of 1933 shows there were six in the southern states, but none in Mississippi, according to a report from the department of records and research of Tuskegee Institute. Lynching statistics prove the situation is improving throughout the nation.

Pearson, Ga. Times
July 21, 1933

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of these lynched two were white and four were negroes, from the following states: Louisiana and Tennessee two each. Georgia and Texas one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.

Alexander City, Ala., Outlook
July 13, 1933

LYNCHING RECORD FOR THE FIRST SIX MONTHS OF 1933

Tuskegee Institute, Ala. July 1, 1933

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1932. In 1923, that is ten year ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augumented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

R. R. MOTON.

Aiken, S. C. Journal & Review
July 19, 1933

LYNCHING RECORD FOR FIRST SIX MONTHS OF 1933

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these, 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augumented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Lynchings.-1933

Reports on, Sent Press.

Jan. - June

4478

BURLINGTON, IA.
HAWK-EYE

JUL 11 1933

LYNCHINGS.

Six persons were victims of "lynch law" in the United States during the first six months of this year, according to the research department of Tuskegee Institute, the famous school for Negroes in Alabama. This is one more than was recorded for the first six months of 1932 and nine less than for the same period ten years ago. All of the lynchings occurred in southern states, Georgia and Texas, one each, Louisiana and Tennessee, two each. Two of the victims were white persons, the other four were Negroes. Four of the victims were accused of murders, one of rape. The accusation against the other is not given.

Fourteen attempted lynchings were frustrated by peace officers.

While resort to lynch law is never excusable, the record for the first six months of the year, especially in view of the large number of unemployed drifters, is not a bad one in comparison with other years and considering the size and population of the country. Most encouraging is the fact that mobs were repelled in fourteen instances. It shows that peace officers are doing a better job of protecting prisoners in their custody and in preventing mob-mad citizens taking the law into their own hands—and that is the only way lynchings and mob violence can ever be stopped.

OAKLAND, CALIF.
TRIBUNE

JUL 5 1933

LYNCHINGS.

The American record of lynching for the first six months of 1933 shows an increase of one over the period in 1932, and a decrease of nine under the half year of 1923. The trend has been better over a decade, with fewer lynchings and more instances of the law standing its ground and preventing such outrages.

The Tuskegee Normal and Industrial Institute which keeps the figures says that during the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in Northern States and eleven in Southern States. In nine of the instances the prisoners were removed or the guards augumented; in the five other instances force was used to repel the would-be lynchers; this a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs.

Of the six persons lynched two were white and four were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2: Tennessee, 2; Texas, 1.

AUGUSTA, GA.
HERALD

JUL 6 1933

MAJESTY OF LAW RECEIVING GREATER RECOGNITION

THE period of the first six months of this year shows a slight increase in the number of lynchings over the same period for 1932. These reports are compiled by the Tuskegee School, under the supervision of the principal, R. R. Moton, who is a leader of his race, and one who has contributed and accomplished much for the benefit of the negroes.

In making up his report and announcing his findings, Principal Moton said:

"According to the records compiled at Tuskegee Institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for this first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

"During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

"Of the persons lynched two were white and four were negro. The offenses were rape, one; murder, four; charge not reported, one.

"The states in which lynchings occurred and the number in each state, are as follows: Georgia one, Louisiana two, Tennessee two, Texas one."

It will be noted from Moton's report that last year, for the first six months, only five lynchings occurred, while this year there were six lynchings, but back in 1923, a decade ago, there were 15 lynchings for the same period of time. However, the report shows a most stable and sound condition among the people of this country. Only occasionally, in recent years, has lynching occurred. Our people are growing more sober-minded and law-abiding, and only in extreme cases of crime do they resort to such methods of dispensing what they believe to be justice. So long as the crime of assault is committed, lynchings will be hard to obliterate entirely from the calendar of crime, and in these days assault is about the only crime that causes the people to forget legally constituted authorities and courts and take the punishment for the crime into their own hands to be administered.

Spartanburg SC
Journal

JUL 6 1933

For the First Half

This nation still has lynchings. For the frst half of 1933 the report issued by the head of the Tuskegee Institute shows there were a total of six throughout the states—one more than for the first six months of 1932. Of the victims, two were white and four negroes. South Carolina has a clean score, according to the record, which reveals the following states in which lynchings occurred and the number in each instance: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas 1. The statistics show that 14 attempts at lynching by mobs during the period were frustrated by officers of the law. That is the most hopeful feature to the showing. The day should be hastened when this foul blot on the nation—lynch law—is thoroughly eradicated.

RALEIGH, N. C.
NEWS OBSERVER

JUL 2 1933

LYNCHINGS.

Winston-Salem Journal.

As has been his custom for many years, Dr. R. R. Moton, principal of Tuskegee Normal and Industrial Institute, has furnished the press a semi-annual report on lynchings in this country. There were no lynchings in North Carolina.

His report reveals six lynchings in the first six months of 1933. This is one more than the number for the first six months of 1932. In 1923, however, 10 years ago, there were 15 persons lynched in the first six months of the year.

The report, received by us yesterday, further reveals that during the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in Northern States and 11 in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, one; murder, four; charges not reported, one.

The States in which lynchings occurred and the number in each State are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

4478

MOBILE, ALA.
REGISTER

JUL 10 1933

THE LYNCHING RECORD FOR FIRST HALF OF YEAR

(Anniston Star)

Alabama has gone through another six months without a lynching, but the total in the south for the first half of this year is above that of the corresponding period of 1932. Records compiled by the department of records and research at Tuskegee institute show that there were six lynchings in the first six months of 1933 in comparison with five in the same period last year. All of these were in southern states.

However, the record this year is far better than that of 10 years ago, for in 1923 there were 15 lynchings reported in the first six months.

Tennessee and Louisiana head the list this year with two mob killings each, while Georgia and Louisiana each reported one. But during the same period 17 persons, six white and 11 negroes, were saved from death at the hands of mobs. Of 14 instances in which lynchings were prevented, 11 were in southern states and three in the north. Four of the persons lynched were negroes and two were white.

Regarding the offenses, it is stated in the report that four were charged with murder and one with an offense against a woman. In the other instance the charge was not reported.

It is worth while to note these charges, for as a rule one expects lynchings to be the result of cases involving attacks on women. But this time only one is placed in that group against four in which murder was the charge. This would seem to indicate that men are becoming less inclined to take matters in their own hands and commit murder when attacks on women are reported. Or it may mean that officers of the law have become more diligent in guarding their prisoners from mobs.

Pearson, Ga., Tribune
July 20, 1933

There Should Not Be Any

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of these lynched two were white and four were negroes, from the following states: Louisiana and Tennesseee two each. Georgia and Texas one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.—Waycross Georgian.

Homerville, Ga. Weekly
July 20, 1933

There Should Not Be Any

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of these lynched two were white and four were negroes, from the following states: Louisiana and Tennesseee two each. Georgia and Texas one each. While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.—Waycross Georgian.

WEIRTON, W. VA.
TIMES

JUL 14 1933

FEWER LYNCHINGS

The Daily Times is in receipt of information concerning lynchings for the first six months of this year, compiled at Tuskegee Institute which for many years has kept records of those gruesome events. The report shows, that there were six lynchings in the first six months of 1933.

Ten years ago there were 15 lynchings in the first half of the year which probably indicates that the people are getting more disposed to let the law take its course. Of the persons lynched in the first half of this year, two were white and four were Negro. The states in which lynchings occurred were Louisiana two; Tennessee two; Georgia one, and Texas one. The south continues to be the chief seat of lynchings, but the victims are not all blacks.

HAMMOND, IND.
LAKE COUNTY TIMES

JUL 19 1933

LYNCHINGS

Although there was one more lynchings in the United States in the first six months of this year than in the same period last year, the situation with respect to mob law has come encouraging features.

The total of six this year is nine less than the total 10 years ago, according to figures compiled by Tuskegee institute. This represents a distinct advance for the cause of justice as opposed to mob law.

That part of the report showing the prevention by the constituted authorities of 14 lynchings involving 17 persons is another feature of the report that deserves special attention. It shows that the officers not only had the proper understanding of their duties but that they were diligent in performing them.

The fact that lynching has not kept proportunate pace with other forms of major law violations seems to indicate that the war on this crime is making gratifying progress. No letup in the drive should be permitted.

There is no proper place in a civilized land for mob action. A spotless record is the objective to be sought. Even if this is never attained, the work in its behalf will have yielded highly creditable results.

Tupelo, Miss. Journal
July 11, 1933

Unwritten Law Is Still In Evidence

Recent figures released show that during the first six months of this year there were six lynchings reported from states of the south, four of which were negroes.

The number for the first half of this year exceeds the mark for the same period of 1932 by one. In 1923, that is ten years ago, there were fifteen persons, mostly if not all negroes, lynched in the first six months of the year.

Five of the heaviest lynching states of the Union are Mississippi, Georgia, Louisiana, Tennessee and Texas.

Newbern, Tenn. Tennessean
July 13, 1933

LYNCHING RECORD FOR FIRST SIX MONTHS OF 1933

According to the records compiled at Tuskegee Institute in the Department of Records and Research, it was found that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported 1.

The states in which lynchings occurred an dthe number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Jan. - June

4479

Lynchings-1933
6
Reports on, Sent Press

TOLEDO, O.
TIMES
JUN 30 1933

Fewer Lynchings

While there was one more lynching in the first six months of 1933 than was recorded for the similar period of 1932 there is cause for satisfaction in comparing the total figures for this year with those of ten years ago.

According to the principal of Tuskegee Normal and Industrial Institute of Tuskegee Institute, Ala., who prepared the report, there were six lynchings in the first six months of this year, compared to five in the first six months of last year.

But the principal finds that in the first six months of 1923 there were 15 persons lynched. The nation seems to be making progress. The hot headed elements are listening to reason, depending on the law to handle a situation.

Too often innocent persons, usually Negroes, have been the victims of these ruthless lynching parties. Quite often the officers of the law have done their duty and repelled the efforts of mobs to seize prisoners for the purpose of lynching.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. It is found that three of these instances took place in northern states and eleven in southern states.

Of the six lynched in the first half of this year two were white men and four were colored. Murder was the principal reason given for mobs taking the law into their own hands.

The report shows that only in southern states did lynchings take place this year. There was one in Georgia; two in Louisiana; two in Tennessee and one in Texas.

THE LYNCHING RECORD FOR THE FIRST SIX MONTHS OF 1933

The Christian Recorder

By R. R. Moton

7-6-33. Philadelphia, Pa.

According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs. Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1. The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Eufaula, Ala. Tribune
June 30, 1933

SIX LYNCHINGS FIRST HALF 1933

Two White And Four Negroes Killed By Mobs; All In Southern States

TUSKEGEE, June 30—According to the records compiled at Tuskegee Institute in the department of records and research, there were 6 lynchings in the first six months of 1933. This number is one more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

SIX LYNCHED SINCE JANUARY

Boston Chronicle
7-8-33
Boston, Mass.

Tuskegee Reports Two Whites and Four Negroes Killed by Southern Mobs

Tuskegee, Ala.—According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were six lynchings in the first six months of 1933. This number is one more than the number 5 for the first six months of 1932. In 1923, ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in Northern states and 11 in Southern states. In 9 of the instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were, rape, 1; murder, 4: charge not reported, 1.

The states in which lynchings occurred and the number in each are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Elberton, Ga., Star
July 4, 1933

Lynching Record First Six Months of 1933

According to the records compiled at Tuskegee Institute in the Department of Records and Research show that there were six lynchings in the first six first six months of 1932. In 1923, 1 more than the number 5 for the first six months of 1932. In 1933 that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynching occurred and the number in each state are as follows :Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Colombus, Ga. Enquirer Sun

4-7-33

SLIGHT INCRIASE IN LYNCHINGS

The period of the first six months of this year shows a slight increase in the number of lynchings over the same period for 1932. These reports are compiled by the Tuskegee school, under the supervision of the principal, R. R. Moton, who is a leader of his race, and one who has contributed and accomplished much for the benefit of the negroes.

In making up his report and announcing his findings, Principal Moton, said:

"According to the records compiled at Tuskegee Institute in the department of records and research, I find that there were 6 lynchings in the first six months of 1933. This number is one more than the number five for this first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

"During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons; 6 whites and 11 negroes, were saved from death at the hands of mobs.

"Of the persons lynched 2 were white and 4 were negro. The offenses were rape, 1; murder 4; charge not reported, 1.

"The states in which lynchings occurred and the number in each state, are as follows: Georgia 1, Louisiana 2, Tennessee 2, Texas 1."

Last year, for the first six months, only five lynchings occurred, while this year there were six lynchings, but back in 1923 a decade ago, there were fifteen lynchings for the sameperiod of time. However, the report shows a most stable and sound condition among the people of this country. Only occasionally, in recent years, has lynchings occurred. Our people are growing more sober minded and law abiding, and only in extreme cases of crime do they resort to such methods of dispensing what they believe to be justice in cases of rape. So long as that crime is committed, lynchings will be hard to obliterate from the calendar of crime, and in these days, rape is about the only crime that causes the people to forget legally constituted authorities and courts and take the punishment for the crime into their own hands to be administered.

BOWLING GREEN, KY.
TIMES JOURNAL

JUL 1 1933

Still Too Much Mob Law

Public sentiment against lynching has developed with the passing of the years and yet too many such horrible murders occur in our country. Mob law should have no place in a civilized land.

According to the records compiled at Tuskegee Institute in the Department of Records and Research, we find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were whites and 4 were Negroes. The offense charged were rape, 1; murder ,4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1 Louisiana, 2; Tennessee, 2; Texas, 1.

An encouraging point in this report is where it tells of fourteen cases where officers of the law prevented lynchings. Members of mobs are coward from the fact that they know they are in the wrong and that they have no right to thus take the law int their own hands. Officers of the law, usually, need only to stand firm and let the mob know they mean business to win out without even a display of force.

NEWS-GAZETTE
CAMPAIGN-URBANA, ILL.

JUL 3 1933

COMPILES RECORD OF LYNCHINGS

TUSKEGEE INSTITUTE, ALA., June 28.—I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number, (five) for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in Northern States and 11 in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, one; murder, four; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

—R. R. MOTON.

THE LYNCHING RECORD FOR THE FIRST SIX MONTHS OF THE YEAR

Afro-American Presbyterian

6-29-33.

Charlotte, N.C.

Editor, The Africo-American Presbyterian:

Dear Sir:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first 6 months of 1933. This number is one more than the number 5 for the first six months of 1932. In 1923, that is, ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State is as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Very truly yours,
R. R. MORTON,
Principal.

Chattanooga, Tenn. Times
July 1, 1933

TUSKEGEE HEAD REPORTS SIX PERSONS LYNCHED

TUSKEGEE, Ala., June 30 (AP).—R. R. Moton, principal of Tuskegee institute, said today records compiled by his school show six persons were lynched in the United States during the first six months of this year.

This number is one more than the number lynched during the same period last year. Ten years ago, fifteen persons were lynched during the first six months of 1923.

Officers prevented lynchings in fourteen cases during the first half of 1933. Three northern officers and eleven southern officers protected their prisoners from mobs. In nine of the instances prisoners were removed or guards augmented; in five other instances force was used to repel mobs. Seventeen persons, six whites and eleven Negroes—were saved from death at hands of mobs.

The states in which lynchings occurred and the number follow: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Advertiser 7-1-33 Montgomery, Ala.

LYNCHINGS IN THE SOUTH

Yesterday The Advertiser printed a letter from Dr. R. R. Moton, of Tuskegee, in which he set forth the "lynch record" for the first six months this year.

The States with lynchings to their discredit this year are: Georgia 1, Texas 1, Louisiana 2, Tennessee 2.

"During the first six months of 1933," Dr. Moton writes, "there were fourteen instances in which officers of the law prevented lynchings. Of these, three were in the Northern States and eleven in the Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers. Thus a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs."

Fifteen persons were lynched during the first six months of 1923. The record has improved that much during the last ten years, which is encouraging. It is to be regretted, though, that there were more lynchings the first six months of this year than there were the first half of last year.

Jan.-June

4480

Lynchings-1933

Reports on, Sent Press

Bristol, Va., Herald-Courier
July 2, 1933

The Lynching Record.

According to records compiled at Tuskegee Institute, there were six lynchings in the first six months of this year, all of them in Southern States. During the same time, eleven attempted lynchings were prevented in the South, which speaks well for some of the officers of the law. There were no lynchings in the North, but that three attempted lynchings were prevented in that section again shows that the mob spirit is not confined to the South.

If all the mobs which attempted to take the law into their own hands in the last six months had been successful, there would have been twenty instead of six lynchings to report. This suggests the thought that if all officers everywhere had been as faithful in the performance of their duties as were those who prevented the fourteen attempted lynchings, the first half of 1933 might have passed without a lynching in any part of the country.

There were two lynchings in Tennessee, two in Louisiana, one in Georgia and one in Texas. Of the persons lynched, two were white and four were colored. Had not fourteen mobs been thwarted, not only would there have been twenty lynchings but the number of mob victims would have been twenty-three. In these fourteen instances seventeen persons were saved from death at the hands of mobs, six of them white and eleven colored. Thus we are once more reminded that the mob no longer limits its activities to the lynching of Negroes for crimes against white women. It has ceased to be a respecter of color, and an offense of any kind may provide it with a pretext for going into murderous action.

Unfortunately, no instance in which a member of a mob was brought to account during the last six months can be reported. If there is anything encouraging in the record, which shows one more lynching than in the first six months of last year, it is in the fact that fifteen persons were lynched during the first six months of 1923, ten years ago. But six lynchings are six too many, and it is possible that Tuskegee Institute has overlooked two lynchings in Georgia. We believe the time is coming when no part of the country will be disgraced by mob lawlessness, but it will come sooner if the responsible authorities of States and counties and communities set their faces sternly against the mob—if they determine to spare no effort to prevent lynchings and to hunt down and punish perpetrators of lynchings that can not possibly be prevented. That is their duty and they should perform it.

Macon, Ga., Telegraph
July 6, 1933

LYNCHINGS IN THE SOUTH

From the Montgomery Advertiser.

Yesterday the Advertiser printed a letter from Dr. R. R. Moton, of Tuskegee, in which he set forth the "lynch record" for the first six months this year.

The states with lynchings to their credit this year are: Georgia 1, Texas 1, Louisiana 2, Tennessee 2.

"During the first six months of 1933," Dr. Moton writes, "there were fourteen instances in which officers of the law prevented lynchings. Of these, three were in the northern states and eleven in the southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers. Thus a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs."

Fifteen persons were lynched during the first six months of 1923. The record has improved that much during the last ten years, which is encouraging. It is to be regretted, though, that there were more lynchings the first six months of this year than there were the first half of last year.

South Pittsburg, Tenn., Hustler
June 29, 1933

LYNCHINGS IN SOUTH ARE ON DECLINE

ACCORDING TO RECORDS AT TUSKEGEE INSTITUTE

Six Lynchings First Six Months 1933; One More Than Same Period of 1932; Nine Less Than 1923.

According to Principal Robert R. Moton, of Tuskegee, who makes semi-annual reports on lynchings in the south, reports that during the first six months of 1933, there were six lynchings, one more than that during the same period of 1932. He further says that the records compiled in the Department of Records and Research show that in 1923 there were fifteen lynchings in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Columbia. S. C. Record
July 1, 1933

SIX LYNCHINGS IN HALF YEAR

TUSKEGEE, Ala., July 1.—(AP)—R. R. Moton, principal of Tuskegee institute, said today records compiled by his school show six persons were lynched in the United States during the first six months of this year.

This number is one more than the number lynched during the same period last year. Ten years ago, 15 persons were lynched during the first six months of 1923.

Officers prevented lynchings in 14 cases during the first half of 1933. Three Northern officers and 11 Southern officers protected their prisoners from mobs. In nine of the instances, prisoners were removed or guards augmented; in five other instances force was used to repel mobs. Seventeen persons — six whites and 11 negroes—were saved from death at hands of mobs.

Two of the six persons lynched were whites. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number follow: Georgia 1; Louisiana 2; Tennessee 2; Texas 1.

Carrollton, Ga., Times
July 6, 1933

Six People Lynched In U. S. Last 6 Months

According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northen States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas 1.

Montgomery, Ala., Advertiser
July 1, 1933

Six Lynchings For Year Are Reported

TUSKEGEE, ALA., June 30.—(AP)—R. R. Moton, principal of Tuskegee Institute, said today records compiled by his school show six persons were lynched in the United States during the first six months of this year.

This number is one more than the number lynched during the same period last year. Ten years ago, 15 persons were lynched during the first six months of 1923.

Officers prevented lynchings in 14 cases during the first half of 1933. Three Northern officers and 11 Southern officers protected their prisoners from mobs. In nine of the instances, prisoners were removed or guards augmented, in five other instances force was used to repel mobs. Seventeen persons—six whites and 11 negroes—were saved from death at the hands of mobs.

Two of the six persons lynched were whites. The offenses charged were criminal assault 1, murder 4, charge not reported 1.

The States in which lynchings occurred and the number follow:

Georgia 1, Louisiana 2, Tennessee 2, Texas 1.

Sandersville, Ga., Progress
July 5, 1933

Lynching Record for Past Six Months

According to records compiled at Tuskegee Institute in the Department of Records and Research, there were only six lynchings in the first six montrs of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923 ,that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Chattanooga, Tenn. Times
June 30, 1933

THE LYNCHING RECORD.

According to statistics [illegible] by the Department of Records and Research, of Tuskegee Institute, there have been six lynchings during the first six months of 1933. Two of the victims were whites and four were Negroes. In one case rape was charged; in four, murder was the charge; in one case no charge was reported.

The total for the first half of this year is one in excess of the number of lynchings during the first six months of last year. The States which have had lynchings to their discredit this year are as follows: Georgia, 1; Texas, 1; Louisiana, 2; Tennessee, 2. Concerning efforts to prevent lynchings, Principal Moton says:

"During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these, three were in Northern States and eleven in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers. Thus a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs."

While there is cause for regret in the fact that the number of lynchings this year has exceeded, even by one, the number during the first half of 1932, there is ground for encouragement in the fact that only six persons have met death at the hands of mobs this year, while fifteen were lynched during the first six months of 1923. It is also cause for gratification that officers in so many instances succeeded in preventing mobs from carrying out their purpose.

The record argues for continuance of efforts, along present lines, to eradicate the barbarous practice of lynching, supplemented by honest efforts to apprehend and punish lynchers. That two of the lynchings reported this year occurred in Tennessee gives the people of this State cause to blush with shame. And the shame is all the greater by reason of the fact that nothing appears to have been done to mete out justice to the lynchers.

Harriman, Tenn. Record
June 29, 1933

Lynching Record for First 6 Months 1933

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were fifteen persons lynched in the first six months of the year.

During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in Northern States and eleven in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers; thus a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Knoxville, Tenn., News-Sen[illegible]
July 2, 1933

STATE HAD TWO OF 6 LYNCHINGS

Tennessee and Louisiana 'Tie' for First Six Months of This Year.

Special To The News-Sentinel

TUSKEGEE, Ala., R. R. Moton, principal of Tuskegee Institute, said today records compiled by his school show six persons were lynched in the United States during the first six months of the year.

This number is one more than the number lynched during the same period last year. Ten years ago, 15 persons were lynched during the first six months of 1923.

Three Northern officers and 11 Southern officers protected their prisoners from mobs.

Two of the six persons lynched were whites. The offenses charged were criminal assault, 1; murder, 4; charges not reported, 1.

The states in which lynchings occurred and the number follow:

Georgia, 1; Louisiana, 2; Tennessee, 2; Texas 1.

The lynchings marked against Tennessee probably refer to the two white men dragged from Scott County jail at Huntsville, Tenn., three weeks ago and shot to death.

Selma, Ala. Times
July 2, 1933

Half Dozen Lynchings For Six Months Bared

TUSKEGEE, Ala., July 1—(AP)—Six persons were reported lynched in the United States during the first six months of the year in a survey released by R. R. Moton, principal of Tuskegee Institute.

Moton said figures compiled by the school showed the number one more than for the same period of last year while 15 were lynched during the time ten years ago.

Lynchings were prevented by officers in 14 cases during the first half of this year, three in the north and 11 in the south, through removal of prisoners, use of force or increases in the number of guards.

Two of the persons lynched were whites and four negroes. Offenses charged were rape, 1; murder, 4; charge not reported, 1. By states the lynchings were listed as Georgia, Louisiana 2, Tennessee 2 and Texas 1, the Institute reported.

Macon, Ga., News
June 30, 1933

Six Are Lynched At Half of Year

Six lynchings occurred during the first half of 1933, according to a statement received here from Tuskegee Normal and Industrial institute, which compiles these statistics.

Two of those lynched were white men, four Negroes. There was one in Georgia, one in Texas, and two each in Louisiana and Tennessee.

Lynchings of 14 persons were prevented during the first half of the year, by removal of prisoners, mounting of heavy guards, or direct use of force to repel a mob. Eleven of these instances were in the South.

There were five lynchings in the first half of last year.

Brunswick, Ga. News
July 2, 1933

SIX LYNCHINGS IN COUNTRY REPORTED

Tuskegee, Ala., July 1. (AP)—Six persons were reported lynched in the United States during the first six moths of the year in a survey released by R. R. Moton, principal at Tuskegee Institute.

Moton said figures compiled by the school showed the number one more than for the same period of last year, while fifteen were lynched during the same time ten years ago.

Two of the persons lynched were whites and four negroes. Offenses charged were rape, 1; murder, 4; charge not reported, 1 By states the lynchings were listed as George, 1; Louisiana, 2; Tennessee, 2, and Texas, 1, the institute reported.

Chester, S. C., Reporter
July 3, 1933

Lynching Record.

Tuskegee Institute, Ala., July 1.—According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the other instances force was used to repel the would be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Columbia, S. C. State
July 2, 1933

Lynching Data.

Tuskegee, Ala., July 1—(UP)—Six lynchings occurred in the United States in the first six months of 1933, Tuskegee institute, leading Negro school, announced today, an increase of one over 1932 figures. Officers frustrated 14 attempted lynchings. Two of the six lynched were white men.

Lynchings-1933

Reports on, Sent Press.

Jan- June

4481

Augusta, Ga. Herald
July 6, 1933

MAJESTY OF LAW RECEIVING GREATER RECOGNITION

THE period of the first six months of this year shows a slight increase in the number of lynchings over the same period for 1932. These reports are compiled by the Tuskegee School, under the supervision of the principal, R. R. Moton, who is a leader of his race, and one who has contributed and accomplished much for the benefit of the negroes.

In making up his report and announcing his findings, Principal Moton said:

"According to the records compiled at Tuskegee Institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for this first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

"During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

"Of the persons lynched two were white and four were negro. The offenses were rape, one; murder, four; charge not reported, one.

"The states in which lynchings occurred and the number in each state, are as follows: Georgia one, Louisiana two, Tennessee two, Texas one."

It will be noted from Moton's report that last year, for the first six months, only five lynchings occurred, while this year there were six lynchings, but back in 1923, a decade ago, there were 15 lynchings for the same period of time. However, the report shows a most stable and sound condition among the people of this country. Only occasionally, in recent years, has lynching occurred. Our people are growing more sober-minded and law-abiding, and only in extreme cases of crime do they resort to such methods of dispensing what they believe to be justice. So long as the crime of assault is committed, lynchings will be hard to obliterate entirely from the calendar of crime, and in these days assault is about the only crime that causes the people to forget legally constituted authorities and courts and take the punishment for the crime into their own hands to be administered.

JOURNAL
Berlin, Wis.
JUL 6 1933

EDITORIAL COMMENT

LYNCHING GOES OUT OF FASHION

Tuskegee Institute, famous southern Negro educational institution founded by the famous Booker T. Washington, has made its semi-annual report on the number of lynchings perpetrated in the United States during the first six months of the present year. The report shows but six victims of mob law during the past six months, compared to fifteen during the same period in 1932.

This report is an excellent showing for the tendency of the American people to resort to legal means of punishing criminals, or persons accused of crime, rather than by resorting to mob law. There was a time when about the only thing required to bring about the summary lynching of a Negro, was to accuse him of crime. Booker T. Washington, famed Negro educator, made a valiant fight against lynching, demanding justice and a fair trial for Negroes accused of crime. He succeeded in swaying public sentiment toward a strong opposition to mob law, before his death, and the educational institution which he founded has carried on the campaign against lynching since.

During the past few years the number of lynchings has steadily decreased. Six lynchings in a half year is a small number, compared to the record made in the United States a quarter of a century ago. But even six lynchings are just a half dozen too many, so far as the reputation of the United States for showing respect to law and order is concerned. Every lynching is a blot on the reputation of the country. Let us hope the time is near at hand when there will be no executions of any men or women, except by due process of law. "Judge Lynch" should be retired from activity of any sort, for all time to come.—Wausau Record-Herald.

Evergreen, Ala., Courant
July 6, 1933

Ala. Has No Lynchings During Past 6 Months

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in first 6 months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Fayetteville, Tenn., News
July 6, 1933

6 Lynching Occurred During Past 6 Months

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were fifteen persons lynched in the first six months of the year.

During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in northern states and eleven in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of seventeen persons, six whites and eleven negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses charged were: rape, one; murder, four; charge not reported, one.

The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two, and Texas, one.

Portsmouth, Va. Star
July 2, 1933

Six Lynchings In First Half Of '33

TUSKEGEE, Ala., July 1—(AP)—Six persons were reported lynched in the United States during the first six months of the year in a survey released by R. R. Moton, principal of Tuskegee Institute.

Moton said figures compiled by the school showed the number one more than for the same period of last year while fifteen were lynched during the time ten years ago.

Lynchings were prevented by officers in fourteen cases during the first half of this year, three in the north and eleven in the south, through removal of prisoners, use of force or increases in the number of guards.

Two of the persons lynched were whites and four negroes. Offenses charged were rape, 1; murder, 4; charge not reported, 1. By states the lynchings were listed as Georgia 1, Louisiana 2, Tennessee 2 and Texas 1, the institute reported.

Kingstree, S. C., Record
July 6, 1933

Lynchings for First Half Year.

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchings; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

SPRINGFIELD, MASS.
REPUBLICAN

JUN 30 1933

LYNCHINGS IN 1933

To the Editor of The Republican:—

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number, five, for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers: thus a total of 17 persons, six whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were: Rape, one; murder, four; charge not reported, one. The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

R. R. MOTON, Principal.

Tuskegee Institute, Ala., June 28. 1933.

LOUISVILLE, KY.
COURIER JOURNAL

JUL 1 1933

SIX MONTHS' LYNCHING RECORD.

To the Editor of The Courier-Journal.

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were fifteen persons lynched in the first six months of the year.

During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in Northern States and eleven in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

R. R. MOTON,
Principal Tuskegee Institute.
Tuskegee, Ala.

PHILADELPHIA, PA.
RECORD

JUL 2 1933

6 LYNCHINGS IN U. S. SO FAR THIS YEAR

There were six lynchings in the United States during the first six months of this year, according to a report compiled at Tuskegee Institute, in Alabama.

That is one more than for the first six months of 1932.

During the first six months of 1933 officers prevented 14 lynchings. Of these three were in Northern States and 11 in Southern States.

Of the persons lynched two were white and four Negroes. The lynchings occurred in Georgia, Louisiana, Tennessee and Texas.

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6 PERSONS

St. Louis Argus

LYNCHED

St. Louis Mo.

1ST HALF

6-30-33

OF 1933

Number Shows Increase Of One Over The Same Period Last Year. Four Victims Are Negroes

TUSKEGEE, Ala., June 28 — According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first months of the year.

Prevent 14 Lynchings

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia 1; Louisiana, 2; Tennessee, 2; Texas, 1.

BOSTON, MASS.
TRANSCRIPT

JUL 3 1933

LYNCHINGS OF 1933

To the Editor of the Transcript:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were fifteen persons lynched in the first six months of the year.

During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in Northern States and eleven in Southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of seventeen persons, six whites and eleven Negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape one, murder four, charge not reported, one.

The States in which lynchings occurred and the number in each State are as follows: Georgia one, Louisiana two, Tennesee two, Texas one.

R. R. Moton, Principal
Tuskegee Institute, Alabama, June 28

LYNCH RECORD

Black Dispatch
Okla. City, Okla.

TUSKEGEE, July 6—(ANP)—Dr. R. R. Moton made public July 1 the record [illegible] lynchings for the first six months of 1933 as compiled by the Department of Records and Research of Tuskegee Institute. There were according to these records, compiled carefully and painstakingly by Dr. Monroe N. Work six lynchings in the first six months. [illegible] number is one more than occurred during the same period in 1932 when there were 5.

The states which are on the lynching black list according to these records are Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Of the persons lynched 2 were white and 4 were Negroes. The report pointed to the fact that there was a growing tendency on the part of law enforcing officers to prevent lynchings. Three northern and 11 southern instances were given where the alertness and bravery of police forces prevented lynchings.

Atlanta, Ga. Journal
July 1, 1933

6 Lynchings Shown For First 6 Months Of the Present Year

TUSKEGEE., Ala., July 1.—(AP)—Six persons were reported lynched in the United States during the first six months of the year in a survey released by R. R. Moton, principal of Tuskegee Institute.

Moton said figures compiled by the school showed the number one more than for the same period of last year while fifteen were lynched during the time ten years ago.

Lynchings were prevented by officers in fourteen cases during the first half of this year, three in the north and eleven in the south, through removal of prisoners, use of force or increases in the size of guards.

Two of the persons lynched were white and four negroes. Offenses charges were: Rape, 1; murder, 4; charge not reported, 1. By states the lynchings were listed as Georgia, 1; Louisiana, 2; Tennessee, 2, and Texas, 1, the institute reported.

Albany-Decatur, Ala. Daily
July 3, 1933

States Is Free of Lynchings In 1933

Not a single lynching occurred in Alabama during the first six months of 1933, according to the figures tabulated by R. R. Walton, principal of the Tuskegee Normal and Industrial Institute.

Only six lynchings occurred in the whole nation, being divided as follows: Georgia 1; Louisiana 2; Tennessee 2 and Texas 1.

During this period there were 14 instances in which officers of the law prevented lynchings, and of this number three were in northern states and 11 in southern states.

Of the persons lynched two were white and four were negroes, the offenses charged were rape, one; murder four, and not reported, one.

Tampa, Fla. Times
July 1, 1933

THE LYNCHING RECORD.

R. R. Morton, principal of the Tuskegee Normal and Industrial Institute—the Booker Washington school—reports that according to the records compiled at the institute there were six lynchings in the first six months of 1933. This is one more than for the first six months of 1932, when there were five. Ten years ago, in 1923, there were fifteen persons lynched in the first six months of the year.

Of the persons lynched two were white and four were negroes. The offenses charged were rape, one; murder, four; charge not reported, one.

The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

According to Principal Morton, during the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in northern states and eleven in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the other five instances force was used to repel the would-be lynchers; thus a total of seventeen persons, six whites and eleven negroes, were saved from death at the hands of mobs.

Despite the fact that there was one more lynching in the first half of this year than in the similar period of last year anti-lynching sentiment seems to be making progress. This is indicated when the period's total of six lynchings is compared with the fifteen during the first six months of 1923 and is emphasized by the fact that law officers succeeded in repelling attempts at seventeen lynchings. This is the most hopeful feature of the situation. Such conduct upon the part of the officials will go far toward abolishing lynching.

It is useless to say that lynchings only serve to make bad matters worse; or that one of them does greater violence to the best interests of law and order than the crime for which it is indulged; or that there is never real justification for lynching. Probably the time will never come when there will be no lynchings, but we seem to be making gratifying progress in decreasing the number of them.

Lynchings-1933

Reports on, Sent Press.

Jan. - June.

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FORT DODGE, IA.
MESSENGER & CHRONICLE
JUL 1 1933

THE LYNCHING RECORD

The Tuskegee Normal and Industrial Institute, of Alabama, an institution for the training of colored young men and women, regularly makes a report on the number of lynchings taking place, no doubt on the theory, which is sound, that the more publicity given on lynching, the less there will be of it. The matter is of particular concern to the colored people inasmuch as most lynchings take place in the south and as a rule a majority of the victims are colored.

According to the records compiled at Tuskegee institute there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Lousiana, 2; Tennessee, 2; Texas, 1.

GRAND RAPIDS, MICH.
Herald
JUL 5 1933

Six ~~Lynchings in Six~~ Months of 1933

Editor of The Herald: I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923—that is, 10 years ago—there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 3; Tennessee, 2; Texas, 1.

R. R. MORTON,
Principal, Tuskegee Intsitute.

GREENSBORO, N. C.
RECORD
JUL 1 1933

Figures On Lynchings.

There were six lynchings in the United States during the first six months of this year. This number is one more than the number, five, for the first six months of last year. However, a decade ago, in 1923, the number of persons lynched in the first six months of the year was 15. These and other statistics on lynchings are supplied by R. R. Moton, of Tuskegee, Ala., and are compiled from records gathered by Tuskegee institute in the department of records and research.

This country is progressing, though slowly, in the matter of stamping out mob crimes. It is both gratifying and significant to note from the Tuskegee records that during the first half of this year there were 14 instances in which officers of the law prevented lynchings. Of these, three were in the north and 11 were in the south. "In nine of the instances," the records show, "the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs. . . . Of the persons lynched, two were white and four were negro. The offenses charged were: rape, one; murder, four; charge not reported, one. . . . The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one."

It is with deep gratification and keen pleasure that we note North Carolina is not on the roster of states in which lynchings have occurred this year.

Abbeville, Ala., Herald
July 6, 1933

LYNCHING RECORD FOR THE FIRST SIX MONTHS OF 1933

According to the records compiled at Tuskegee Institute in the Department of Records and Research, it was found that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape. 1; murder, 4; charge not reported 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas 1.

Albertville, Ala., Banner
July 6, 1933

The Lynching Record for the First Six Months of 1933

The following is information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instantes the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negroes. .The offenses charged were rape, 1; murder. 4; charge not reported, 1.

The State in which lynchings occurred and the number in each State are as folows; Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Six Lynched in U.S. First Half 1933

Six people were lynched in the good old U. S. A. during the first six months of this year, a report from the Department of Records and Research of Tuskegee Institute under date of July 1, informs the world.

This number is one more than the number (5) for the first six months of 1932. Ten years ago during a similar period 15 persons suffered death by lynching.

During the year's first half 14 persons were saved by officers of the law from lynchings. Of these 3 instances were in northern and 11 in southern states.

Two of the persons were white. The states in which lynchings occurred and the number of lynchings in each are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; and Texas, 1.

7-1-33

RECORDS REVEAL SIX LYNCHINGS IN 6 MONTHS' TIME

Constitution 7-1-33 Atlanta, Ga.

TUSKEGEE, Ala., June 30.—(AP) R. R. Moton, principal of Tuskegee Institute, said today records compiled by his school show six persons were lynched in the United States during the first six months of this year.

This number is one more than the number lynched during the same period last year. Ten years ago, 15 persons were lynched during the first six months of 1923.

Officers prevented lynching in 14 cases during the first half of 1933. Three northern officers and 11 southern officers protected their prisoners from mobs. In nine of the instances prisoners were removed or guards augmented; in five other instances force was used to repel mobs. Seventeen persons—six whites and 11 negroes—were saved from death at hands of mobs.

Two of the six persons lynched were whites. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number follows:

Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Lynch 6 in Half 1933

4 COLORED & 2 WHITES—ONE MORE HORROR RECORD THAN IN 1ST 6 MONTHS OF 1932

The Guardian 7-1-33 Boston, Mass.

Tuskegee, Alabama, July 1, 1933—According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1932, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Colored, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 Colored. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred are: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Wadesboro, N. C. Messenger
July 6, 1933

SIX LYNCHINGS IN SIX MONTHS.

Tuskegee, Ala., June 29. — According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were six lynchings in the first six months of 1933. This number is one more than the number, five, for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these, three were in northen state and 11 in southern states. In nine of the instances the prisoners were removed or the guards augumented; in the five other instances, force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched, two were white and four were negroes. The offenses charged were rape, one; murder 4; charge not reported, one,

The states in which lynchings occurred and the number in each state as as follows: Georgia, 1; Louisiana, 2: Tennessee, 2; Texas, 1.

Beaufort, N. C., News
July 6, 1933

LYNCHING RECORD FOR FIRST SIX MONTHS 1933

Editor of The News:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons ynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the lay prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augumented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4 charge not reported, 1.

The States in which lynchings occurred and the number of each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Very truly yours,
R. R. MOTON,
Principal.
Tuskegee Institute, Alabama.

Anderson, S. C. Independent
July 12, 1933

LYNCHINGS

Although there was one more lynching in the United States in the first six months of this year than in the same period last year, the situation with respect to mob law has some encouraging features.

The total of six this year is nine less than the total 10 years ago, according to figures compiled by Tuskeegee institute. This represents a distinct advance for the cause of justice as opposed to mob law.

That part of the report showing the prevention by the constituted authorities of 14 lynchings involving 17 persons is another feature of the report that deserves special attention. It shows that the officiers not only had the proper understanding of their duties but that they were diligent in performing them.

The fact that lynching has not kept proportunate pace with other forms of major law violations seems to indicate that the war on this crime is making gratifying progress. No let-up in the drive should be permitted.

There is no proper place in a civilized land for mob action. A spotless record is the objective to be sought. Even if this is never attained, the work in its behalf will have yielded highly creditable results.

Centreville, Ala., Press
July 6, 1933

HALF DOZEN LYNCHINGS FOR SIX MONTHS BARED

TUSKEGEE, Ala., July 1.—Six persons were reported lynched in the United States during the first six months of the year in a survey released by R. R. Moton, principal of Tuskegee Institute.

Moton said figures compiled by the school showed the number one more than for the same period of last year while 15 were lynched during the time ten years ago.

Lynchings were prevented by officers in 14 cases during the first half of this year, three in the north and 11 in the south, through removal of prisoners, use of force or increases in the number of guards.

Two of the persons lynched were whites and four negroes. Offenses charged were rape, 1; murder, 4; charge not reported, 1. By states the lynchings were listed as Georgia 1, Louisiana 2, Tennessee 2 and Texas 1. the Institute reported.

Abbeville, Ga., Chronicle
July 6, 1933

LYNCHING RECORD FOR FIRST SIX MONTHS OF 1933

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is one more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynching. Of these 3 were in Northern States, and 11 in Southern States. In 10 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched, 2 were white and 4 Negro. The offense charged were rape 1; murder, 4; charge not reported 1.

The states in which lynching occurred and the number in each State are as follows: Georgia, 1; Louisiana 2,; Tennessee 2; Texas 1.

Marion, Ala., Standard
July 6, 1933

Six Lynchings For Six Months Bared

TUSKEGEE, Ala., July 6—Six persons were reported lynched in the United States during the first six months of the year in a survey released by R. R. Moton, principal of Tuskegee Institute.

Moton said figures compiled by the school had shown the number one more than for the same period of last year while 15 were lynched during the time ten years ago.

Lynchings were prevented by officers in 14 cases during the first half of this year, three in the north and 11 in the south, through removal of prisoners, use of force on increases in the number of guards

Two of the persons lynched were whites and four negroes. Offenses charged were rape, 1; murder, 4; charge not reported, 1; By states the lynchings were listed as Georgia 1, Louisiana 2, Tennessee 2 and Texas 1, the Institute reported.

Paris, Ky. News
July 4, 1933

LYNCHING RECORDS

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings Of these three were in the northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the other five instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses charged were rape, one; murder, 4; charge not reported, one.

The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two: Tennessee, two: Texas, one.

Camden, S. C., Messenger
July 5, 1933

LYNCHING RECORD FOR THE FIRST SIX MONTHS OF 1933

The following information as to lynchings has been furnished us by R. R. Moton, Principal of Tuskegee Institute:

"According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923 that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder 4; charge not reported 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas 1."

Opp, Ala., News
July 6, 1933

THE LYNCHING RECORD FOR FIRST SIX MONTHS OF 1933

Dear Sir:

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1933 that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Lynchings-1933
3
Reports on, Sent Press.

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4483

SIX LYNCHED DURING FIRST HALF OF YEAR

Kansas City Call
7-7-33
Kansas City, Mo.

Four Negroes, Two Whites Are Victims, Tuskegee Records Show

TUSKEGEE INSTITUTE.—Six lynchings occurred during the first six months of 1933, according to the records compiled in the department of records and research at Tuskegee institute.

This number is one more than the number five for the first half of 1932. In 1923, 10 years ago, 15 persons were lynched in the first six months.

The states which have staged lynchings in 1933 and the number in each state are Georgia, one; Louisiana, two; Tennessee, two and Texas, one.

Of the persons lynched, two were white and four were Negro. The offenses charged were rape, one; murder, four; charge not reported, one.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states.

In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers; thus a total of 17 persons, six whites and eleven Negroes, were saved from death at the hands of mobs.

RECORDS REVEAL SIX LYNCHED DURING '33

New York

TUSKEGEE INSTITUTE, Ala., July 3.—The department of records and research of Tuskegee Institute reported Saturday that there were six lynchings in the United States during the first six months of 1933. This number is one more than the record for the first half of 1932.

In 1923 there were fifteen persons lynched in the first six months. This year two whites and four Negroes were the victims of mobs. The offenses charged were rape, 1; murder, 4; and charge not reported, 1.

Six Lynchings For Year Are Reported

~~Montgomery~~ Advertiser
Montgomery Ala.

TUSKEGEE, ALA., June 30.—(AP)—R. R. Moton, principal of Tuskegee Institute, said today records compiled by his school show six persons were lynched in the United States during the first six months of this year.

This number is one more than the number lynched during the same period last year. Ten years ago, 15 persons were lynched during the first six months of 1923.

7-1-33

Officers prevented lynchings in 14 cases during the first half of 1933. Three Northern officers and 11 Southern officers protected their prisoners from mobs. In nine of the instances, prisoners were removed or guards augmented, in five other instances force was used to repel mobs. Seventeen persons—six whites and 11 negroes—were saved from death at the hands of mobs.

Two of the six persons lynched were whites. The offenses charged were criminal assault 1, murder 4, charge not reported 1.

The States in which lynchings occurred and the number follow:

Georgia 1, Louisiana 2, Tennessee 2, Texas 1.

LYNCHINGS IN 1933.

Springfield Daily Republican

To the Editor of The Republican:—

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee institute in the department of records and research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number, five, for the first six months of 1932. In 1923, that is 10 years ago, there were 15 persons lynched in the first six months of the year.

Springfield Mass.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers; thus, a total of 17 persons, six whites and 11 Negroes, were saved from death at the hands of mobs.

6-30-33

Of the persons lynched two were white and four were Negro. The offenses charged were: Rape, one; murder, four; charge not reported, one. The states in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

R. R. MOTON, Principal.

Tuskegee Institute, Ala., June 28. 1933.

The Lynching Record For The First Six Months of 1933

The Palmetto Leader
Columbia S. C.

According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the last six months of 1932. In 1932, that is ten years ago, there were 15 persons lynched in the first six months of the year.

7-8-33

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana 2; Tennessee, 2; Texas, 1.

FIGURES ON LYNCHINGS

Editor, The Advertiser:

Montgomery Advertiser
6-30-33
Montgomery Ala.

I send you the following information concerning lynchings for the first six months of this year. According to the records compiled at Tuskegee Institute in the Department of Records and Research, I find that there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in northern States and 11 in southern States. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were Negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas 1.

Tuskegee, Ala. R. R. MOTON.

Jan. — June

4484

Lynchings - 1933
Reports on, Sent Press.

SALEM, ORE.
CAPITAL JOURNAL

JUL 3 1933

The Lynching Record

According to figures compiled by the Tuskegee Institute for the training of colored youth, there were six lynchings in the first six months of 1933, one more than in the same period a year ago. Ten years ago, there were fifteen persons victims of mobs in the corresponding period—showing the gradual reduction in lynchings.

Another encouraging feature is the increase in the frustration of lynching by peace officers. In the first six months of 1933, seventeen persons, six whites and eleven negroes were saved from death at the hands of mobs, mostly in southern states. In nine of the instances, prisoners were removed or the guards augmented. In the other cases force was used to repel the would-be lynchers.

Of the persons lynched, two were white, four negro. The offenses charged were rape, one, murder four, one unreported. The lynchings all occurred in the south, one in Georgia, two in Louisiana, two in Tennessee, one in Texas.

Lynching is resorted to in the south, not only to wreck vengeance but to terrorize and restrain the lawless element in the negro population, though there is no evidence to show the desired result has been achieved. The assumption that the majority of lynchings, particularly of negroes, is for the crime of rape, is without foundation in fact, for during the present century less than 25 percent of the negroes lynched have been accused of that crime.

Stringent legislation in many of the states and increased vigilance on the part of officials is curbing lynching throughout the land. From 1885 to 1930, there were 4,308 lynchings reported an annual average of 95, 85 percent of them in the south. The number has decreased annually. The low was reached in 1929 with but ten reported.

Wrightsville, Ga., Headlight
July 6, 1933

Lynching in Georgia Reported by Tuskegee

Georgia was one of four states in which six persons were lynched the first six months of this year, Tuskegee Institute at Tuskegee, Ala., has reported. Louisiana and Tennesse had two lynchings each, while Texas and Georgia had one each.

In the first six months of last year, five persons fell victims to mob law, while in 1923 there were 15 persons lynched in the first six months of that year.

Officers of the law prevented 14 lynchings this year, the institute reported, of which three were in northern states and eleven in southern states. In nine of the instances the prisoners were removed or guards augmented; in the other 5 force was used to repel the mobs The number of persons involved numbered 17, of which six were whites and eleven negroes, it was stated.

ATHENS, GA.
BANNER HERALD

JUL 4 1933

SLIGHT INCREASE IN LYNCHINGS

The period of the first six months of this year shows a slight increase in the number of lynchings over the same period for 1932. These reports are compiled by the Tuskegee school, under the supervision of the principal, R. R. Moton, who is a leader of his race, and one who has contributed and accomplished much for the benefit of the negroes.

In making up his report and announcing his findings, Principal Moton, said:

"According to the records compiled at Tuskegee Institute in the department of records and research, I find that there were 6 lynchings in the first six months of 1933. This number is one more than the number five for this first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

"During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons; 6 whites and 11 negroes were saved from death at the hands of mobs.

"Of the persons lynched 2 were white and 4 were negro. The offenses were rape, 1; murder 4; charge not reported, 1.

"The states in which lynchings occurred and the number in each state, are as follows: Georgia, 1, Louisiana 2, Tennessee 2, Texas 1."

Last year, for the first six months, only five lynchings occurred, while this year there were six lynchings, but back in 1923 a decade ago, there were fifteen lynchings for the sameperiod of time. However, the report shows a most stable and sound condition among the people of this country. Only occasionally, in recent years, has lynchings occurred. Our people are growing more sober minded and law abiding, and only in extreme cases of crime do they resort to such methods of dispensing what they believe to be justice in cases of rape. So long as that crime is committed, lynchings will be hard to obliterate from the calendar of crime, and in these days, rape is about the only crime that causes the people to forget legally constituted authorities and courts and take the punishment for the crime into their own hands to be administered.

Dalton, Ga., N. Ga. Citizen
July 13, 1933

Dr. R. R. Moton, of Tuskegee, reports that there were six lynchings during the six months of this year, one in Georgia; two in Louisiana; two in Tennessee, and one in Texas. The average is one a month too high.

Lafayette, Ala., Sun
July 12, 1933

Records On Lynchings For First Half of 1933

Tuskegee, Ala.—According to the records compiled at Tuskegee Institute in the department of records and research there were six lynchings in the first six months of 1933. This number is one more than the number five for the first six months of 1932. In 1923, that is, ten years ago, there were fifteen persons lynched in the first six months of the year.

During the first six months of 1933 there were fourteen instances in which officers of the law prevented lynchings. Of these three were in Northern states and eleven in Southern states. In nine of the instances the prisoners were removed or the guards augmented; in the five other instances force was used to repel the would-be lynchers. Thus a total of seventeen persons, six whites and eleven negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses charged were rape, one; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2, Texas, 1.

Millen, Ga., News
July 13, 1933

LYNCHING RECORD FOR SIX MONTHS

According to the records compiled at Tuskegee Institute in the Department of Records and Research, there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negroes. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee 3; Texas, 1.

Hazard, Ky. Herald
July 6, 1933

LYNCHING RECORDS

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these three were in the northern states and 11 in southern states. In nine of the instances the prisoners were removed or the guards augmented; in the other five instances force was used to repel the would-be lynchings; thus a total of 17 persons, six whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched two were white and four were negro. The offenses charged were rape, one; murder, 4; charge not reported, one.

The state in which lynchings occurred and the number in each state are as follows: Georgia, one; Louisiana, two; Tennessee, two; Texas, one.

Pennington Gap, Va., News
July 6, 1933

Lynching Record Six Months of 1933

There were 6 lynchings in the first six months of 1933. This number is one more than the number 5 for the first 6 months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to rebel tbe would be lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negros. The offenses charged were: rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number iu each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Elberton, Ga., Star
July 11, 1933

LYNCHINGS

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynchings two were white and four were negroes, from the following states: Louisiana and Tennessee, two each; Georgia and Texas, one each.

We know of one lynching that was prevented in Georgia in May, 1931. The accused negro was given prompt trial and sentenced to die in the electric chair a few weeks later. Then shyster lawyers stepped in with the result that after numerous hearings and two regular court trials, the negro is still in jail and another hearing set for an early date.

Lynchings can and should be prevented, but the mob will never be stopped until it is certain that there will be prompt trial of the accused and speedy enforcement of the verdict of the court.

Blakeley, Ga.. News
July 13, 1933

Statistics Given On Lynchings First Six Months of 1933

According to the records compiled at Tuskegee Institute in the Department of records and Research there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first six months of 1933. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these, 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers, thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at hands of mobs.

Of the persons lynched, 2 were white and 4 were Negro. The offenses charged were: rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Asheville, N. C., Advocate
July 14, 1933

Six Lynched By Mobs This Year, Reports Reveal

Tuskegee, Ala.—There were six lynchings in the United States during first six months of 1933 according to records compiled by the Tuskegee Institute.

This is one more than the number, 5, lynched during the first six months of 1932. Ten years ago, in 1923, there were 15 persons lynched in the first six months of that year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in northern states and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Waycross, Ga., Georgian
July 7, 1933

Lynching Record For First 6 Mos.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in Southern States. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would-be-lynchers; thus a total of 17 persons, 6 whites and 11 Negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were Negro. The offenses charged were rape, 1; murder, 4; charges not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Jan. – June.

4485

Lynchings - 1933

Reports on, Sent Press.

Florala, Ala., News
July 13, 1933

LYNCHING RECORD

The following is the lynching record for the first six months of 1933:

According to the records compiled at Tuskegee Institute in the Department of Records and Research it is seen that there were 6 lynchings in the first six months of 1933. This number is 1 more than the number 5 for the first 6 months of 1932. In 1923, that is ten years ago, there were 15 persons lynched in the first six months of the year.

During the first six months of 1933 there were 14 instances in which officers of the law prevented lynchings. Of these 3 were in Northern States and 11 in southern states. In 9 of the instances the prisoners were removed or the guards augmented; in the 5 other instances force was used to repel the would be lynchers; thus a total of 17 persons, 6 whites and 11 negroes, were saved from death at the hands of mobs.

Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape, 1; murder, 4; charge not reported, 1.

The States in which lynchings occurred and the number in each State are as follows: Georgia, 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Reidsville, N. C. Review
July 14, 1933

Tuskegee Institute reports six lynchings in the United States during the first six months of 1933, or one more than the number reported for the corresponding period last year. Of those lynched two were white and four were negroes, from the following states: Louisiana and Tennessee two each, While this was six lynchings too many, the record shows great improvement since the year 1892, when no less than 255 persons were lynched in the United States, 100 of them being white.

McMinnville, Tenn. Standard
July 13, 1933

SIX LYNCHINGS IN SOUTHERN STATES

For the first six months, ending June 30, of this year there were six lynchings in the United States. Two of this number were white people and four Negroes. All of the lynchings were in Southern States—Georgia 1, Louisiana 2, Tennessee 2, Texas 1.

Winder, Ga., News
July 13, 1933

Lynchings For The First Six Months of This Year

The lynching record for the first six months of 1933 is as follows: There were 6 lynchings for this period. This is one more than for the same period in 1932. During this period there were 14 instances in which lynchings were prevented by officers of the law. Of these 3 were in northern states and 11 in Southern states. Of the persons lynched 2 were white and 4 were negro. The offenses charged were rape 1; murder 4; charge not reported, 1.

The states in which lynchings occurred and the number in each state are as follows: Georgia 1; Louisiana, 2; Tennessee, 2; Texas, 1.

Lynchings-1933
Reports on Sent Press.

Jan. - Dec.

3897

Abbeville, Ala., Herald
January 4, 1934

LYNCHINGS IN UNITED STATES INCREASE 20

The following is taken from a letter written The Herald regarding lynchings. The letter is in the form of a report written by R. R. Moton, of Tuskegee Institute:

"I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

"There were 37 instances in which officers of the law prevented lynchings. 6 of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

"The States in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina 4; Tennessee, 3; and Texas, 2."

Winder, Ga., News
January 4, 1934

Lynchings for Year '33

There were 28 persons lynched in the United States in 1933, according to figures sent out by the Tuskegee Normal and Industrial Institute. Of the number lynched 4 were white and 24 colored. The states in which lynchings occurred and the number in each state are as follows: Alabama 3; California 2; Georgia 4; Louisiana 4; Maryland 1; Mississippi 3; Missouri 1; North Carolina 1; Tennessee 3; Texas 2.

Cookeville, Tenn. Herald
January 4, 1934

Negro School Head Reviews Lynchings

Robert R. Moton, president of the Tuskegee Normal and Industrial Institute, at Tuskegee, Ala., has sent the following information regarding lynchings in 1933:

I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskogee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western states and 31 in Southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed forces were used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempting rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred, and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee. 3: and Texas, 2.

Morristown, Tenn., Gazette
January 6, 1934

In line with the general upward trend, the lynching business reported a substantial increase in 1933. Twenty-eight persons were served during the year, an increase of twenty over 1932.

Harriman, Tenn. Record
January 4, 1934

Records Show 28 Persons Lynched During Year 1933

According to the records compiled in the Department of Records and Research of the Tuskee Institute there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man 1; slapping youth, 1; kidnapping 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Clanton, Ala., Banner
January 4, 1934

LYNCHINGS IN 1933

It is found, according to the recgee Institute there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negroes, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negroes. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.—R. R. Watson.

Ashland, Ala. Progress
January 4, 1934

Number Of Lynchings Greatly Increased In '33

Tuskegee, Ala., Dec 31—According to the records compiled in the Department of Records and Research of the Tuskegee Institute there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynching. 6 of these were in Nothern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were. murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor 1; insulting women, 1; threatening men, 1.

The states in which lynchings occured and the number in each State are as follows. Alabama, 3; California, 2 Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi 3; Missouri, 1; North Ca
South Carolina, 4; Te
3; and Texas, 2.

Carrollton, Ga., Times
December 28, 1933

TWENTY-EIGHT PERSONS LYNCHED THIS YEAR

RECORDS SHOW AN INCREASE OF 20 LYNCHINGS OVER LAST YEAR.

According to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931;

and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law oustide of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting woman, 1; threatening men, 1.

The States in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2

Evergreen, Ala., Courant
January 4, 1934

Lynchings On Increase According To Report

According to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched where in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons. 3; altercation, 1; no offense reported 3; striking man, 1; slapping youth, 1 kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas 2.

BOSTON, MASS.
TRANSCRIPT
JAN 4 1934

LYNCHINGS IN 1933

To the Editor of the Transcript:

I send you the following information concerning lynchings for the year 1933. I find, according to the records compiled in the Department of Records and Research of the Tuskegee Institute, that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931 and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3 striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

R. R. MOTON, President.
Tuskegee Institute, Ala., Dec. 31.

CAMDEN, N. J.
COURIER
DEC 3 0 1933

* *

Lynching Satisfies

To the Editor:

Sir—I send you the following information concerning lynchings for the year 1933:

I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number (8) for 1932; 15 more than the number (13) for 1931; and 7 more than the number (21) for 1930.

Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers.

A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were; murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

R. R. MOTON
President, Tuskegee Normal and Industrial Institute.
Tuskegee, Ala.

SYRACUSE, N. Y.
POST STANDARD
JAN 1 1934

The Year's Lynchings

To the Editor of The Post-Standard:

I send you the following information concerning lynching for the year 1933. I find according to the records compiled in the department of records and research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number eight for 1932; 15 more than the number 13 for 1931; and seven more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; nine were taken from jails and five from officers of the law outside of jails; the bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, four were white and 24 were Negro. The offenses charged were: Murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnaping, two; stealing liquor, one; insulting women, one; threatening men, one.

The states in which lynchings occurred and the number in each state are as follows: Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three, and Texas, two.

R. R. MOTON.
President Tuskegee (Ala.) Normal and Industrial Institute.

NIAGARA FALLS, N. Y.
GAZETTE
JAN 4 1934

LYNCHINGS

Robert R. Moton, president of the Tuskegee Normal and Industrial Institute—the school Booker T. Washington founded for the training of colored men and women— finds that in 1933 twenty-eight persons were lynched. In 1932 eight were lynched, in 1931. thirteen, and in 1930, twenty. Fourteen of the persons lynched in 1933 were in the hands of the law. Nine were taken from jail and five from officers who had not yet jailed them. The bodies of two were burned. Officers prevented 37 attempts at lynchings. Thirty-one of these were in the south. In the attempted lynchings, forty-eight persons accused of crimes were involved—eleven white and thirty-seven Negro. Either personal efforts or assistance, in some instances of national guardsmen, prevented their hanging. Twenty-four persons lynched were Negroes, leaving four whites. The offenses charged were, murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnaping, two; stealing liquor, one; insulting woman, one; threatening men, one. The states involved were, Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three, and Texas, two. This table shows that lynching presents the greatest problem in the south. The most notable exception was in California, where two alleged kidnappers were taken from jail and hanged. That was the occasion when Governor Rolph approved the mob's act and declared he would pardon any member of the mob that happened to be arrested and convicted. The Maryland lynching attracted widespread attention and the Governor is still trying to bring members of the mob to justice.

COLUMBUS, O.
OHIO STATE JOURNAL
JAN 1 1934

The Lynching Record.

Editor Ohio State Journal:

I find according to the records compiled in the department of records and research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number eight for 1932, 15 more than the number 13 for 1931 and seven more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, four were white and 24 were Negro. The offenses charged were murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2: Georgia, 4; Louisiana 4; Maryland 1; Mississippi 3; Missouri 1; North Carolina 1; South Carolina, 4; Tennessee, 3, and Texas, 2.

R. R. WATSON.
Tuskegee Institute,

Lynchings-1933
Reports on, Sent Press.

Jan.—Dec.

3898

Orangeburg, S.C., News
Jan. 4, 1934

Lynching Record
For the Year 1933

According to the records compiled in the Department of Records and Research of the Tuskegee Institute there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and 31 in Southen States. In 24 of the instances the prisoners were removed or the the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported,, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Huntsville, Ala., Builder
January 5, 1934

Lynchings Increase During Year 1933

28 Persons Lynched; Increase of 20 Over Previous Year

As per data kept each year by the Tuskegee Normal and Industrial Institute for negroes at Tuskegee the following communication furnished every paper in the state each year shows that the unlawful lynchings in 1933 were almost four times as many as was the case in 1933. There having been 8 in 1932 and 28 in 1933.

Information as sent out by the Institute is as follows:

Dear Sir:—

I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repell the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Yours very truly,
R. R. MOTON
President

Alexander City, Ala., Outlook
January 4, 1934

OUR LYNCHING RECORD.

Startling and disturbing is the big increase in the number of lynchings which occured during the year 1933, manifesting a dangerous and rebellious state of mind of the people against law and order, showing a state of unrest that has flared to fiercer flames than for many years. Does this forecast a new order of society?

This sharp increase in lynchings in the last year over the previous year is reported by Tuskegee Institute, the number of violent mob deaths rising from 8 in 1932 to 28 in 1933. This is 15 more than the number of lynchings in 1931 and 7 more than in 1930.

Fourteen of the persons lynched were in the hands of the law, and were seized from officers and done to death by the lynchers; nine were taken from jails and five from officers outside the jails; the bodies of two of the victims were burned, a medieval and fiendish manifestation of delight in destruction of human life, by men who set themselves up as judges of their fellow men, in direct violation of the teachings of Jesus as well as open defiance of the laws of the land.

Officers of the law prevented lynchings in 37 other attempts to seize accused men, according to records kept by the Department of Records and Research at Tuskegee, of which 31 preventions were in Southern states. A total of 48 persons, 11 white and 37 Negroes, were thus saved from summary execution.

There were four white prisoners and 24 Negro prisoners executed by mobs. The offenses on which the accused men, thus savagely killed without opportunity of showing they were innocent, were accused of the following offense; Murder, 8; rape. 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening, 1.

Thus in a dozen cases men were killed for offenses which were not capital offenses, and in three of these no charges were reported. This waste of human life in a rebellious and lawless manner must be stopped, or the democracy and society which we now enjoy will suffer shame, degradation and decline in bloody violence.

The states of Georgia, Louisiana and South Carolina led in number of lynchings with 4 each; there were three mob deaths in Alabama, Mississippi, and Tennessee, Texas and California reported 2 each, and one each occurred in North Carolina, Missiouri, and Maryland.

The fact that lynchings occurred throughout the country does not excuse the South. Lynching must be stopped, as recently declared by President Roosevelt. The President's declaration will no doubt check it.

Kingstree, S. C., Record
January 4, 1934

28 Persons Lynched in 1933.

According to the records compiled in the Department of Records and Research of the Tuskegee Institute, there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western states and 31 in Southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offences charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Savannah, Ga. Press
December 28, 1933

MOTON'S FIGURES LYNCHINGS RECORDS

THERE WERE 28 VICTIMS OF MOBS DURING THE PAST YEAR

TUSKEGEE, Ala., Dec. 28.—Dr. R. R. Moton, president of the Tuskegee Normal and Industrial Institute, has prepared his annual figures on lynchings for the past year.

Dr. Moton finds, according to the records compiled in the Department of Records and Research of the Tuskegee Insttiute, that there were 28 persons lynched in 1933. This is 20 more than the number eight for 1932; 15 more than the number 13 for 1931; and seven more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; nine were taken from jails and five from officers of the law outside of jails; the bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Of these six were in Northern and Western states and 31 in Southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, four were white and 24 were negroes. The offenses chargedk were: Murder, 8; assault, 3; attempted assault, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4: Tennessee, 3, and Texas, 2.

Jackson, Ga., Progress-Argus
January 5, 1934

The lynching record for 1933 was not an enviable one. Tuskegee Instituto compiles the rocords on the number of lynchings and the figures show that there were 28 lynchings the past year—20 more than for 1932. It would be a desirable thing if lynching could be wiped out altogether, but until the crimes that cause lynchings are stopped there is not much likelihood of these lawless cutbreaks being curbed.

Jackson, Ga., Progress-Argus
January 5, 1934

TWENTY-EIGHT PERSONS LYNCHED DURING 1933

INCREASE OF 20 OVER THE PREVIOUS YEAR, ACCORDING TO RECORDS COMPILED AT TUSKEGEE INSTITUTE

According to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: murder, 8; rape, 3, attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting woman, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; eGorgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Murfreesboro, Tenn.
Courier
Jan. 5, 1934

28 LYNCHINGS DURING PAST YEAR

Tennessee Saw Three Cases Of Mob Violence, Records Show.

A letter from R. R. Moton, president of Tuskegee Institute, colored, in Alabama, brings the following statistics on lynchings during the past year of 1933:

According to the records compiled in the department of records and research of the Tuskegee Institute, there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 18 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, four were white and 24 were negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; insulting women 1; threatening men, 1.

The steates in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

WORCESTER, MASS.
POST
JAN 1 1934

LYNCHINGS IN 1933

Editor of the Evening Post:

I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the department of records and research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number eight for 1932, 15 more than the number 13 for 1931, and seven more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, four were white and 24 were Negro. The offenses charged were: murder, eight; assault, three; attempted assault, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnaping, two; stealing liquor, one; insulting woman, one; threatening man, one.

The states in which lynchings occurred and the number in each state are as folllows: Alabama, three; California, two; Georgia, four; Louisiana four; Maryland, one; Mississippi three; Missouri, one; North Carolina one; South Carolina, four; Tennessee three, and Texas, two.

Yours very truly,
R. R. MOTON, President,
Tuskegee Institute.

ROCHESTER, N. Y.
DEMOCRAT & CHRONICLE
JAN 2 1934

Lynching Facts Given By Tuskegee Principal

Editor Democrat and Chronicle:

I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of two of the victims were burned.

There were 37 instances in which officers of the law precented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 43 persons, 11 white and 27 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, four were white and 24 were Negroe. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1 slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occured and the number in each state are as follows: Alabama, 3; California, 2, Georgia, 4; Louisiana, 4; Maryland, 1; Missisipspi, 3; Missouri, 1 North Carolina, 1; South Carolina, 4; Tennesee, 3; and Texas, 2.

R. R. MOTON,
President.
Tuskegee Normal and Industrial Institute.

COMMERCE, TEX.
JOURNAL
DEC 29 1933

Lynchings in 1933 Show Big Increase Over Other Years

Records Compiled at Tuskegee Institute Reveal Largest Number of Last Three Years.

According to records compiled at the Tuskegee Normal and Industrial Institute, school for Negroes founded by Booker T. Washington, and released by R. R. Moton, president, twenty-eight persons were lynched during 1933. This is twenty more than the number eight for 1932; fifteen more than the number thirteen for 1931; and seven more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; nine were taken from jails and five from officers of the law outside of jails; the bodies of two of the victims were burned.

There were thirty-seven instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and thirty-one in Southern States. In twenty-four of the instances the prisoners were removed or the guards augmented or other precautions taken. In the thirteen other instances, armed force was used to repel the would be lynchers. A total of forty-eight persons, eleven white and thirty-seven Negro, were thus saved from death at the hands of mobs.

Of the twenty-eight persons lynched, four were white and twenty-four were Negro. The offenses charged were: murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnapping, two; stealing liquor, one; insulting women, one; threatening men, one.

The States in which lynchings occurred and the number in each State are as follows: Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three; and Texas, two.

Lynchings-1933
Reports on, Sent Press.

Jan. -Dec.

4451

Robesonian
Lumberton, N.C.
JAN 1 1934

LYNCHING RECORD

A low or high lynching record for a year does not seem to indicate any particular trend. A high record for one year may be followed by a low, and vice versa. In 1932, only 8 persons were lynched, while last year the number was 28—20 more than in 1932, 15 more than the number 13 for 1931, and 7 more than the number 21 for 1930.

There were 37 instances in which officers of the law prevented lynchings. Of these, 31 were in Southern states. North Carolina's record, which had been clean in this respect for several years, was marred by one lynching.

These figures and the further information given below were supplied from records compiled in the department of records and research of the Tuskegee (Ala.) institute by the president, Robert R. Moton:

Fourteen of the persons lynched (in 1933) were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1 ; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi. 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

BURLINGTON, IA.
HAWK-EYE
JAN 2 1934

LYNCHINGS.

At the close of each year, the department of research of Tuskegee Institute, famed school for colored people in Alabama, issues a statement of lynchings that have occurred in the United States during the 12 months period. The statement for 1933 deserves careful study. It follows in full:

There were 28 persons lynched in 1933.

This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930.

Fourteen of the persons lynched where in the hands of the law; 9 kere taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negros, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1 kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Such an appalling increase in the cases of mob violence should shock the entire citizenship and result in increased activities to put a stop to this national disgrace. The alarming increase is, of course, due very largely to the unrest of the times and the attitude taken by such men as Governor Rolph of California. The governor's approval of the cowardly California lynching came tco late in the year to greatly affect the total number of cases, although two followed close upon the California affair. But, unless examples are made by legally punishing mob leaders promptly, all may well fear what 1934 may bring forth. The mob spirit is abroad. It becomes the duty of every good citizen, as well as every official, to do his utmost to curb it and restore the rule of law and order.

TUCSON, ARIZ.
STAR
JAN 2 1934

Lynchings Gaining

Whether Governor Rolph's condoning of lynching has anything to do with it or not never can be proved, but a statement by Major R. R. Moton, president of Tuskegee institute, regarding the number of lynchings in the past year carries some startling information. Tuskegee has tabulated statistics on this subject for many years. Major Moton's report shows that whereas there were only eight lynchings in the whole United States in 1932, the number more than tripled in 1933, reaching a total of 28. Of this number, four were white, including the two California kidnapers. This was the only lynching outside the south.

But there is a hopeful sign. There were 37 unsuccessful attempts made and frustrated by officers of the law and 31 of these were in the south. In the 37 cases, a total of 48 lives were at stake, including 11 whites.

DAVENPORT, IA.
TIMES
JAN 2 1934

LYNCHINGS INCREASE

Robert R. Moton, president of the Tuskegee Normal and Industrial institute—the school Booker T. Washington founded for the training of colored men and women—finds that in 1933 twenty-eight persons were lynched. In 1932 eight were lynched, in 1931, thirteen, and in 1930, twenty. Fourteen of the persons lynched in 1933 were in the hands of the law. Nine were taken from jails and five from officers who had not yet jailed them. The bodies of two were burned. Officers prevented thirty-seven attempts at lynchings. Thirty-one of these were in the south. In the attempted lynchings, forty-eight persons accused of crimes were involved—eleven white and thirty-seven Negro. Either personal efforts or assistance, in some instances of national guardsmen, prevented their hanging. Twenty-four persons lynched were Negroes. leaving four whites. The offenses charged were, murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnaping, two; stealing liquor one; insulting woman, one; threatening men, one The states involved were, Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three, and Texas, two. This table shows that lynching presents the greatest problem in the south. The most notable exception was in California, where two alleged kidnapers were taken from jail and hanged. That was the occasion when Governor Rolph approved the mob's act and declared he would pardon any member of the mob that happened to be arrested and convicted. The Maryland lynching attracted wide-spread attention and the governor is still trying to bring members of the mob to justice.

With the lynching during the past year more than three times as great as in the preceding year and widespread controversy occasioned by the action of Governor Rolph, the agitation in support of federal legislation against this form of mob violence will take on a vigor which may witness real progress in combatting one of the worst disgraces of our time. We cannot truly boast of being civilized as long as a record of barbarism, such as that which Dr. Moton presents annually, remains a blot and a stigma upon the nation's escutcheon.

CORRESPONDENCE

LYNCHING RECORD

Argus

Last Year 28 Persons Were Killed by Mobs

1-11-34

Editor of Camden Argus:

I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931, and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3, and Texas, 2.

Yours very truly,
R. R. MOTON, President,
Tuskegee Normal and
Industrial Institute.
Tuskegee Institute, Ala., Dec. 31, 1933.

Camden Argus

Quincy, Fla., Times
January 11, 1934

TWENTY-EIGHT WERE LYNCHED IN 1933

According to records compiled in the Department of Records and Research of the Tuskegee Institute there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; Texas, 2.

Roanoke, Ala., Leader
January 10, 1934

Record Of Lynchings In Year Just Closed

According to the records compiled in the Department of Records and Research of the Tuskegee Institute there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negroes, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negroes. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Goergia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Marion, Ala., Standard
January 11, 1934

LYNCHINGS GAIN DURING YEAR

28 Victims In U. S., Gain Of 20 Over Previous Year, Report Shows

3 OCCURRED IN STATE

TUSKEGEE, Ala., Jan. 4—There were 28 persons lynched in the United States this year, an increase of 20 over the previous year, said the annual survey of the Department of Records and Research of Tuskegee

In making the survey public Dr. R. R. Moton, president of Tuskegee, said that 14 of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victims were burned.

Of the number lynched, four were white and 24 Negroes. The offenses charged were: Murder, 8; rape 3; attempted rape, 3; wounding persons, 3; altercation 1, no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1, and threatening men 1.

The states and the number of lynchings in each follow:

Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3 ,and Texas 2.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in the northern and western states and 31 in southern states.

Columbia, S. C. State
December 30, 1931

TUSKEGEE LYNCHING SURVEY

Tuskegee, Ala., Dec. 29—(AP)—The lynching of 28 persons in the United States during 1933 was reported today in the annual survey of the department of records and research of Tuskegee institute. This total represented an increase of 20 over the previous year.

Dr. R. R. Moton, president of Tuskegee, in making public the results of the survey, said that 14 of those lynched were in custody of police officers, nine were seized from jails and five were taken from officers outside of jails. Four of the victims were white and 24 were Negroes. The bodies of two were burned.

In 37 instances officers of the law prevented lynchings. Six of these were in Northern and Western states and 31 in the South.

The offenses charged against the persons lynched were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting woman, 1; threatening men, 1.

The number of lynchings by states follows: Georgia, 4; Louisiana, 4; South Carolina, 4; Alabama, 3; Mississippi, 3; Tennessee, 3; California, 2; Texas, 2; Maryland, 1 Missouri, 1; North Carolina, 1.

Florence, S. C., News
January 21, 1934

1933 LYNCHINGS SHOW INCREASE

TUSKEGEE, Ala., Jan. 20.—(UP)—Twenty-eight persons were lynched during 1933, according to figures compiled in the department of records and research of the Tuskegee Institute.

This was an increase, the report said, of 20 over 1932, 15 more than 1931, and seven more than in 1930. On a percentage basis, this was an increase of 250 per cent over last year

Fourteen of the persons lynched were in the custody of the law nine were taken from jails and from officers of the law outside of the jails, and the bodies of two of them were burned, the report continued.

Officers of the law prevented 37 lynchings. In 24 of these instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers.

The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting woman, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state follow: Georgia, 4; Alabama, 3; California, 2; Louisiana, 4; Maryland, 1 Mississippi, 3; Missouri 1 North Carolina, 1; South Carolina, 4; Tennessee, 3; ~~and~~ Texas, 2

Jan. – Dec.

4452

Lynchings – 1933
Reports on, Sent Press

How Many Lynched in 1933?

Afro-American
1-6-34

Tuskegee's report on mob violence during 1933 was issued by Dr. R. R. Moton December 28. It shows 28 persons lynched during the year, and 37 instances in which officers of the law prevented lynchings.

The N.A.A.C.P. lynching report for the year also appeared this week, reporting likewise 28 instances of lynchings.

This is the first time these two organizations' statistics for the year have agreed. If this result has been attained either by greater care in compilation or by co-operation, then both organizations are to be commended. In past years their figures have been as wide apart as estimates of house painters.

Only the International Labor Defense, which reports over 40 lynchings, seems out of step.

The AFRO pointed out last year and does so again that there is no need for this divergence of lynching statistics, and that each of the three agencies should exhaust its resources in getting all of the facts, instead of rushing into print with an incomplete and, therefore, inaccurate report.

LYNCHING RECORD FOR 1933

Afro-American
1-4-34

New York, Dec. 31.—In making public today its compilation of 28 known lynchings during the past year, the National Association for the Advancement of Colored People, through Walter White, its Secretary, called attention not only to the nearly 200 per cent rise in mob murder during 1933 from the total of 10 for 1932, but to the surprisingly large number of instances of apparent collusion between officers and mobs.

In the double lynching at Tuscaloosa, Ala., on August 13, of two Negro youths, Dan Pippen and A. T. Hardin, while being taken from Tuscaloosa to Birmingham for safe keeping, the victims were taken by the mob without any apparent effort on the part of the officers to protect them. At Clinton, S. C., on July 4th, four white men experienced no difficulty in "spiriting" the victim from the jail. The same thing happened in the lynching on October 8 of Bennie Smith at Ninety Six, S. C., where an alleged lyncher when arrested claimed the chief of police left the jail open. There seems little doubt that the lynching of George Armwood at Princess Anne, Md., on October 18 was made possible by the local judge's assurance to Governor Albert C. Richie that Armwood would be in no danger if returned from Baltimore whence he had been taken. The double lynching at San Jose, Calif., of Thomas H Thurmond and John Holmes (both white) on November 26 was unquestionably made possible by the studied failure of Governor James H. Rolph, Jr., to send the National Guard as requested by the sheriff.

"In this instance, and for the first time in recent history," Mr. White said, "the governor of an American State actually condoned lynching and promised to pardon any lynchers convicted of the crime."

In this collusion of law officers and mobs, the Association's Secretary sees an ominous tendency likely to grow to threatening proportions unless curbed by drastic legislative action.

The lynching record by States for 1933 is topped by Alabama with five; followed by Georgia and Louisiana with four each; South Carolina and Tennessee with three apiece; California and Mississippi wtih two each, while Florida, Maryland, Missouri, North Carolina and Texas each lynched one. Four of the mob victims were white, twenty four were Negroes.

The alleged offenses for which the victims were lynched are listed as murder (8), attack on white woman (3), attempted attack on white woman (2), insulting white woman (3), assault on white man (1), wounding white man (1), quarrel with white man (3), planning suit against white man (1), killing in search of another (1), stealing (1), offense unknown (4). Of the 28 recorded lynchings, the Association calls attention to the fact that rape, the alleged excuse for lynching, was charged only in three instances. At best, then, rape or attempted rape was charged in only five instances or about 18 per cent of the total lynchings. In the Cordie Cheek lynching on December 16 at Columbia, Tenn., the victim was mobbed despite failure of the grand jury to indict him for attempted assault.

Thirteen of the lynch victims were shot to death and two of the bodies burned; eight were hanged and two of their bodies burned; three were beaten to death; two were hanged and shot, one was beaten and shot, and one was beaten, shot and strangled.

A Federal anti lynch bill is to be introduced in Congress, by Senator Edward P. Costigan, of Colorado it has been announced.

Afro-American
1-4-34

Tuskegee Reports 28 Lynchings for Year of 1933

Bystander

Tuskegee Institute, Ala.,—Records on lynching compiled by the department of records and research of Tuskegee institute, released this week by President R. R. Moton, show that 28 persons, four whites and 24 Negroes, were lynched during the year 1933.

This is 20 more than the number eight recorded in 1932; 15 more than the number 13 for 1931 and seven more than the number 21 for 1930. The states in which lynchings occurred and the number in each state are as follows: Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three; and Texas, two.

Des Moines, Iowa
1-5-34

LISTS 47 LYNCHINGS IN '33

Forty-seven lynchings were reported in 1933, according to records kept by the International Labor Defense, it was announced Monday. The number reported for 1932 by the League of Struggle for Negro Rights was 37. Of the 47 victims, 42 were Negroes and five white men.

Lynchings occurred in 14 states, with Florida in the lead with eight, Georgia second with seven, Alabama third with six, Louisiana, South Carolina and Tennessee each recording five, Mississippi three, California two, and North Carolina, Maryland, Missouri, Texas, Michigan and Arkansas one each.

Tuskegee Counts 28 Mob Murders

Four Persons Lynched in Georgia During Past Year

Telegraph
Macon, Ga.
12-30-33

TUSKEGEE, Ala., Dec. 29 (AP)—There were 28 persons lynched in the United States this year, an increase of 20 over the previous year, said the annual survey of the department of records and research of the Tuskegee Institute.

In making the survey public, today Dr. R. R. Moton, president of Tuskegee, said that 14 of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victims were burned.

Of the number lynched, four were white and 24 Negro. The offenses charged were: Murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnaping, two; stealing liquor, one; insulting women, one; threatening men, one.

The states and the number of lynchings in each follow: Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three, and Texas, two.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in the northern and western states and 31 in southern states.

NATION'S LYNCH TOLL SHOWS WIDE INCREASE

[illegible]
12-30-33

TUSKEGEE, Ala., Dec. 29.—(AP)—There were 28 persons lynched in the United States this year, an increase of 20 over the previous year, said the annual survey of the department of records and research of the Tuskegee Institute.

In making the survey public today, Dr. R. R. Moton, president of Tuskegee, said that 14 of the persons lynched were in the hands of the law, nine were taken from jails, and five from officers of the law outside of jails. The bodies of two of the victims were burned.

Of the number lynched, four were white and 24 negroes. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states and the number of lynchings in each follow: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3, and Texas, 2.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in the northern and western states and 31 in southern states

TUSKEGEE SUBMITS LYNCHING FIGURES

Advertiser

28 Victims In U. S., Increase Of 20 Over Previous Year, Report Shows

12-30-33

TUSKEGEE, ALA., Dec. 29. — (AP) — There were 28 persons lynched in the United States this year, an increase of 20 over the previous year, said the annual survey of the Department of Records and Research of Tuskegee Institute.

Montgomery, Ala.

In making the survey public today, Dr. R. R. Moton, president of Tuskegee, said that 14 of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law ouside of jails. The bodies of two of the victims were burned.

Of the number lynched, four were white and 24 negro. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1 and threatening men, 1.

The States and the number of lynchings in each follow:

Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3, and Texas, 2

There were 37 instances in which officers of the law prevented lynchings. Six of these were in the northern and western States and 31 in southern States.

1933 LYNCHINGS REACH TOTAL OF 28

Age

12-29-33

NEW YORK, Dec 28—With the lynching of Cord Cheek near Nashville, Tenn., last Friday, the total of mob slayings in the United States during 1933 mounted to twenty-eight according to records of the N. A. A. C. P. This compared with but ten last year and is the highest total since 1926, when thirty-four fell victims to lynchers.

The records, which extend back to 1889, show that 3,686 persons have been lynched since that year. The highest number for any one year was 226 in 1892. The lowest total was in 1932 and the increase this year sends the curve upward again.

The 1933 figures, by States, were given as follows: Alabama, 5; Florida, 1; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 2; North Carolina, 1; South Carolina, 4; Tennessee, 3; Texas, 1; California 2, Missouri, 1. All were Negroes, except two in Tennesse and two in California.

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28 Lynched Last Year In U. S., Says Tuskegee Report

News

TUSKEGEE—(AP)—There were 28 persons lynched in the United States this year, an increase of 20 over the previous year, said the annual survey of the department of records and research of Tuskegee Institute.

12-30-33

In making the survey public Friday, Dr. R. R. Moton, president of Tuskegee, said that 14 of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victims were burned.

Birmingham, Ala.

Of the number lynched, four were white and 24 Negro. The offenses charged were: Murder 8, rape 3, attempted rape 3, wounding persons 3, altercation 1, no offense reported 3, striking man 1, slapping youth 1, kidnaping 2, stealing liquor 1, insulting women 1, threatening men 1.

The state and the number of lynchings in each follow:

Alabama 3, California 2, Georgia 4, Louisiana 4, Maryland 1, Mississippi 3, Missouri 1, North Carolina 1, South Carolina 4, Tennessee 3, and Texas 2.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in the Northern and Western states and 31 in Southern states.

Alexandria, La. Weekly Town Talk
January 6, 1934

28 Lynched This Year, Increase of 20 Over Last Year

TUSKEGEE, Ala., Dec. 30.—(By A. P.)—There were 28 persons lynched in the United States this year, an increase of 20 over the previous year, said the annual survey of the department of records and research of Tuskegee Institute.

In making the survey public, Dr. R. R. Moton, president of Tuskegee, said that 14 of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victims were burned.

Of the number lynched, four were white and 24 negroes. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons 3; altercation 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states and the number of lynchings in each follow: Alabama 3; California 2; Georgia 4; Louisiana 4; Maryland 1; Mississippi 3; Missouri 1; North Carolina 1; South Carolina 4; Tennessee 3, and Texas 2.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in the northern and western states, and 31 in southern states.

Tupelo, Miss. Journal
January 5, 1934

Twenty-Four Negroes Are Lynched In United States During Last Year

According to records compiled with the coming of a new year, there were 28 persons lynched in 1933. This is 20 more than the number for 1932; 15 more than the number for 1931; and 7 more than the number 21 for 1930.

Fourteen of the persons lynched were in the hands of the law. 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

Of the 28 persons lynched, 4 were white and 24 were blacks. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1. kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1. North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2,

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Crossville, Tenn. Chronicle
January 4, 1934

TWENTY-EIGHT PERSONS LYNCHED LAST YEAR

According to the records compiled in the Department of Records and Research of the Tuskegee Institute 28 persons were lynched in 1933. This is 20 more than the number of 8 for 1932; 15 more than the number of 13 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; nine were taken from jails and five from officers of the law outside of jails; the bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western states and 31 in Southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas 2.

Arcadia, La. Blenville Democrat
January 4, 1934

LYNCHINGS IN '33 INCREASE 250 PER CENT

FOUR WHITES AND 24 NEGROES DIE BY HANDS OF MOBS LAST YEAR

According to the records of the Department of Records and Research of the Tuskegee Normal and Industrial Institute, colored, at Tuskegee, ~~Alabama, lync~~hings in 1933 increased 250 per cent over the number for 1932. This school reports 28 lynchings in 1933, eight in 1932; 13 in 1931; 21 for 1930.

A release gives the following information:

" Nine were taken from jails and five from officers of the law outside of jails; the bodies of two of the victims were burned.

"There were 37 instances in which officers of the law prevented lynchings: Six of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

"Of the 28 persons lynched, four were white and 24 were negro. The offenses charged were: murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, youth, one; kidnapping, two; stealing liquor, one; insulting women, three; striking man, one; slapping one; threatening men, one.

Lynchings-1933
Reports on, Sent Press.

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Dawson, Ga., News
January 4, 1934

LYNCHINGS WERE MORE THAN DOUBLED IN 1933

TUSKEGEE INSTITUTE GIVES FIGURES ON MOB VIOLENCE DURING LAST YEAR.

According to information furnished by R. R. Morton, president of Tuskegee Normal and Industrial Institute, the records being compiled by the department of records and research of the school, there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931, and 7 more than the number 21 for 1930. Fourteen were taken from jails and 5 from officers of the law outside of jails; the bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched 4 were white and 24 were negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; Texas, 2.

Millen, Ga., News
January 4, 1934

LYNCHING RECOR

Dear Sir:

I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there wer 28 prsons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13, for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Wstern States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augumented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negroes, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealin liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; Californit, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri 1; North Carolina, 1; South Carolina 4; Tennessee, 3; and Texas 2.

Yours very trcly,
R. R. MORTON.

Sanford, Fla. Herald
January 3, 1934

During the year just closed lynch law claimed the lives of twenty-eight persons, which is twenty more than the number in 1932, and fifteen more than in 1931. Lynching seemed for a time to be on the way out, to possible extinction. But the record of the past year would indicate that there is still much to be done before crime can be handled in a legitimate manner.

Homer, Ga., Journal
January 5, 1934

1933 Shows Largely Increased Lynchings

The following information concerning lynchings for the year 1933, is furnished by R. R. Moton, of Tuskogee Institute:

I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

Of the 28 persons lynched, 4 were white and 24 negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows; Alabama 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi 3; Missouri, 1; North Carolina, 1, South Carolina, 4; Tennessee, 3; and Texas, 2.

Elberton, Ga., Star
Janaury 2, 1934

1933 Shows Largely Increased Lynchings

The following information concerning lynchings for the year 1933, is furnished by R. R. Moton, of Tuskegee Institute:

I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in the Northern and Western states and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Aiken, S. C. Journal & Review
January 3, 1934

Lynching Record of the Past Year

According to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931;and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 8 were taken from jails and 5 from officers of the law outside of jails- the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 46 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting woman, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows; Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas 2.

Chipley, Fla., Banner
January 4, 1934

Lynching Record Worst In Years

According to the compilation of Tuskeegee Institute the record of 1933 lynchings is 20 more than in 1932, 15 more than in 1931 and seven more than in 1930. During the year just closed mob law took 28 lives in the United States.

This record could have been much worse had not officers of the law prevented 37 other attempted lynchings last year. Six attempts were frustrated in the north and west, and 31 in the south.

The states in which lynchings occurred last year and the number in each are: Alabama 3; California 2; Georgia 4; Louisiana 4; Maryland 1; Mississippi 3; Missouri 1; North Carolina 1; South Carolina 4; Tennessee 3, and Texas 2.

The only encouraging thing about all this is that officers of the law did their duty in more instances than they have failed.

This proves that lynch law can be curbed.

In 13 cases armed forces was used to prevent mob slaying. It is justified, not to protect the life of a criminal who deserves to die, but to protect and defend the constitution of the United States and the constitutions and laws of the several states.

The organized government we live under has cost much blood to establish. If it requires the spilling of more blood to preserve organized society, that is a smal price to pay.

If you want to strengthen false report about you, deny vigorously.

Blakeley, Ga., News
January 4, 1934

28

LYNCHINGS IN 1933 GREATER THAN IN SEVERAL YEARS

MOB LAW TAKES LIVES OF 28. MURDERERS HEAD THE LIST

According to the records compiled in the Department of Records and Research of the Tuskegee Institute, there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 38 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisioners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting woman, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

PHILADELPHIA, PA.
MORNING PUBLIC LEDGER

JAN 1 1934

28 LYNCHINGS IN 1933

To the Editor of the Public Ledger:

Sir—I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were twenty-eight persons lynched in 1933. This is twenty more than the number for 1932, fifteen more than the number for 1931 and seven more than the number for 1930. Fourteen of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails; the bodies of two of the victims were burned.

There were thirty-seven instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and thirty-one in Southern States. In twenty-four of the instances the prisoners were removed or the guards augmented or other precautions taken. In the thirteen other instances armed force was used to repel the would-be lynchers. A total of forty-eight persons, eleven white and thirty-seven Negro, were thus saved from death at the hands of mobs.

Of the twenty-eight persons lynched, four were white and twenty-four were Negro. The States in which lynchings occurred and the number in each State are as follows: Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three, and Texas, two.

R. R. MOTON.

Tuskegee Institute, Ala., December 31, 1933.

KANSAS CITY, KANS.
KANSAN

DEC 30 1933

Lynchings in 1933

There were twenty-eight lynchings in 1933, records annually compiled by Dr. R. R. Moton, president of Tuskegee Institute, show. Significant is the fact that of the number only four were white persons. Twenty-four were Negroes. And of the states where the mob violence occurred, all are in the south except California and Missouri.

The conclusion is plain. Racial prejudice in those sections where it is most pronounced is still the most common cause of mob violence. The list of crimes which the lynchings sought to avenge is also revealing. It has not always been revolting acts of murder or assault that have provoked outbreaks. Listed are such comparatively minor things as "stealing liquor," "slapping boy," "altercation," and "threatening men."

The disposition of men to take the law into their own hands probably is most frequently accounted for by blind passion for revenge. Distrust of the law's certainty may also be a factor. The two factors can be met only in the creation over a period of years of a fixed habit, individually and collectively, of letting the law take its course with the assurance that that course will be certain and just. In nations where there is such a fixed habit lynchings are rare and respect for the law is high.

Dade City, Fla., Banner
December 29, 1930

INCREASED PAST 3 YEARS

ACCORDING TO RECORDS AND RESEARCH OF THE TUSKEGEE INSTITUTE

According to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 27, for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 or these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched. 4 were white and 24 negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri 1; North Carolina, 1; South Carolina 4; Tennessee, 3; and Texas, 2.

FARM LOAN ASSOCIATION

DENISON, TEX.
HERALD

JAN 1 1934

LYNCHINGS DURING RECENT YEAR HAD SUBSTANTIAL GAIN

Lynchings occurring during 1933 soared well above figures for the preceding three years, according to records furnished by the Tuskegee Normal and Industrial Institute, negro institution of Alabama.

Twenty-eight persons met death at hands of mobs during 1933, compared with 8 in 1932. This substantial increase registered for 1933 was at least partially due to the lynching wave that started with the mob execution of two white men, confessed kidnapers, in California.

Thirteen lynchings were reported in 1931 and 21 in 1930, according to Tuskegee Institute records. Of the 28 lynched in 1933, fourteen were in the hands of the law, nine being taken from jails and five from officers outside jails. The bodies of two victims were burned.

Officers prevented lynchings in thirty-seven instances, six in Northern and Western states, and thirty-one in Southern states. In twenty-four of these cases, lynchings were thwarted by removing prisoners from threatened jails or augmenting guards or through other precautions. Armed forces repelled the mobs in thirteen cases. Altogether the lives of forty-eight persons, eleven whites and thirty-seven negroes, thus were saved.

Of the twenty-eight lynched, four were whites and twenty-four negroes. Offenses charged included murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; spalling youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; and threatening men, 1.

Lynchings occurred by states as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Lynchings - 1933
Reports on, Sent Press.

Jan. - Dec.

4454

PHILADELPHIA, PA.
MORNING PUBLIC LEDGER

JAN 2 1934

THE LYNCHING RECORD

AS HAS been generally realized for some time past, the list of lynchings during 1933 in the United States was disgracefully long. The total number, as compiled by the Tuskegee Institute, was twenty-eight. This shameful record stands in striking contrast with those of the previous three years. In 1932 there were eight, in 1931 thirteen and in 1930 twenty-one.

A less discouraging aspect of this picture of mob murder lies in the thirty-seven instances in which officers of the law prevented lynchings. In thirteen of these cases armed forces were employed to protect prisoners from would-be lynchers. Forty-eight persons in all were thus saved from mobs.

Here is an indication that some public officials are courageous and firm enough to face their responsibilities. This attitude stands as a repudiation of the position taken by Governor Rolph, of California, who disgraced his post of public trust by approving the lynching of two men in that State.

AMBRIDGE, PA.
CITIZEN

DEC 29 1933

TOO MANY LYNCHINGS

According to the Tuskegee Institute 1933 saw an increase of 20 lynchings in the United States over 1932, 15 over 1931 and seven more than in 1930. The number of persons lynched in 1933 was 28.

Of this number lynched four were white and 24 negroes. All were below the Mason and Dixon line with the exception of two in California and one in Missouri.

General crime has been on the Carolina were tied for the doubtful honor of leading the nation with four lynchings each.

GGeneral crime has been on the increase in this country during 1933 and lynching more than kept pace with this growth, according to the figures just released.

A general overhauling of our legal practice in the handling of criminals is indicated as badly needed to prevent all crime and to increase public confidence in legal justice.

Lenoir, N. C. News-Topic
January 4, 1934

LYNCHINGS IN THE UNITED STATES INCREASE

According to the records compiled in the department of records an dresearch of the Tuskegee Institute, Alabama, ~~there~~ were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931, and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law, 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of two of the victims were burned.

Of the 28 persons lynched, four were white and 24 were negroes. The offenses charged were: murder 8, rape 3, attempted rape 3, wounding persons 3, altercation 1, no offense reported 3, striking man 1, slapping youth 1, kidnaping 2, stealing liquor 1, insulting woman 1, threatening men 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama 3, California 2, Georgia 4, Louisiana 4, Maryland 1, Mississippi 3, Missouri 1, North Carolina 1, South Carolina 4, Tennessee 3, and Texas 2.

HARTFORD, CONN.
COURANT

DEC 30 1933

LYNCHING RECORD

The Year Now Closing Shows an Increase

To the Editor of The Courant:—

I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law, 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses were murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

R. R. MOTON.

Tuskagee, Ala., Dec. 29, 1933.

BROOKLYN, N. Y.
TIMES UNION

JAN 2 1934

THE LYNCHING RECORD

Tuskegee President Tells of Alarming Increase in 1933.

Editor, Brooklyn Times Union,

Sir: I send you the following information concerning lynchings for the year 1933: I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western States and 31 in southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

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The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3, and Texas, 2.

R. R. MOTON,
President, Tuskegee Norman
and Industrial Institute.
Tuskegee, Ala., Dec. 31, 1933.

BOSTON, MASS.
POST

JAN 3 1934

STILL THE COLOR LINE

The record of lynchings for 1933 is not good; in fact, it has risen 200 per cent from the total of 10 the year previous. And still the color line prevails in the mob murders, showing that race hatred continues to rule; the San Jose lynching was the notable exception.

Of all the crowd violence toward prisoners or suspects, 24 cases were wreaked upon colored men and four upon whites. The Southern States led, as usual, California being the only exception.

Just what has caused this great increase in lynchings cannot be told. It was thought that the practice was gradually dying out. We were congratulating the country that sanity and respect for law was coming to be the accepted thing. And here comes this recrudescence of the old habit in the South to refute the theory. It is all very puzzling.

Ocilla, Ga., Star
December 28, 1933

ACCORDING to a report furnished by Tuskeegee Institute 28 persons were lynched in 1933 as against 8 the year before. This is a terrible indictment against the citizenship of the United States. Only four of the 28 victims were charged with rape, and three with attempted rape, crimes commonly thought of as justifying lynching. Society is not benefitted at all by having a bunch of lawless men take the enforcement of law into their own hands. Much better that the courts should handle these criminals in an orderly manner.

PITTSBURGH, PA.
POST GAZETTE

JAN 2 1934

A Serious Retrogression.

THE record of 28 persons lynched in the United States in 1933, an increase of 20 compared with that of 1932, commands the serious thought of the country. Comparison is not to be made with the more barbarous records of 40 or 50 years ago, but with those of the later period in which public opinion and regard for the orderly process of law made gains which led to the belief that the uncivilized practice could be eliminated.

What must be pondered is that the 1933 record of lynching is the third worst in ten years, topped in that period only by 1923, with 33, and 1926 with 30. A further disquieting feature is the comparative triviality of some of the causes given for the mob action, such as "altercation," stealing liquor, striking a man and slapping a youth.

Here is the more recent record: In addition to being 20 more than the eight lynchings of 1932, the record of 1933 was 15 more than the 13 for 1931 and seven more than the 21 for 1930. Most of those lynched in the past year were in the hands of the law, nine having been taken from jails and five from officers of the law outside of jails. The lynchings were distributed among eleven states as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3, and Texas, 2.

Against this record, however, there is an encouraging feature, showing that the fight against lynching is being kept up—demonstrating the sentiment that should be made to prevail in every part of the country. In 37 instances, officers of the law prevented lynchings, six of these in Northern and Western states and 31 in Southern. In 24 of these instances the prisoners were removed or the guards augmented or other precautions taken. In 13 other cases, armed force was used to repel the would-be lynchers. As a result of this proper attitude and action on the part of authorities of the law, 48 persons were saved from death at the hands of mobs.

At the same time that lynching is condemned and mobs fought, it is recognized also that the law must look well to itself; to see that justice through orderly process is made both certain and swift. It is due the law to state that its action is being quickened and that it has accomplished some notable results in the past year against notorious criminals. The fight must be renewed uncompromisingly against lynching.

Memphis, Tenn., Com'rcial Appeal
January 1, 1934

The Lynching Record

Sad as is the nation's lynching record for 1933, sadder yet is the fact that the incompetent manner in which the processes of justice have been caused to function in many instances has been the real cause for the tremendous increase over 1932 when the lynching toll was eight.

Twenty-eight persons were lynched in 1933.

Fourteen of the lynching victims were in the hands of the law.

Nine were taken from jails and five from officers outside of jails.

Two of the victims were kidnapers. Eight were murderers and six were rapists or attempted rapists.

With the exception of three, all lynchings occurred in the south.

Against the record of successful mob justice is the record of 37 instances in which mobs were thwarted by officers. Six of these incidents occurred in northern states and 31 in the south. A total of 48 persons, 11 white and 37 negro, were saved from death at the hands of mobs.

It is imperative that the work of educating against the danger and disgrace of mob justice continue, but more imperative is the need of a general awakening to the fact that there must be improvement in the legal processes of criminal justice to a point where speed and sureness will remove the tendency in the public mind to take matters into their own hands.

The extraordinary and unprecedented increase in crime in recent months cannot be disassociated from the lynching record. The latter is the inevitable result of the first.

Decent society predominates. It is anxious for its safety. It is satiated with the abuses of ruthless criminals. It would prefer that justice be administered in an orderly way. When the legal process fails it resorts to the less desirable method.

Dawson, Ga., News
January 4, 1934

MOBS TAKE HEAVY TOLL LYNCHINGS ON DECLINE

TOTAL OF 3,762 PERSONS HAVE BEEN LYNCHED SINCE 1889. VIOLENCE DECLINING.

A long trail of lynchings and bloody mob violence leads down through the years of the nation's history, thousands of persons in all parts of the country having met death at the hands of an infuriated populace.

Since 1889, when records of lynchings were first kept, 3,762 persons have been killed by mob violence. About 2,960 of these were negroes.

Although no figures are available, it is known that American lynching history was even darker before 1889. Outbreaks have declined markedly since the civil war.

Lynching on Decline.

Despite a widespread belief that 1933 may set a new record for the number of lynchings, figures show that it will not run far above the average. In 1889 there were 176 lynchings, while the ones this year total only 28. There were only eight in 1932. The 1930 and 1931 totals were 21 and 13, respectively.

Statements similar to that of Governor James Rolph, of California, promising protection to the San Joe lynchers, have been made by other state executives.

Cole Blease, when governor of South Carolina in 1911, said: "Whenever the constitution comes between men and the virtue of white women of South Carolina, I say to 'forget the constitution!'"

Despite a belief that negroes who attack white women are the most common mob victims, records show that since 1889 a total of 1,406 lynchings were for homicide and only 623 were for assault.

Ocala, Fla. Star
January 6, 1934

During the year 1933 there were 28 lynchings in this country, or 20 more than for the previous year and 15 more than in 1931. If this record means anything, it means that there was more crime (aside from lynchings) in this country than ever before and that an outraged citizenry had lost patience with the tedious processes of the courts. Lynchings can be prevented by improving the machinery for legal hangings.

CONNELLSVILLE, PA.
COURIER

JAN 2 1934

LYNCHING RECORD IN 1933.

The record of lynching in the United States during 1933, by which the number of persons thus summarily executed was increased from eight to 28, cannot be other than a grievous disappointment to those citizens who had hoped Americans had acquired a greater restraint upon the mob spirit which actuates them to taking the law in their own hands.

In statistics furnished The Courier by Robert R. Moton, president of the Tuskegee Normal and Industrial Institute for the training of colored young men and women, he gives details covering the lynchings in the year just closed. There were 20 more lives thus taken than in 1932; 15 more than in 1931, and seven more than in 1930. Fourteen of the persons lynched were in the hands of officers of the law; nine were taken from jails and five from officers outside of jails; the bodies of two of the victims were burned after lynching.

Almost in every instance officers of the law sought to prevent lynchings and in 37 cases were successful in their efforts. Six of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed, guard augmented or other precautions taken to thwart the intentions of the mobs formed for the purpose of lynching. In 13 cases the determination of sheriffs was backed up by a display of armed force which repelled the would-be lynchers.

Of the persons lynched four were white and 24 were Negro. The offenses charged were: murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnaping, two; stealing liquor, one; insulting women, one; threatening men, one.

The States in which lynchings occurred and the number in each State are as follows Alabama, three; California, two; Georgia, four; Louisana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three and Texas, two.

The ghastly record of the year emphasizes the necessity for more rigid laws to prevent this crime and more severe punishment of those participating in its commission. America is presumed to have advanced too far in the scale of civilization to make it possible for mass citizenry to engage in the murder of persons who are charged with crimes for which the law does not in all instances impose capital punishment.

Lynchings - 1933
6
Reports on, Sent Press.

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Hendersonville, N. C. Times
January 1, 1934

LYNCHINGS IN U. S. INCREASE

Leap to 28 in 1933, Which Is 20 Above the 1932 Figure

TUSKEGEE, Ala., Jan. 1—According to the records compiled in the department of records and research of the Tuskegee Institute there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western states. In 24 of the instances the prisoners were removed or the guards augmented or other precautior taken. In the 13 other instances armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Nashville, Tenn. Tennessean
December 30, 1931

28 LYNCHINGS REPORTED IN U. S. DURING YEAR

TUSKEGEE, Ala., Dec. 30—(AP)—The lynching of 28 persons in the United States during 1933 was reported today in the annual survey of the department of record and research of Tuskegee Institute. This total represented an increase of 20 over the previous year.

Dr. R. R. Moton, president of Tuskegee, in making public the results of the survey said that 14 of those lynched were in custody of police officers, 9 were seized from jails and 5 were taken from officers outside of jails. Four of the victims were white and 24 negroes. The bodies of two were burned.

In 37 instances officers of the law prevented lynchings. Six of these were in northern and western states and 31 in the South.

The offenses charged against the persons lynched were: Murder 8; rape 3; attempted rape 3; wounding persons 3; altercation 1; no offense reported 3; striking man 1; slapping youth 1; kidnaping 2; stealing liquor '; insulting women 1; threatening men 1.

The number of lynchings by states follows: Georgia 4; Louisiana 4; South Carolina 4; Alabama 3; Mississippi 3; Tennessee 3; California 2; Texas .; Maryland 1; Missouri 1; North Carolina 1.

NEW HAVEN, CONN.
TIMES
JAN 1 1934

1933 LYNCHING

To the Editor:

Sir:—I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930; 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western states and 31 in Southern state. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: Murder 8, rape 3, attempted rape 3, wounding persons 3, altercation 1, no offense reported 3, striking man 1, slapping youth 1, kidnaping 2, stealing liquor 1, insulting women 1, threatening men 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama 3, California 2, Georgia 4, Louisiana 4, Maryland 1, Mississippi 3, Missouri 1, North Carolina 1, South Carolina 4, Tennessee 3 and Texas 2.

R. R. MOTON,
President, Tuskegee Normal and Industrial Institute.
Tuskegee Institute, Alabama, December 30.

WORCESTER, MASS.
TELEGRAM
JAN 1 1934

LYNCHINGS IN 1933

Twenty More Than in 1932 Are Listed By President Moton

To the Editor of the Telegram:

I send you the following information concerning lynchings for the year 1933. I find, according to the records compiled in the department of records and research of the Tuskegee Institute, that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western states and 31 in Southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

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The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

R. R. MOTON,
President, Tuskegee Institute.
Tuskegee, Ala., Dec. 30.

Statesboro, Ga., Times and News
January 4, 1934

STATE RANKS HIGH IN LYNCHING BEES

TOTAL FOR NATION FAR IN EXCESS OF LYNCHINGS DURING PAST SEVERAL YEARS.

Figures made public by the research department of Tuskeegee Normal and Industrial Institute, colored college of Alabama, reveal that during the past year the number of lynchings in the nation far exceed those for recent preceding years, the total being twenty-eight as compared with 8 for the year preceding. It is shown, also that Georgia' scontribution of four to this record is equalled by only two other states—Louisana and South Carolina.

The statement issued by R. R. Moton, head of the college, is as follows:

"I find according to the records compiled in the department of records and research of the Tukeegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931, and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

"There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repeal the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

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"The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3, and Texas, 2."

PINE BLUFF, ARK.
COMMERCIAL
JAN 1 193

THE LYNCHING RECORD

Sad as is the nation's lynching rcord for 1933, sadder yet is the fact that the incompetent manner in which the processes of justice have been caused to function in many instances has been the real cause for the tremendous increase over 1932 when the lynching toll was eight.

Twenty-eight persons were lynched in 1933.

Fourteen of the lynching victims were in the hands of the law.

Nine were taken from jails and five from officers outside of jails.

Two of the victims were kidnapers. Eight were murderers and six were rapists or attempted rapists.

With the exception of three, all lynchings occurred in the south.

Against the record of succssful mob justice is the record of 37 instances in which mobs were thwarted by officers. Six of these incidents occurred in northern states and 31 in the south. A total of 48 persons, 11 white and 37 Negro, were saved from death at the hands of mobs.

Decent society predominates. It is anxious for its safety. It is satiated with the abuses of ruthless criminals. It would prefer that justice be administered in an odderly way. When the legal process fails it resorts to the less desirable method.—*Commercial Appeal.*

Florala, Ala., News
January 4, 1934

28 PERSONS LYNCHED DURING PAST YEAR

Robert R. Moton, President, Tuskegee Institute, sends the following information concerning lynchings for 1933:

"I find, according to the records compiled in the Department of Records and Research of the Tuskegee Institute, that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

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The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Chester, S. C., Reporter
January 1, 1934

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were white and 24 negroes. The bodies of two were burned.

In 37 instances officers of the law prevented lynchings. Six of these were in northern and western states and 31 in the South.

The offenses charged against the persons lynched were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, lapping youth, 1; kidnapping, 2; tealing liquor, 1; insulting women, threatening men, 1.

SPRINGFIELD, O.
NEWS

DEC 30 1[illegible]

LYNCHING RECORD

To the Editor of The News:

I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

ROBERT R. MOTON.
President Tuskegee Normal and
Industrial Institute,
Tuskegee, Ala., Dec. 29, 1933.

Blakeley, Ga., News
January 4, 1934

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28 Persons Lynched In U. S. In 1933

Tuskegee, Ala., Dec. 30. — The lynching of 28 persons in the United States during 1933 was reported yesterday in the annual survey of the department of records and research of Tuskegee Institute. This total represented an increase of 20 over the previous year.

Dr. R. R. Moton, president of Tuskegee, in making public the results of the survey, said that 14 of those lynched were in custody of police officers, nine were seized from jails, and five were taken from officers outside of jails. Four of the victims

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1933 brought an increase in lynchings in this country over the preceding year, twenty-eight persons being the victims of mobs who took the law into their hands. Not a record of which to be proud.

JONESBORO, ARK.
TRIBUNE

JAN 1 1934

THE LYNCHING RECORD

Sad as is the nation's lynching record for 1933, sadder yet is the fact that the incompetent manner in which the processes of justice have been caused to function in many instances has been the real cause for the tremendous increase over 1932 when the lynching toll was eight.

Twenty-eight persons were lynched in 1933.

Fourteen of the lynching victims were in the hands of the law.

Nine were taken from jails and five from officers outside of jails.

Two of the victims were kidnapers. Eight were murderers and six were rapists or attempted rapists.

With the exception of three, all lynchings occurred in the south.

Against the record of successful mob justice is the record of 37 instances in which mobs were thwarted by officers. Six of these incidents occurred in northern states and 31 in the south. A total of 48 persons, 11 white and 37 negro, were saved from death at the hands of mobs.

It is imperative that the work of educating against the danger and disgrace of mob justice continue, but more imperative is the need of a general awakening to the fact that there must be improvement in the legal processes of criminal justice to a point where speed and sureness will remove the tendency in the public mind to take matters into their own hands.

The extraordinary and unprecedented increase in crime in recent months cannot be dissociated from the lynching record. The latter is the inevitable result of the first.

Decent society predominates. It is anxious for its safety. It is satiated with the abuses of ruthless criminals. It would prefer that justice be administered in an orderly way. When the legal process fails it resorts to the less desirable method.—Commercial Appeal.

FAIRMONT, W. VA.
TIMES

JAN 3 1934

THE LYNCHING RECORD

Twenty-eight persons were lynched in 1933, according to the records of the Department of Records and Research of the Tuskegee Institute. During 1932 only eight persons were lynched in the United States. In 1931 the lynching toll was 13 and in 1930 the toll was 21.

Thus we can see that national respect for law and order suffered a setback during the past year. In the years just previous, the lynching record was being improved. The 1932 record was a splendid improvement. Now the 1933 record is damnable.

But there is a brighter side to the picture. The records of Tuskegee Institute show that there were 37 instances during the past year in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 negro were thus saved from death at the hands of mobs.

The states in which lynchings occurred and the number in each state are as follows: Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three, and Texas, two.

We are thankful that West Virginia does not appear in that list.

Lynchings-1933
Reports on, Sent Press.

Jan.-Dec.

4456

WILMINGTON, DEL.
NEWS

JAN 4 1934

Lynchings During 1933

Record of Tuskegee Normal and Industrial Institute for Training Colored Young Men and Women

(Founded by Booker T. Washington)

Editor:—I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law preventel lynchings. 6 of these were in northern and western States and 31 in southern States.' In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 43 persons, 11 white and 31 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas 2.

Yours very truly,
A. R. MORTON,
President Tuskegee Institute, Alabama.

WALTHAM, MASS.
NEWS-TRIBUNE

JAN 3 1934

Going backward.

The United States has no reason to be proud of its lynching record for 1933. The number of persons executed by the mob without trial rose from eight in 1932 to 28 in the year just closed. It is, in fact, the worst record for several years. The only redeeming feature is that officers of the law apparently exerted themselves to the utmost to prevent mob violence, and if it had not been for their courage and vigilance, the number illegally killed would have been much larger.

Principal Robert R. Moton of the Tuskegee Normal and Industrial Institute, who for many years has kept a record of lynchings in the country, gives the following for the year 1933.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and 31 in Southern States. In twenty-four of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1: no offense reported, 3: striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynching occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3: Missouri. 1: North Carolina, 1; South Carolina, 4; Tennesseee, 3; and Texas, 2.

Logan, W. Va. Democrat
January 1, 1934

28 Lynchings In Year 1933

Two Hundred and Seventy-Five Per Cent Increase in Mob Violence Recorded Over Two Years Ago

The annual statistical report of the Tuskegee Normal and Industrial Institute, Tuskegee, Alabama, reveals that there were 28 persons lynched in the United States during the year 1933. This is 20 more than in 1932, when only eight lynchings were recorded; 15 more than in 1931 and seven moe than the 21 recorded in 1930, the peak for previous years in recent times.

The report shows that 14 of the persons lynched last year were in the hands of the law; nine were taken from jails and five from officers outside the jails. The bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings, and six of these were in northern and 31 in southern states. In 13 other cases armed force was used to prevent mob violence, making a total of 48 persons, 11 white and 37 negro, who were saved from death at the hands of mobs, according to the report.

Of the 28 persons who were lynched, the Tuskegee statistics show four were white and 24 were ne-

Ab Marcum is in the Hatfield Lawson hospital and Denny (Jug Browning is in the Logan county jail as the reslt of a shooting on Mud Fork on Saturday night in which Marcum is said to have been the aggressor. Browning surrendered to officerh shortly after the affair, which occurred around 7:30 o'clock that night.

According to reports of the affair Browning and Marcum met at the home of Browning's sister at upper Shamrock and engaged in an argument. There had long been ill-feeling between the two men, especially when either or both happened to be drinking, and officerh had been called on umerous occasios to qhiet them, it is reported. Saturday night the quarrel was renewed and ended with Browning shooting Marcum in the

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28 Lynchings in 1933

Survey
February 1934
Vol 70 no. 2
New York, N.Y.

As this issue goes to the printer, news of the first lynching of 1934—and the first lynching of a Negro in Kentucky since 1927—has just come as a living reminder of facts we would prefer to forget. Twenty-eight persons were hanged, burned, beaten to death, shot or strangled by American mobs in 1933, three times as many as in 1932. Half of them had been seized from the custody of officers of the law. The offenses of which they were accused included such trivial offenses as slapping a youth or stealing liquor as well as serious but untried charges; in three cases no offense at all was reported, according to the Department of Records and Research of Tuskegee Institute. In 37 other instances, involving 11 white men and 37 Negroes, officers of the law held back mobs bent on lynching, in many cases by the use of armed force. Details of the orgies that characterized the lynching "parties" defy print.

The large public opinion that long has abhorred lynching and boiled over in indignation at the stand taken last November by Governor Rolph of California in condoning the double killing in San José, will find a concrete plan for action in the bill recently introduced by Senators Costigan and Wagner. Under its terms, imprisonment for five years or a fine of $5000 or both might be imposed on any state officer who failed to exercise diligence to prevent lynching or to bring to trial persons involved in a lynching; for a state officer to countenance a lynching would be a federal crime punishable by imprisonment of from five years to life. A county in which a mob murder occurred or one in which a victim was seized for lynching in an adjacent county would be liable for a fine of $1000 to be recovered in a suit in the name of the United States for the benefit of the victim's dependents, if any, or otherwise for the use of the United States. Federal courts would have jurisdiction to try and punish when a state's legal instrumentalities gave evidence of their inability or unwillingness to enforce their own law. The proposed bill, in the opinion of its sponsors, does not deprive the states of their constitutional rights but provides for federal action when states cannot or will not uphold law.

Birmingham, Ala., Advocate

Feb. 15-1934

DR. MOTON REPORTS ON LYNCHINGS

Dear Sir:—I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931, and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3, and Texas, 2.—Yours Very Truly, R. R. Moton, President.

Lynchings-1933
6
Reports on Sent Press.

Jan. - Dec.

4457

Fitzgerald, Ga., Herald
December 29, 1930

1933 Lynching Record Shows Big Increase

T28

Tuskegee, Ala., Dec. 29—According to the records compiled in the Department of Records and Research of the Tuskegee Institute there were 28 persons ~~lynched in~~ 1933. This is more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Nothern and Western tates and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed forces was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape 3; attempted rape 3; wounding persons 3; altercation 1; no offense reported 3; striking man 1; slapping youth 1; kidnapping 2; stealing liquor 1; insulting women 1; threatening men 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California 2; Georgia, 4; Louisiana 4; Maryland 1; Mississippi 3; Missouri 1; North Carolina 1; South Carolina 4; Tennessee 3; and Texas 2.

Columbus, Ga Enquirer-Sun
December 30, 1931

TWENT -EIGHT ARE LYNCHED

Increase of 20 in 1933 Is Shown by Tuskegee Report

Tuskegee, Ala., Dec. 29.—(AP)—The lynching of 28 persons in the United States during 1933 was reported today in the annual survey of the department of records and research of Tuskegee institute. This total represented an increase of 20 over the previous year.

Dr. R. R. Moton, president of Tuskegee, in making public ths results of the survey said that 14 of those lynched were in custody of police officers, 9 were seized from jails, and 5 were taken from officers outside of jails. Four of the victims were white and 24 negroes. The bodies of two were burned.

In 37 instances officers of the law prevented lynchings. Six of these were in northern and western states and 31 in the south.

The offenses charged against the persons lynched were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1: threatening men, 1. ?

The number of lynchings by states follows: Georgia, 4: Louisiana, 4; South Carolina, 4; Alabama, 3; Mississippi, 3; Tennessee, 3; California, 2; Texas, 2; Maryland, 1; Missouri, 1; North Carolina, 1.

Atlanta, Ga. Journal
December 30, 1931

28 Were Lynched During '33, Survey At Institute Shows

TUSKEGEE, Ala., Dec. 30.—(AP)—Twenty-eight persons were lynched in the United States this year, an increase of twenty over the previous year, said the annual survey of the Department of Records and Research of the Tuskegee Institute.

In making the survey public Friday, Dr. R. R. Moton, president of Tuskegee, said that fourteen of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victims were burned.

Of the number lynched, four were white and twenty-four negroes. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1

The states and the number of lynchings in each follow: Alabama, 3; California, 2; Georgia, 4; Louisiana 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3, and Texas 2.

There were thirty-seven instances in which officers of the law prevented lynchings. Six of these were in the northern and western states and thirty-one in southern states.

LYNCH RECORD OF 1933

Catholic Daily

Tuskegee Institute, Alabama. — I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the department of records and research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned. 1-3-34

There were 37 instances in which officers of the law prevented lynchings; 6 of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina 1; South Carolina, 4; Tennessee, 3; and Texas, 2.—Robert R. Moton.

New York American
DEC 30 1933

28 Lynchings in Year, 20 More Than 1932

TUSKEGEE, Ala., Dec. 29 (AP).—Twenty-eight persons were lynched in the United States this year, an increase of 20 over 1932, the annual survey of Tuskegee Institute said today.

WASHINGTON, Dec. 29 (AP).—A Federal anti-lynching bill providing penalties for State and peace officers who permit persons in their custody to be lynched is to be introduced in the coming Congress by Senator Costigan (D., Colo.).

The measure has the support of the National Association for the Advancement of Colored People, and is opposed by Senator Wagner, of New York.

N. Y. HERALD
DEC 30 1933

28 Lynched in 1923

Tuskegee Records Show Increase of 20 in U. S.

TUSKEGEE, Ala., Dec. 29 (AP).—There were twenty-eight persons lynched in the United States this year, an increase of twenty over the previous year, said the annual survey of the department of records and research of Tuskegee Institute.

In making the survey public today, Dr. R. R. Moton, president of Tuskegee, said fourteen of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victims were burned.

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28 PERSONS WERE LYNCHED LAST YEAR

Journal
1-6-34

Dear Sir:

I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offensees charged were: murder, 8; rap, 3; attempted rape, 3; wounding persons, 3; altercation 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina 4; Tennessee, 3; and Texas, 2.

Yours very truly,
R. R. Moton, President

MOTON RECORDS 28 LYNCHINGS

1-6-34

Reds Count 47, and NAACP Lists 28

TUSKEGEE, Ala.—There were 28 persons lynched in 1933, according to records kept by Tuskegee Institute and released this week by Principal Robert Russa Moton.

Following Tuskegee lynch statistics, this is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more that the number 21 for 1930.

Two Burned

Of the 1933 victims, 14 were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of two were burned.

In 37 cases, officers of the law stopped lynchings. Of these 37 cases, 6 were in northern and western states and 31 in southern states. In twenty-four of the instances, the prisoners were removed or the guards augmented or other precautions taken. In the 13 other cases, armed force was used to repel the would-be lynchers.

Of the 28 persons lynched, 4 were white and 24 were colored. Offenses charged were: murder, 8; rape. 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

Maryland on List

States in which lynchings occurred and the number are: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee 3; Texas, 2.

The NAACP reports 28 lynchings for the year, while the ILD lists the total as being 47.

TUSKEGEE INSTITUTE REPORTS 28 LYNCHINGS FOR YEAR 1933

Call 1-5-34

TUSKEGEE INSTITUTE.—The records on lynching compiled by the department of records and research of Tuskegee institute, released this week by President R. R. Moton, show that 28 persons, four whites and 24 Negroes were lynched during the year 1933.

Kansas City Mo.

This is 20 more than the number eight recorded in 1932; 15 more than the number 13 for 1931; and seven more than the number 21 for 1930.

Fourteen of the persons lynched were in the hands of the law; nine were taken from jails and five from officers of the law outside of jails; the bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken.

In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

The offenses charged were: murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnaping, two; stealing liquor, one; insulting women, one; threatening men, one.

The states in which lynchings occurred and the number in each state are as follows: Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three; and Texas, two.

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28 MOBBINGS were RECORDED IN 1933

1-2-34

Birmingham. Ala.

Tuskegee Releases Annual Lynch Record; Georgia, Louisiana, S. C. Lead

FOUR VICTIMS WHITE

TUSKEGEE—During 1933, 28 persons, of whom 24 were Negroes were lynched by mobs in various parts of the nation, according to statistics made public by Dr. R. R. Moton, president of Tuskegee institute.

Georgia, Louisiana and South Carolina led the field with four lynchings each, the report shows.

The full text of the Moton release follows:

"I find according to the records compiled in the Department of Records and Research of the Tuskegeen Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930, 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

"There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchini. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

"Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

"The States in which lynchings occurred and the number in each State are as follows Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2."

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28 Lynched In 1933

ACCORDING TO TUSKEGEE RECORDS—4 WHITE AND 24 COLORED — ESTIMATE TOO LOW

Guardian

Tuskegee, Ala., Dec. 31, 1933—According to the records compiled in the Department of Records and Research of the Tuskegee Institute there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

1-6-34

Boston, Mass.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Colored, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Colored. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding perported, 3; striking man, 1; slapping sons, 3; altercation, 1; no offense reyouth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occured and the number in each State ae as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee. 3; and Texas 2.

Lynchings in 1933

Twenty-eight persons were lynched in 1933, a report of the department of Records and Research issued this week reveals.

Recorder

This is 20 more than the number for 1932, 15 more than in 1931 and 7 more than in 1930.

1-6-34

Officers of the law prevented lynchings in 37 instances. 6 in Northern states.

Indianapolis Ind.

Four of the persons lynched this year were white. Offenses charges were: murder, 8; rape, 3; attempted rape, 3 wounding persons, 3; altercation, 1; kidnapping, 2; stealing liquor, 1; on offense reported, 3; striking males, 2; insulting women, 1; threatening men, 1.

States in which lynchings occurred and the number in each state are: Alabama, 2; California, 2; Georgia, 4; Maryland, 1; Mississippi, 3; Missouri, 1; N. Carolina, 1; S. Carolina, 4; Tennessee, 3; and Texas, 2.

The Lynching Record

Sad as is the nation's lynching record for 1933, sadder yet is the fact that the incompetent manner in which the processes of justice have been caused to function in many instances has been the real cause for the tremendous increase over 1932 when the lynching toll was eight.

Twenty-eight persons were lynched in 1933.

Commercial Appeal

Fourteen of the lynching victims were in the hands of the law.

Nine were taken from jails and five from officers outside of jails.

1-1-34

Two of the victims were kidnapers. Eight were murderers and six were rapists or attempted rapists.

Memphis, Tenn.

With the exception of three, all lynchings occurred in the south.

Against the record of successful mob justice is the record of 37 instances in which mobs were thwarted by officers. Six of these incidents occurred in northern states and 31 in the south. A total of 48 persons, 11 white and 37 negro, were saved from death at the hands of mobs.

It is imperative that the work of educating against the danger and disgrace of mob justice continue, but more imperative is the need of a general awakening to the fact that there must be improvement in the legal processes of criminal justice to a point where speed and sureness will remove the tendency in the public mind to take matters into their own hands.

The extraordinary and unprecedented increase in crime in recent months cannot be disassociated from the lynching record. The latter is the inevitable result of the first.

Decent society predominates. It is anxious for its safety. It is satiated with the abuses of ruthless criminals. It would prefer that justice be administered in an orderly way. When the legal process fails it resorts to the less desirable method.

Miami, Fla. Herald
December 30, 1933

WAR in the United States. To date 28 persons have been lynched in this country during 1933, an increase of 20, or 250 per cent. But that is hardly progress forward. Report issued by Tuskegee Institute. Of the number lynched 14 were in the hands of the law; 4 were white, 24 negroes. No offenses noted in 3; others included striking and threatening men, assaulting and insulting women; murder, stealing liquor, kidnaping. Horrible record for what is termed a civilized people. More favorable were the 37 cases where the law prevented lynchings, 31 of which were in the South. Missionaries are still needed at home.

Lynchings-1933

Reports on, Sent Press.

Jan.-Dec.

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Pelham, Ga., Journal
December 28, 1933

28 PERSONS WERE LYNCHED IN 1933

According to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number of 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings: 6 of these were in northern and western states and 31 in Southern states. In 24 of the instances prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negroes. The offences charged were: murder 8; rape 3; attempted rape 3; wounding persons 3; altercation 1; no offense reported 3; striking man 1; slapping youth 1; kidnapping 2; tealing liquor 1; insulting women 1; threatening men 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama 3; California 2; Goergia 4; Louisana 4; Mississippi 3; Missouri 1; North Carolina 1; South Carolina 4; Tennessee 3; and Texas 2.

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Tuskegee Normal and Industrial Institute.

Charlotte, N. C. Observer
December 30, 1931

28 LYNCHINGS OCCUR IN 1933

Sharp Increases in Mob Violence Reported by Tuskegee Institute.

TUSKEGEE, Ala., Dec. 29.—(AP)—The lynching of 28 persons in the United States during 1933 was reported today in the annual survey of the Department of Records and Research of Tuskegee Institute. This total represented an increase of 20 over the previous year.

Dr. R. R. Moton, president of Tuskegee, in making public the results of the survey, said that 14 of those lynched were in custody of police officers, nine were seized from jails, and five were taken from officers outside of jails. Four of the victims were white and 24 negroes. The bodies of two were burned.

In 37 instances officers of the law prevented lynchings. Six of these were in northern and western states and 31 in the south.

The offenses charged against the persons lynched were: murder 8; rape 3; attempted rape 3; wounding persons 3; altercation 1; no offense reported 3; striking man 1; slapping youth 1; kidnaping 2; stealing liquor 1; insulting women 1; threatening men 1.

The number of lynchings by states follows: Georgia 4; Louisiana 4; South Caroyina 4; Alabama 3; Mississippi 3; Tennessee 3; California 2; Texas 2; Maryland 1; Missouri 1; North Carolina 1.

Reidsville, N. C. Review
January 1, 1934

28 LYNCHED IN U. S. IN 1933; 8 IN 1932

There were twenty-eight persons lynched in the United States last year, an increase of twenty over the previous year, said the annual survey of the department of records and research of Tuskegee Institute.

Palatka, Fla. News
December 29, 1930

LYNCHING INCREASES

There are some good spots and some bad spots in the annual lynching statistics, issued by Tuskegee Normal and Industrial Institute.

The good spots are that officers of the law have become more diligent in curbing the activities of irresponsible and frenzied mobs, and that Florida got through the year without a blot upon its escutcheon. The bad spot is that lynchings increased during 1933. More than that, kidnaping was added to the list of crimes that prompt the inflicting of the death penalty without trial.

Regarding the increase of lynching, the report says:

"There were 28 persons lynched in 1933. This is 20 more than the number eight for 1932; 15 more than the number 13 for 1931; and seven more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; nine were taken from jails and five from officers of the law outside of jails; the bodies of two of the victims were burned."

Offsetting this, it is shown that "there were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western states and 31 in Southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs."

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Greensboro, N. C. Patriot
December 1, 1933

28 Lynchings In 1933

There were 28 lynchings in the United States in 1933, as contrasted with but 10 in 1932. Alabama led with five, Georgia and Louisiana had four, South Carolina and Tennessee three. One was reported for North Carolina.

New Smyrna, Fla. News
December 29, 19[illegible]

TWENTY-E[illegible] ARE LYNCHED IN UNITED STATES DURING 1933

In 37 Instances Officers of the Law Prevented Lynchings

According to the records in the department of research of the Tuskegee Institute, located in Alabama, there were 28 persons lynched in 1933 in the United States. This is 20 more than the number for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Journal Courier
New Haven Conn.
1-1-34

1933 LYNCHING

To the Editor:

Sir:—I send you the following information concerning lynchings for the year 1933, and according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930; 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western states and 31 in Southern state. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: Murder 8, rape 3, attempted rape 3, wounding persons 3, altercation 1, no offense reported 3, striking man 1, slapping youth 1, kidnaping 2, stealing liquor 1, insulting women 1, threatening men 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama 3, California 2, Georgia 4, Louisiana 4, Maryland 1, Mississippi 3, Missouri 1, North Carolina 1, South Carolina 4, Tennessee 3 and Texas 2.

R. R. MOTON,
President, Tuskegee Normal and Industrial Institute.
Tuskegee Institute, Alabama, December 30.

Spartanburg, S. C., Herald
December 30, 1931

28 PERSONS WERE LYNCHED DURING 1933 IN NATION

Tuskegee, Ala., Dec. 29 ⅛.—The lynching of 28 persons in the United States during 1933 was reported today in the annual survey of the department of records and research of Tuskegee Institute. This total represented an increase of 20 over the previous year.

Dr. R. R. Moton, president of Tuskegee, in making public the results of the survey, said that 14 of those lynched were in custody of police officers, nine were seized from jails, and five were taken from officers outside of jails. Four of the victims were white and 24 negroes. The bodies of two were burned.

In 37 instances officers of the law prevented lynchings. Six of these were in northern and western states and 31 in the South.

The offenses charged against the persons lynched were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The number of lynchings by states follows: Georgia, 4; Louisiana, 4; South Carolina, 4; Alabama, 3; Mississippi, 3; Tennessee, 3; California, 2; Texas, 2; Maryland, 1; Missouri, 1; North Carolina, 1.

Cordele, Ga Dispatch
December 31, 1933

28 WERE LYNCHED DURING '33, SURVEY AT INSTITUTE SHOWS

TUSKEGEE, Ala., Dec. 29 (AP—Twenty-eight persons were lynched in the United States this year, an increase of twenty over the previous year, said the annual survey of the Department of Records and Research of the Tuskegee Institute.

In making the survey public Friday, Dr. R. R. Moton, president of Tuskegee, said that fourteen of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victims were burned.

Of the number lynched four were white and twenty-four negroes. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping 2; stealing liquor, 1; insulting women 1; threatening men, 1.

The states and the number of lynchings in each follow; Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3, and Texas, 2.

Macon, Ga., Telegraph
December 31, 1933

Tuskegee Counts 28 Mob Murders

Four Persons Lynched in Georgia During Past Year

TUSKEGEE, Ala., Dec. 29 (AP)—There were 28 persons lynched in the United States this year, an increase of 20 over the previous year, said the annual survey of the department of records and research of the Tuskegee institute.

In making the survey public, today Dr. R. R. Moton, president of Tuskegee, said that 14 of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victims were burned.

Of the number lynched, four were white and 24 Negro. The offenses charged were: Murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnaping, two; stealing liquor, one; insulting women, one; threatening men, one.

The states and the number of lynchings in each follow: Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three, and Texas, two.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in the northern and western states and 31 in southern states.

Lumberton, N. C. Robersonian
January 1, 1934

LYNCHING RECORD

A low or high lynching record for a year does not seem to indicate any particular trend. A high record for one year may be followed by a low, and vice versa. In 1932, only 8 persons were lynched, while last year the number was 28—20 more than in 1932, 15 more than the number 13 for 1931, and 7 more than the number 21 for 1930.

There were 37 instances in which officers of the law prevented lynchings. Of these, 31 were in Southern states. North Carolina's record, which had been clean in this respect for several years, was marred by one lynching.

These figures and the further information given below were supplied from records compiled in the department of records and research of the Tuskegee (Ala.) institute by the president, Robert R. Moton:

Fourteen of the persons lynched (in 1933) were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1 ; threatening men, 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Tallahassee, Fla. Democrat
December 28, 1933

Lynching Record Worst in Years

According to the compilation of Tuskeegee Institute the record of 1933 lynchings is 20 more than in 1932, 15 more than in 1931 and seven more than in 1930. During the year just drawing to a close mob law took 28 lives in the United States.

This record could have been much worse had not officers of the law prevented 37 other attempted lynchings this year. Six attempts were frustrated in the north and west, and 31 in the south.

The states in which lynchings occurred this year and the number in each are: Alabama 3, California 2, Georgia 4, Louisiana 4, Maryland 1, Mississippi 3, Missouri 1, North Carolina 1, South Carolina 4, Tennessee 3, and Texas 2.

The only encouraging thing about all this is that officers of the law have done their duty in more instances than they have failed.

This proves that lynch law can be curbed.

In 13 cases armed force was used to prevent mob slayings. It is justified, not to protect the life of a criminal who deserves to die, but to protect and defend the constitution of the United States and the constitutions and laws of the several states.

The organized government we live under has cost much blood to establish. If it requires the spilling of more blood to preserve organized society, that is a small price to pay.

Tifton, Ga. Gazette
Janaury 2, 1934

According to the annual report from Tuskegee, there were twenty-eight lynchings in the United States last year. This was a big increase over the total of eight for 1932. In addition to the 28 lynched, officers prevented the lynching of 37 others. Georgia had four lynchings, Alabama three and South Carolina four.

Moultrie, Ga., Observer
December 30, 1931

TWENTY-EIGHT PERSONS WERE LYNCHD IN '33

According to the records compile in the Department of Records and Re search of the Tuskegee Institute tha there were 28 persons lynched in 193 This is 20 more than the number 8 fc 1932; 15 more than the number 13 fc 1931; and 7 more than the number 2 for 1930. 14 of the persons lynche were in the hands of the law; 9 wer taken from jails and 5 from officers c the law outside of jails; the bodies o 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offense charged were: murder, 8; rape 3; attempted rape, 3; wounding persons, 3; altercation 1; no offense reported 3, striking man, 1; slapping youth 1; kidnaping 2; stealing liquor 1; insulting women 1; threatening men 1.

The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia 4; Louisiana 4; Maryland 1; Mississippi 3; Missouri 1; North Carolina 1; South Carolina 4; Tennessee 3, and Texas 2.

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Oklahoma City, Okla.
OKLAHOMAN

JAN 1 1934

This Growth of Lynching

IT is no credit to the American people that the number of lynchings in 1933 was 250 percent greater than the number reported in the year preceding. Of course the eight lynchings reported by Tuskegee in 1932 were exactly eight too many. But in 1933 28 persons were deliberately murdered by mobs.

Some of the 1933 mob murders can be attributed to extraordinary conditions. It was a deep-seated detestation of kidnaping and an angry determination to end that dastardly practice which explains but does not justify the lynching at San Jose. Extraordinary conditions made it doubly certain that the three prisoners at Tuskaloosa would be lynched. But extraordinary conditions did not obtain in the communities where most of the lynchings occurred. Hence it is not so easy to explain this 250 percent increase in the number of murders committed by mobs.

Possibly we had an abnormal increase in the number of lynchings because we have had an extraordinary lack of respect for law and constituted authority among many classes of people. While the vast majority of citizens would shrink from personal participation in a mob murder, millions have come to count all repressive laws as decided inconveniences and unworthy of any great measure of respect. The amazing frequency with which traffic regulations are disregarded shows what little regard the public has for laws as such. The laws of Wisconsin and Iowa and Minnesota and Nebraska and Oklahoma have been mobbed by striking farmers and apparently mobbed with impunity. No class of people seem to possess any inherent respect for any law that stands between them and something they desire.

Repealists are quick to say that the eighteenth amendment taught the people to despise law and disregard the orderly processes of government. But whatever the cause the lamentable result is evident. In the highest ranks of society as in the lowest ranks the disposition to flout the law is evident. While the murders committed by the 28 mobs constitute the most sanguinary part of the record, there are thousands of other cases where people angrily brushed the law aside and proceeded in utter disregard of law. And mass violation of written statutes seems to be a perfectly safe pastime, for we have seen few offenses punished when the number of offenders was numerous.

It does not require a murder to constitute a lynching. We have thousands of lynchings that take no life at all. It is a species of lynching when an official of government ignores the law and the constitution and carries out some favorite policy in spite of the law. Laws themselves are lynched in Oklahoma when officials openly or by subterfuge pack pay rolls with their own relatives in spite of the statute forbidding nepotism. The constitution is lynched when legislators interpret its provision to their own interest and make a legislative session nearly twice as long as the constitution says it shall be.

It is highly discouraging to note a 250 percent increase in the number of mob murders. But have we any reason for expecting a better record? Have we not lost much of the respect we formerly had for law and constituted authority? Have we not counted it smart to elect known crooks to office? And have we not condoned official delinquency and dismissed it with the brazen assertion that any one else would have done the same thing? Is it any marvel that the lynching of men should become epidemic when the lynching of law has been made well nigh universal? In appealing for the suppression of mob violence we shall be beating the wind unless we learn to obey the law, respect authority, despise crookedness, and retire to private life public officials who consider office an open door to plunder.

Possibly the governor would agree to call a short session of the legislature but a short session is not what the session promoting legislators want.

MEMPHIS, TENN.
COMMERCIAL APPEAL

JAN 1 1934

The Lynching Record

Sad as is the nation's lynching record for 1933, sadder yet is the fact that the incompetent manner in which the processes of justice have been caused to function in many instances has been the real cause for the tremendous increase over 1932 when the lynching toll was eight.

Twenty-eight persons were lynched in 1933.

Fourteen of the lynching victims were in the hands of the law.

Nine were taken from jails and five from officers outside of jails.

Two of the victims were kidnapers. Eight were murderers and six were rapists or attempted rapists.

With the exception of three, all lynchings occurred in the south.

Against the record of successful mob justice is the record of 37 instances in which mobs were thwarted by officers. Six of these incidents occurred in northern states and 31 in the south. A total of 48 persons, 11 white and 37 negro, were saved from death at the hands of mobs.

It is imperative that the work of educating against the danger and disgrace of mob justice continue, but more imperative is the need of a general awakening to the fact that there must be improvement in the legal processes of criminal justice to a point where speed and sureness will remove the tendency in the public mind to take matters into their own hands.

The extraordinary and unprecedented increase in crime in recent months cannot be disassociated from the lynching record. The latter is the inevitable result of the first.

Decent society predominates. It is anxious for its safety. It is satiated with the abuses of ruthless criminals. It would prefer that justice be administered in an orderly way. When the legal process fails it resorts to the less desirable method.

WASHINGTON, D. C.
STAR

JAN 3 1934

The Lynching Crime in 1933.

The dying year, 1933, leaves a record bearing one ugly stain. In this year there were twenty-eight lynchings, as against eight in 1932. Half of those lynched were taken from the agents of the law, and half were hunted down and killed before officers of the law had arrested them or the law's processes of trial and punishment began. In the case of three of those lynched, according to statistics announced by Tuskegee Institute, no offenses were known to have been committed. Other offenses charged ranged from slapping a boy and stealing liquor to murder. There were eight cases in which murder was charged.

In a careful study of lynching over a period 5 years, the University of North Carolina, in a book recording its findings, emphasized the surprisingly numerous instances on record where mob violence feeds on rumor, resulting sometimes in the death of innocent victims. There have been cases of brutal mob action which could not be identified even with the commission of a crime, but which resulted from rumors of crime.

This Congress may be asked to enact such anti-lynching legislation as the Dyer bill, which would make lynching a Federal offense and bring the National Government into pursuit and punishment of those guilty of lynching. If such a weapon were demonstrably effective, nothing could be said against it. Dean Kelly Miller of Howard University is one of those who believe that development of a "healthy moral sentiment" against the lynching evil is more important than anything else, and such sentiment, of course, develops with education and the enlightening facts concerning lynchings in which the bare details, divorced from emotion and rumor, are set forth to shame decent men. President Roosevelt's recent vigorous denunciation of the California case is an outstanding example of the leadership by public men who have it in their power to mold anti-lynching sentiment.

WATERLOO, IA.
Courier
JAN 2 1934

THE NEXT MOVE—A FEDERAL LAW TO CHECK LYNCHINGS.

Between 1882 and 1932 there were 4,600 lynchings in the United States. Of this number 1,286 were whites.

Tens of thousands of persons formed the mobs responsible for these lynchings. Yet, says John T. Gillard in an article in The Commonweal, a careful study of the records has disclosed for the period of 1900-1930 only 12 trials in which a total of 67 individuals were found guilty. "This means that only about eight-tenths of 1 per cent of the lynchers since 1900 have been convicted. That almost no lynchers in the United States have ever been punished by local courts suggests the futility of local legislation and prompts the question: May not a federal anti-lynching law cope more effectively with the serious situation with which the nation is now confronted."

The National Association for the Advancement of Colored People has announced that a federal anti-lynching bill will be introduced in the United States in January. Recent news dispatches state that Sen. Edward P. Costigan of Colorado will introduce the bill.

Only one other federal anti-lynching bill has ever been introduced in congress. That was in 1922 when the national house of representatives passed the Dyer anti-lynching bill, socalled from Rep. L. C. Dyer of Missouri who introduced it. The bill was defeated by a filibuster of southern senators. The Dyer bill gave federal courts jurisdiction to punish county officers and lynchers and provided for the forfeiture of $10,000 by any county which is the scene of a lynching.

There is little doubt but that southern solons and lawyers will vigorously oppose a federal anti-lynching bill. The recent lamentable evidences of mob spirit, however, have created a general national reaction which enhances the chances of such a law being enacted. The success of the federal authorities in checking the kidnaping racket and imprisoning bootleggers on income-tax verdicts will also be a factor in considering this proposal to give the government another job.

SAN ANTONIO, TEX.
EXPRESS
JAN 2 1934

SWEEP OF THE MOB SPIRIT IN AMERICA

For some years previous to 1933 this country—and particularly the South—had suffered comparatively few mob outrages. The apparent improvement had encouraged public-spirited citizens to hope that at last the Nation was ridding itself of the lynch-murder blot forever. Such systematic educational work as the Association of Southern Women for the Prevention of Lynching and the Southern Commission for the Study of Lynching were doing—along with the year-by-year efforts of church, school and press—was becoming increasingly effective. Those influences steadily were building up the strongest possible bulwark against the evil—enlightened opinion, reinforced by an awakened community conscience.

During the year just past, however, the country suffered a relapse. Tuskegee Normal and Industrial Institute, that has kept the record for many years, reports 28 persons lynched in 1933, as compared with eight the previous year. Four of the victims were white men.

"Judge Lynch" stretched his domain from Maryland to California. Men were lynched for such offenses as "big talk" to their "superiors," stealing liquor, slapping, and insulting remarks. Two were thus executed for a peculiarly horrible kidnaping and murder.

Perhaps the most disturbing fact brought out by Tuskegee Institute's survey is that 14, or just half, of the mobs' victims were taken from the hands of the law. Only lately the country heard a State's Governor openly condone and even praise a mob that had broken into a jail, seized and hanged two prisoners awaiting trial. It heard him promise a blanket pardon to any such lyncher who might be brought to bar. Though many protests were raised, that "bold" Governor was swamped with congratulatory messages.

Undeniably, the mob spirit again is abroad in the land. What can be done to stay its bloody sweep? As experience has taught, new laws—no matter how drastic—will not eradicate the evil nor even appreciably mitigate it. The outstanding need is for a return to national sanity—yet the record, as far back as it goes, would indicate that the Nation never has been fully sane on that point.

Until the necessary moral and intellectual changes shall be effected, the best hope lies in the swift, vigorous enforcement of existing statutes—particularly the law against murder. The Buchanan County grand jury at St. Joseph (Missouri) has set a salutary example. It has indicted 11 persons for complicity in the lynching of a negro there on November 28, and has recommended that the sheriff and police officers who yielded to the mob be ousted.

So long as the lynching spirit shall remain, official courage to stand up and fight it will be needed. The one heartening thing about Tuskegee Institute's report is that it shows 37 instances in which peace officers prevented lynchings. Such service should be recognized publicly and rewarded.

Greensboro, N. C., News
January 5, 1934

A QUESTION OF RIGHT AND WRONG.

While various and sundry increases which occurred during 1933 have been recited and given commensurate praise as omens of improving days, the larger number of lynching which the twelvemonth brought forth serve in antipodal fashion. Here is an increase over which the citizenry, or that portion of them who are not acknowledged Rolphians, may not only hang their head in shame but give serious pause to the sentiment, the disregard for law and order in its fundamental principles, which it reflects.

The jump from 10 lynchings in 1932 to 28 in 1933, an increase of 200 per cent, is shocking enough in itself. But the inference, in several instances the direct charges, of official collusion, certainly in the broadest acceptance of that word with its inclusion of condonement, sympathy and non-interference, is even more abhorrent to those, which means all of us, who depend upon organized society, represented by the government, for protection and the pursuit of happiness, or what there is left of it.

Heading the list of these horrible examples is the encouragement which California's Governor Sunny Jim Rolph gave mobbery; the victims got what was coming to them, he did not leave the state because he feared somebody else might order out troops to give protection; any one arrested and convicted of participation in the double killing would receive a pardon. In Maryland local authorities refused to cooperate in an investigation or to arrest accused mobsters upon orders from the attorney general's office. In South Carolina a police officer, charged with having left the jail doors unlocked, faces formal indictment as a lynching accomplice. In North Carolina, no progress has been made, or at least revealed, in the identity of mobsters who months ago took a negro from a sheriff who subsequently issued a long string of "I didn't knows."

It is no wonder, in the face of these circumstances, that announcement is made that a vigorous effort will be undertaken at the present session of Congress to secure enactment of federal anti-lynching legislation. The nation-old question of states' rights, considerably battered about in these latter days, is already being paraded. But somewhere in the argument, it is quite likely that inquiry will be pointedly made whether states' rights include the prerogatives to pass or gloss over a lynching, to countenance inability and indifference of local officers, to tolerate a chief executive who congratulates lynchers and promises them pardons, or to connive in furtherance of a flouting of law and order in a manner which undermines its own strength and reveals virtually no brakes this side of Washington. There are states' rights, undeniably. But what about states' wrongs?

Jan. - Dec.

4460

Lynchings - 1933
Reports on, Sent Press, - Editorial Comments.

TRENTON, N. J.
STATE GAZETTE

JAN 4 1934

The Record on Lynchings

The general impression, formed upon the basis of recent shocking developments, that the United States became deeply steeped in disgrace by reason of lynchings during the last year, is supported by the records compiled by the Tuskegee Institute.

Twenty-eight men, including at least one who was proved to be innocent of crime, were sacrificed to the spirit of the mob in 1933. This is a record which becomes increasingly horrible by reason of the fact that it marks a sharp reversion toward the bestiality from which, it was thought, we were gradually departing.

In 1930 there were twenty-one lynchings, in 1931 thirteen and in 1932 only eight. Now comes this appaling total to cancel all of the benefits gained from many years of effort to lift the nation above the sordid influences of the past.

There is at least satisfaction, however, in that phase of the report which shows that in thirty-seven instances officers of the law defeated the purposes of mobs. In thirteen of these cases, armed forces were employed to protect prisoners from would-be lynchers. Forty-eight persons in all were thus saved from mobs.

Wichita Falls, Tex.
TIMES

JAN 1 1934

1933's LYNCHING RECORD

Lynchings were three and a half times as numerous in 1933 as they were in 1932 when a new all-time low record was established. The 1932 record, only eight lynchings, encouraged the hope that the evil was on its way to complete disappearance. That hope was rudely upset by the record of 1933, when 28 persons were lynched.

Organized public sentiment and steadfastness on the part of those who have accused men in custody can do much to check the evil. Much more can be done by getting at the basic cause of it which is the public's lack of confidence in and respect for the courts. When the administration of the criminal law in this country is freed of pettifoggery and technicality, when there is a reasonable measure of assurance that a guilty person, when apprehended, will be swiftly brought to punishment, it will be far easier to cope with lynching.

Lynching cannot be condoned under any circumstances. There is no justification of it, even if all the courts were as inefficient as some of them are. The spirit that prompts it is subversive of every principle of government. But America must face the fact that a condition that sorely needs correcting is largely responsible for it and that it cannot be stamped out until the corrective work is done.

Henderson, Tenn., Independent
January 11, 1934

WHY LYNCHINGS?

The daily press has recorded the lynchings of 1933 and tells us that twenty-eight persons met their fate at the hands of mobs.

Then we are told that all but three of these were in the South. The idea is to impress upon the world that Southerners are more bloodthirsty and savage than the people of the other parts of the United States. The "right minds" of the South are terribly worried by this record.

Lynchings may or may not reflect a barbaric spirit on the part of the people. They might represent a spirit of justice. Mob law might mean that the people are grown tired of the lax administration of justice. And mob law may possibly mean a reaction against the palpable breaking down of legal justice in our country.

Whatever the "right-minded" may think, red-blooded men are not going to see their wives and children kidnapped or their women outraged and then sit supinely down and watch justice flicker out to a cruel joke.

"Criminal" lawyers, hunting out every technicality for delay of trial and the freeing of human monsters are the fathers of lynching. Our system of justice is ancient and cumbersome. Our lower courts, especially in the cities, are jokes, and crime flaunts itself and flourishes everywhere. During 1933 most of the real justice administered, as far as major crimes were concerned, was by gangsters themselves, officers in pursuit of criminals and by mobs. Most of the big gangs of criminals would be pursuing their criminal careers today, if the state departments of justice had been depended upon to subdue them.

The South may have had more lynchings than other divisions of the United Staes, but the South had more justice administered than any other part and less of crime. Gangers have not found Southern soil conducive to either their avocations or their health.

This paper does not believe in mob law and lynchings, and therefore has urged repeatedly that justice be made sure and swift. Southern men are not going to submit to crime, especially against their families. If their systems of justice do not protect them, they will protect themselves and it will be a bitter day for major criminals when they practice their profession of murder and rapine down here. All the "right-minded" can say or do will not stop popular wrath when it breaks forth in righteous indign[illegible]. And, indeed, there may come a time, if things do not mend, when malpracticioners of law and hypocritical exponents of "right-mindedness" may rue their acts and words at times and in places.

To end this dangerous and growing tendency to mob rule, we must have an entire revamping of our court practices. Speedy trials by competent juries and by lawyers of conscience must insure adequate punishment of offenders against the law as made and provided.

There is no occasion for surprise at popular uprisings against criminals, one should rather be surprised at the moderation of the people.

Humboldt, Tenn., Courier-Chronicle
January 4, 1934

WHY LYNCHINGS?

The daily press has recorded the lynchings of 1933 and tells us that twenty-eight persons met their fate at the hands of mobs.

Then we are told that all but three of these were in the South. The idea is to impress upon the world that Southrons are more bloodthirsty and savage than the people of the other parts of the United States. The "right minds" of the South are terribly worried by this record.

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This paper does not believe in mob law and lynchings, and therefore has urged repeatedly that justice be made sure and swift. Southern men are not going to submit to crime, especially against their families. If their systems of justice do not protect them, they will protect themselves and it will be a bitter day for major criminals when they practice their profession of murder and rapine down here. All the "right-minded" can say or do will not stop popular wrath when it breaks forth in righteous indignation. And, indeed, there may come a time, if things do not mend, when malpractioners of law and hypocritical exponents of "right-mindedness" may rue their acts and words at times and in places.

To end this dangerous and growing tendency to mob rule, we must have an entire revamping of our court practices. Speedy trials by competent juries and by lawyers of conscience must insure adequate punishment of offenders against the law as made and provided.

There is no occasion for surprise at popular uprisings against criminals, one should rather be surprised at the moderation of the people.

Greenville County, S. C., Observer
January 5, 1934

LYNCHINGS OR MURDERS?

When is a murder a lynching? A lynching may always be a murder, but every murder is not a lynching. Tuskeegee Institute catalogs the lynchings of this country each year and it is not fair to the South in its cataloging. Murder by four or five people in this section is classed as a lynching but not so a murder by four or five people in a Northern or Western state. For 1933 it cataloged four lynchings in South Carolina. Two of them were no more lynchings than were a number of gangster murders in other sections of the country. Yet, classed as lynchings, they discredited South Carolina as being among the leaders in the number of lynchings.

Augusta, Ga., Chronicle
January 5, 1934

News, Views and Reviews

DEFINITIONS AND DISTINCTIONS

In the lynching records for 1933 the state of South Carolina attains something like eminence, being credited four mob deaths as are also Georgia and Louisiana. Alabama, which went off on a lynching spree following one of its Scottsboro trials, and Mississippi, the leading lynching state, are credited with only three.

There will be those of course to question the accuracy of these records, compiled by Tuskegee institute. For one thing the lynching record compilers do not agree among themselves. The National Association for the Advancement of Colored Peoples for example lists only three "lynchings" for South Carolina and gives Alabama the undisputed lead with five.

But the debate doesn't end there. The three South Carolina "lynchings," it has been argued, were not lynchings.

"These South Carolina 'lynchings' were for the most part," the Greenville News for example contends, "murders committed by very small groups of men for comparatively trivial offenses. One wonders why they should be recorded against this state as 'lynchings.' By similar logic the state of Illinois should be credited—or debited—with an unusually high number of lynchings. If a group of men slays another in Chicago it is set down as just another gangster killing, but a gang murder in South Carolina seems to be something quite different!"

And there is something in The News' complaint enough to invalidate the lynching statistics in any scientific comparison of crime records in the South with similar records in Northern and Eastern states. What is a labor dispute in Pennsylvania would be a lynching in the records for Georgia or South Carolina. What is a gangster slaying in New York or Chicago would be mob violence in Greenville or Laurens.

But except for the purposes of such comparisons the distinctions the Greenville News and the apologists for South Carolina's record make are not important. The three 1933 slayings listed as lynchings in South Carolina partake enough of the elements of lynching and mob violence to make the argument difficult and would come under most of the legal definitions of lynching. The simplest definition of lynching for example is found in a Minnesota statute—"the killing of a human being by the act or procurement of a mob"—and the definition of lynching set up by the Southern Commission on the Study of Lynching in its model anti-lynching law is simply, "Lynching is the killing or aggravated injury of a human being by the act or procurement of a mob." And the minimum number of persons comprising a mob within the meaning of the statutes varies from one in Alabama, Indiana and Kansas to three in Kentucky, five in Illinois, New Jersey and West Virginia.

Two of the three victims in South Carolina were prisoners of the state, held in jail on minor charges, at the time of their abduction and slaying. The third, charged with nothing, was slain at his home by a mob. In none of the cases was there any spontaneous uprising of an entire community against the orderly processes of the law such as distinguished the lynching which everybody would admit is a lynching. But then there seldom is any such thing. In every community there are those who oppose lynching and lynchings are usually the work of a comparatively few people even when the entire community sits by and watches it done. And in all three cases there is an element of community responsibility. In the instances of the two persons taken from jails, the state was obviously obligated to defend its prisoners, held helpless and disarmed. In the Greenville case the community's fault lay in the fact that there had been no effective efforts made to apprehend and punish participants in previous exhibitions of the mob spirit.

The essential fact remains that three men are dead. And to dead men definitions do not greatly matter. A man, killed by a "very small" group is just as dead as if he had been done to death with all the sadistic details that distinguish the more celebrated lynchings. And the law of South Carolina is none the less violated and misused. A murder, of course, as the Greenville News, no defender of the killers, admits, is just as serious a crime as lynching. And the remedy—or more precisely the first step in a search for a preventive—is the punishment of the slayers—call them lynchers or no. The distinctions do not matter. The trouble in South Carolina is that too often distinctions have been made by courts, juries and governors. Columbia Record.

Lynchings-1933
Reports on, Sent Press.

Jan-Dec.

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Kingsland, Ga., S. E. Georgian
January 11, 1934

"According to the records compiled in the Department of ecords and Research of the uskeegee Institute, there were 28 prsons lynched in 1933," says R. R. Morton, president of the institution. "This is 20 more than the number 8 for 1932; 15 more than the number 13, for 1931. Fourteen of the persons lynched were i nthe hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned. There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel he would-be lynchers. A total f 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs. Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3: striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; theartening men, 1. The states in which lynchings occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2."—Weslyan Christian Advocate.

Chester, S. C., Reporter
January 1, 1934

The Tuskegee Institute in its annual report on lynching credits South Carolina with four such affairs. As was pointed out at the time two or three of these so-called lynchings were participated in by very small groups, and if they were lynchings then many of the gang murders in Chicago and some of the other large centers should also be termed lynchings. There may have been some slight difference in the procedure, but too slight for both not to be called lynchings, if murders in the South by a few individuals bent on revenge are to go down in the records as lynchings.

Kershaw, S. C. Era
January 3, 1934

28 LYNCHINGS IN 1933

Four in South Carolina

Tuskegee, .Ala., Dec. 30 -- The lynching of 28 persons in the United States during 1933 was reported yesterday in the annual survey of the department of records and research of Tuskegee institute. This total represented an increase of 20 over the previous year.

Dr. R. R. Moton, president of Tuskegee, in making public the results of the survey, said that 14 of those lynched were in custody of police officers, nine were seized from jails, and five were taken from officers outside of jails. Four of the victims were white and 24 negroes. The bodies of two were burned.

In 37 instances officers of the law prevented lynchings. Six of these were in northern and western and 31 in the South.

The offenses charged against the persons lynched were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The number of lynchings by states

follows: Georgia, 4; Louisiana, 4; South Carolina, 4; Alabama, 3; Mississippi, 3; Tennessee, 3; California, 2; Texas, 2; Maryland, 1; Missouri, 1; North Carolina, 1.

Wrightsville, Ga., Headlight
January 4, 1934

28 Wete Lynched During '33, Survey At Institute Shows

Twenty-eight persons were lynched in the United States during the year just ended and of the number the state of Georgia contributed four, Tuskegee Institute at Tuskegee, Ala., has reported.

It was twenty more than in 1932; 15 more than in 1931 and 7 more than in 1930, the school said.

Fourteen of the persons lynched were in the hands of the law; nine were taken from jails and 5 from officers of the law outside of jails; the bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances. armed force was used to repeal the would be lynchers. A total of 48 persons, eleven white and 37 negroes were thus saved from death at the hands of mobs.

Of the 28 persons lynched, four were white and 24 were negroes. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting woman, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas 2.

Camden, S. C., Messenger
January 3, 1934

LYNCHINGS FOR THE YEAR 1933

The folling has been received from R. R. Moton, President of Tuskegee Normal and Industrial Institute:

"I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Recors and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims weer burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas 2."

Waynesboro, Tenn.
News
Jan. 12, 1934

28 Persons Lynched United States 1933

20 MORE THAN IN 1932

According to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails, the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western states and 31 in Southern states. In 1924 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense, reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing, liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynching occurred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4: Tennessee, 3; and Texas, 2.

Gaffney, S. C. Ledger
January 2, 1934

THE LYNCHING RECORD.

Lynchings in the United States last year showed a big increase over the year before, and a considerable increase over the last several previous years, according to the records kept by Tuskegee Institute. Some charge the alarming growth of the practice to collusion of officers, which no doubt was responsible in a few cases. During the year, however, there were 37 attempted lynchings prevented by officers.

The Tuskegee record, as given by Dr. R. R. Moton, the principal, follows:

"I find, according to the records compiled in the Department of Records and Research of the Tuskegee Institute, that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1920. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

"There were 37 instances in which officers of the law prevented lynchings. Six of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

"Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: mudder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

"The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisana, 4; Maryland, 1; Mississippi, 3; Missouri 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2."

Sandersville. Ga., Progress
January 4, 1934

T28

Lynching Record Shows Increas

Tuskegee, Ala., Jan. 2.—According to records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers. A total of 48 persons, 11 white and 37 negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, 1; slapping youth, 1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states in which lynchings occarred and the number in each state are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

Forsyth, Ga., Advertiser
January 4, 1934

28 Were Lynched During Last Year

TUSKEGEE, Ala., Dec. 30, 1933. Twenty-eight persons were lynched in the United States this year, an increase of twenty over the previous year, said the annual survey of the Department of Records and Research of the Tuskegee Institute.

In making the survey public Friday, Dr. R. R. Moton, president of Tuskegee, said that fourteen of the persons lynched were in the hands of the law. nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victimes were burned.

Of the number lynched, four were white and twenty-four negroes. The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons,3; altercation, 1; no offense reported, 3; striking man,1; slapping youth,1; kidnapping, 2; stealing liquor, 1; insulting women, 1; threatening men, 1.

The states and the number of lynchings in each follow: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas 2.,

There were thirty-seven instances in which officers of the law prevented lynchings. Six of these were in the northern and western states and thirty-one in southern states.

Americus, Ga., Recorder
January 19, 1934

1933 LYNCHINGS SHOW INCREASE

Georgia Among Leading States

TUSKEGEE, Ala., Jan. 19 (UP) Twenty-eight persons were lynched during 1933, according to figures compiled in the department of records and research of the Tuskegee Institute.

This was an increase, the report said, of 20 over 1932, 15 more than 1931, and seven more than in 1930. On a percentage basis, this was an increase of 250 per cent over last year.

Fourteen of the persons lynched were in the custody of the law, nine were taken from jails and from officers of the law outside of the jails, and the bodies of two of them were burned, the report continued.

Officers of the law prevented 37 lynchings. In 24 of these instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers.

The offenses charged were: Murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; slapping youth, 1; kipnaping 2; stealing liquor, 1; insulting woman 1; threatening men, 1.

The states in which lynchings occurred and the number in each state follow: Georgia, 4; Alabama, 3; California, 2; Louisiana 4; Maryland 1; Mississippi 3; Missouri 1; North Carolina 1; South Carolina 4; Tennessee 3; and Texas 2

La Fayette, La., Advertiser
January 12, 1934

A Blot on the Nation

The year 1933 set a new high record for lynchings in the United States, at least in recent years, according to the Tuskegee Institute, which compiles the gruesome records. Last year there were twenty-eight persons killed by mobs, which is twenty more than the number lynched in 1932; fifteen more than were lynched in 1931, and seven more than were lynched in 1930.

Of the twenty-eight persons lynched four were white and twenty-four were colored. Fourteen were already in the hands of the law. Nine were taken from jails, and five from officers of the law outside of jails. All the lynchings occurred in Southern states except the two kidnapers lynched in California.

Just what accounts for this drastic increase in lynching last year is about as hard to say as it is to fanthom the psychology of the mob. It cannot be wholly because people are becoming intolerant of crime. Only sixteen of the twenty-eight were accused of crimes of violence, and certainly the whole twenty-eight lynchings were crimes of violence of the most reprehensible and vicious sort. Decent, law-abiding citizens do not join lynching mobs.

It is encouraging that there are some officers with courage and backbone enough to defy mobs otherwise the record would be much worse. There were thirty-seven instances last year in which officers of the law prevented lynchings.

Every precaution should be taken to protect prisoners in the hands of the law. Armed force should be used if necessary to repeal mobs bent on lynching. Mob rule and mob murder cannot be tolerated in a nation which calls itself civilized and amenable to constituted authority.

Lynchings-1933
Reports on, Sent Press.

Jan. - Dec.

4462

Birmingham, Ala.,
Baptist
Jan. 25-1934

CONCERNING LYNCHINGS

A "release" by the Tuskegee Institute on Dec. 31, 1933, indicates that 28 persons were lynched in this country during 1933. This is 20 more than were lynched in 1932 and 15 more than were lynched in 1931. There were in 1933, 37 instances in which officers of the law prevented lynchings. Of those lynched four were white people and 24 were Negroes.

Mob rule is a terrible thrust at the government of this country. The courts exist to try men for all offenses and no government is secure so long as men disregard the statutes and execute instead of these the law of the jungle.

All men, however lawless they may be, have constitutional rights. One of these is the right of being tried by a jury and when men do anything to prevent this right, they, themselves, become offenders against constitutional authority. But the mob invariably forgets that.

Orangeburg, S. C., Democrat
January 25, 1934

No Lynchings Here.

As the readers of this paper know, we have never approved of lynchings. We are fully in sympathy with every effort to discourage and prevent such lawless acts. However, we have sometimes felt that crimes were labeled lynchings in the South which if the occurrences had taken place in other states would not have been so called. In this connection, we reproduce a recent editorial from the *News and Courier*:

> In its annual review of lynchings the Tuskegee Institute sets down four in the year to the discredit of South Carolina.
>
> A negro, was taken in the night time from a village police station in Clinton and some months later another was taken from a similar prison in Ninety-Six. In both of these cases private revenge was established as the motive. From four to five persons in each case succeeded in taking from insecure prisons a man charged with an offense less than capital, carried him a distance and did him to death. No evidence was adduced that a jailer was present.
>
> The prisoners were seized by companions of persons with whom the negroes had had altercations. The communities, Clinton and Ninety-six, were not aroused by the occurences and were ignorant of them until hours had passed.
>
> In Aiken county four men are said to have flogged a negro to death for "stealing bootleg whiskey." The News and Courier protests that the killings were not lynchings. Essential to the definition of a lynching is an uprising of a considerabe part of a community, and if the deed is not representative of the anger or lawless disposition of the neighborhood, it is defamatory of the community to describe it as a lynching scene.
>
> The sole allegation upon which two of these homicides could be brought within the definition of lynchings is that the men killed had been in legal custody. The Aiken crime apparently had no characteristics whatever of a lynching. If half a dozen gangsters in Chicago "bump off" another gangster and escape in their automobile, the incident is properly described as an assassination. No one thinks of saying that a lynching has taken place in Chicago.
>
> When less than half a dozen bloodthirsty persons in a town of five thousand or twenty-five hundred in South Carolina kill a man who has had a fight with another man, is it fair to describe those towns as having been disgraced by lynching? Is it fair to characterize the murders as "lynchings" in South Carolina.

CHARLESTON, W. VA.
GAZETTE

JAN 5 1934

Lynching, 1933

The grisly record of lynching in this enlightened country for the year 1933 has been compiled. Excepting a last moment horror the record is complete.

There were 28 persons lynched in 1933. This is 20 more than the number eight for 1932; 15 more than the number 13 for 1931; and seven more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law; nine were taken from jails and five from officers of the law outside of jails; the bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, four were white and 24 were Negro. The offenses charged were: murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnapping two; stealing liquor, one; insulting women, one; threatening men, one.

The states in which lynchings occurred and the number in each state are as follows: Alabama, three; California, two; Georgia, four Louisiana, four; Maryland, one; Mississippi three; Missouri, one; North Carolina, one South Carolina, four; Tennessee, three; an Texas, two.

At first blush, it would seem that th lynching honors for 1933 would go without question to that great evangelical section of the country which embraces Alabama, Georgia, Louisiana, Mississsippi, North Carolina, South Carolina, Tennessee and Texas. But another great enlightened state is on hand to contend for the premier honors. It is the land of the Native Son—California. It puts forth its hand for the laurel and we doubt if the judges will withhold the prize. For it was in California that an atrocious lynching was permitted and the murderers were publicly and unequivocally condoned by the governor. No state in the south can lay claim to any such frightful distinction as this.

TAMPA, FLA.
TRIBUNE

JAN 7 1934

More Lynching, But More Prevention

Lynching took a big spurt in 1933, after a number of years of decline. Only eight were lynched in 1932—then 1933 came along with 28.

The Tuskegee Institute records that four of the lynchees were white, 24 negro. The old principal cause has been displaced. Now murder leads—for the year, eight were dispatched for that crime. Only three were for criminal assault.

Florida, we are pleased to note, had a clean record for 1933. Louisiana and South Carolina shared the "banner," with four each. California got into the picture with the two kidnapers who were summarily executed, although the provocation in that case was more their brutal murder of the victim than the kidnaping.

A feature of the report is the fact that 37 lynchings were prevented by officers of the law—and 31 of these preventions were in the South. That speaks well for this section. In 24 cases, prisoners were removed or guards augmented, and armed force was used in 13. Forty-eight persons were thus saved from death at the hands of mobs.

So, while deploring the abnormal increase in lynchings for last year, we may find some satisfaction in the increasing activty of officers in preventing them. If those prevented had occurred, we would have 76 as the year's total. instead of 28.

BRIDGETON, N. J.
NEWS

JAN 4 1934

1933 Lynching Record

Whatever progress was made in the country in 1[illegible], it did not extend to lynching. The record for that crime, for such it must be called, was the worst for several years past, reaching 28. This is a pretty bad record, compared with 1932, when only eight persons were lynched. It was 15 more than the number 13 for 1931, and seven more than the number 21 for 1930. Fourteen of the persons lynched were in the hands of the law, nine were taken from jails and five from officers of the law outside of jails; the bodies of two of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. Of the 28 persons lynched four were white and 24 were Negroes.

The states in which lynchings occurred and the number in each state are as follows: Alabama 3, California 2, Georgia 4, Louisiana , Maryland 1, Mississippi 3, Missouri 1, North Carolina 1, South Carolina 4, Tennessee 3, Texas 2.

It is rather surprising that of he causes assigned for mobs takng the law into their own hands nly three were for attacks on he persons of women, which is a requent cause for such outbreaks, specially in the South, where the reatest proportion of the lynchngs occur. The new year will not ave to strive hard to improve on he 1933 lynching record.

INDIANAPOLIS, IND.
NEWS

JAN 1 1934

LYNCHINGS

Robert R. Moton, president of the Tuskegee Normal and Industrial Institute — the school Booker T. Washington founded for the training of colored men and women — finds that in 1933 twenty-eight persons were lynched. In 1932 eight were lynched, in 1931, thirteen, and in 1930, twenty. Fourteen of the persons lynched in 1933 were in the hands of the law. Nine were taken from jails and five from officers who had not yet jailed them. The bodies of two were burned. Officers prevented thirty-seven attempts at lynchings. Thirty-one of these were in the south. In the attempted lynchings, forty-eight persons accused of crimes were involved — eleven white and thirty-seven Negro. Either personal efforts or assistance, in some instances of national guardsmen, prevented their hanging. Twenty-four persons lynched were Negroes, leaving four whites. The offenses charged were, murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnapping, two; stealing liquor, one; insulting woman, one; threatening men, one. The states involved were, Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Mississippi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three, and Texas, two. This table shows that lynching presents the greatest problem in the south. The most notable exception was in California, where two alleged kidnappers were taken from jail and hanged. That was the occasion when Governor Rolph approved the mob's act and declared he would pardon any member of the mob that happened to be arrested and convicted. The Maryland lynching attracted widespread attention and the Governor is still trying to bring members of the mob to justice.

PRESS
MIDDLETOWN, CONN.

JAN 5 1934

THE LYNCHING RECORD.

Marked reaction in the direction of lynching is disclosed in the annual report on that flaunting of the law, compiled by the Tuskegee Normal and Industrial Institute, of Tuskegee, Alabama. No less than twenty-eight were reported, or twenty more than in 1932 and fifteen more than in 1931.

Of the total, four were white, the rest negroes. All but two were in states of the South, but those two, of white, in California, stirred the nation. Not that there was sympathy for the offenders, kidnappers who murdered, but because of the disregard of orderly procedure represented by the action.

How mere anger over certain acts, some of them trivial, others not unlawful, invited lynching the records disclose. Just a slap in the face led to one, stealing a jug of liquor another, also a threat, use of an insulting word and a mere quarrel. Three were killed without any known crime. One was lynched after a jury had found no true bill.

Causes for this reaction are difficult to find. Perhaps it is due to reactionary conditions in general, the disposition to ignore the dry laws before repeal and the rather revolutionary spirit found in many directions.

WHEELING, W. VA.
INTELLIGENCER

JAN 3 1934

THE LYNCHING RECORD

Tuskegee Normal and Industrial Institute, which maintains a record of lynchings in the United States, makes public some disturbing information. The year 1933, according to the Tuskegee statistics, saw 28 persons lynched in the United States. In 1932 there were but eight lynchings, the year before, 13; and in 1930 only seven.

Of the 28 persons lynched last year, 14 were in the hands of the law when seized by mobs, which broke into jails to take nine of the victims. In 37 other cases, lynchings were prevented by resolute action upon the part of officers.

The record does not constitute a very pleasant commentary upon our state of civilization. When lynch law is startlingly on the increase, when the Governor of a great State openly praises a particularly brutal piece of mob murder, and when his stand is lauded by thousands of people, there is something radically wrong.

PASSAIC, N. J.
NEWS

JAN 2 1934

The People's Forum

Lynchings in the Past Year

Editor Herald-News:—I send you the following information concerning lynchings for the year 1933. I find according to the records compiled in the Department of Records and Research of the Tuskegee Institute that there were 28 persons lynched in 1933. This is 20 more than the number 8 for 1932; 15 more than the number 13 for 1931; and 7 more than the number 21 for 1930. 14 of the persons lynched were in the hands of the law; 9 were taken from jails and 5 from officers of the law outside of jails; the bodies of 2 of the victims were burned.

There were 37 instances in which officers of the law prevented lynchings. 6 of these were in Northern and Western States and 31 in Southern States. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.

Of the 28 persons lynched, 4 were white and 24 were Negro. The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; no offense reported, 3; striking man, stealing liquor, 1; kidnaping, 2; tsealing liquor, 1; insulting women, 1; threatening men, 1.

The States in which lynchings occurred and the number in each State are as follows: Alabama, 3; California, 2; Georgia, 4; Louisiana, 4; Maryland, 1; Mississippi 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

R. R. MOTON,
President, Tuskegee Institute.
Tuskegee, Ala., December 31.

JAMESTOWN, N. Y.
EVE. JOURNAL

JAN 6 1934

LYNCHING STATISTICS

The department of Records and Research of the Tuskegee Normal and Industrial Institute each year compiles a record of lynchings. Tuskegee Institute is a Negro educational institution and as the lynchings are largely in the south and the victims are largely Negroes it has a keen interest in the trend. Its records are probably as complete and accurate as any that are compiled.

The record this year is not reassuring. Briefly 28 persons were lynched in 1933 in comparison to 8 in 1932 and 13 in 1931. To quote:

> "There were 37 instances in which officers of the law prevented lynchings, 6 of these were in northern and western states and 31 in southern states. In 24 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would be lynchers. A total of 48 persons, 11 white and 37 Negro, were thus saved from death at the hands of mobs.
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This is a most disquieting record, altho it will be noted that it is confined substantially to the southern states. The one exception is in California and this lynching (at San Jose) was in the southern latitude, altho the state as a whole might be classed as a northern state. Inasmuch as the religious sentiment is more intense in these southern states than in those north of the Ohio river, it is singular that the commandment "thou shalt not kill" is so largely disregarded. The law in all the southern states is ample to punish crimes against women. In some of these states the death penalty is imposed. The excuse which is given for lynching is that the people do not wish to subject their women to the humiliation of testifying in open court. This excuse certainly does not apply to those accused of crimes of violence as outlined in the data quoted above. The truth is the people of this region are hot tempered and excitable and ready at any time to kill on any pretext that appeals to their curious sense of personal honor.

We have little license to criticise the turbulence of the Latin nations to the south of us so long as we permit the existence of conditions which the shameful record quoted above shows.

Failure of the courts and juries to convict accused persons on what appears to be substantial evidence or to throw charges or convictions out on close technicalities has caused a great deal of the disturbing spread of lynching. Assurance that criminals will be promptly and adequately punished would lessen some of the danger of lynchings.

FARGO, N. D.
FORUM

JAN 5 1934

1933 Lynchings

At the close of last year it appeared that the country was making some definite progress in reducing the annual toll of lynchings. There had been a marked drop in the total number over a period of three years. In 1932 there were eight, in 1931 there were thirteen, and in 1930 there were twenty-one. Now we have the report for 1933 as compiled by the Tuskegee Institute which places the total for 1933 at twenty-eight.

This is a discouraging record and particularly unfortunate since it raises misgivings as to our approach to the problem involved. One pleasing feature, however, is the fact that the report states that officers of the law had prevented lynchings in thirty-seven instances.

Lynchings-1933
&
Reports on, Sent Press, — Editorial Comments,

Jan-Dec.

4463

Kershaw, S. C. Era
January 3, 1934

LYNCHING IN SOUTH CAROLINA

One who reads the lynching record in the United States throughout 1933 and takes particular notice of the part taken by South Carolina in building that record will scarcely feel like boasting of it. Particularly so when the details and justification offered for their commission are given serious consideration. They seem more like a wanton butchery or a ghastly joke, according to the reactive effect produced on the person who beholds or is informed of its perpetration.

Four lynchings is the highest number in any state for the year and South Carolina had that many deaths from such happenings, putting it in a class with the other which had an equal number. When and by what means will such occurrences be brough to an end?

Charleston, S. C., News & Courier
December 30, 1931

No South Carolina Lynching

In its annual review of lynchings the Tuskegee Institute sets down four in the year to the discredit of South Carolina.

A negro was taken in the night time from a village police station in Clinton and some months later another was taken from a similar prison in Ninety-Six. In both of these cases private revenge was established as the motive. From four to five persons in each case succeeded in taking from insecure prisons a man charged with an offense less than capital, carried him a distance and did him to death. No evidence was adduced that a jailer was present.

The prisoners were seized by companions of persons with whom the negroes had had altercations. The communities, Clinton and Ninety-Six, were not aroused by the occurrences and were ignorant of them until hours had passed.

In Aiken county four men are said to have flogged a negro to death for "stealing bootleg whiskey." The News and Courier protests that the killings were not lynchings. Essential to the definition of a lynching is an uprising of a considerable part of a community, and if the deed is not representative of the anger or lawless disposition of the neighborhood, it is defamatory of the community to describe it as a lynching scene.

The sole allegation upon which two of these homicides could be brought within the definition of lynchings is that the men killed had been in legal custody. The Aiken crime apparently had no characteristics whatever of a lynching. If half a dozen gangsters in Chicago "bump off" another gangster and escape in their automobile, the incident is properly described as an assassination. No one thinks of saying that a lynching has taken place in Chicago.

When less than half a dozen bloodthirsty persons in a town of five thousand or twenty-five hundred in South Carolina kill a man who has had a fight with another man, is it fair to describe those towns as having been disgraced by lynching? Is it fair to characterize the murders as "lynchings" in South Carolina?

About twenty years ago a negro in the custody of Sheriff Hood of Fairfield was shot and killed on the courthouse steps. The gallant sheriff was killed at the same time. The slayer was tried and acquitted. Was that a lynching? One of the victims of the slaying was in legal custody.

Two days ago a convict in the penitentiary in Columbia, certainly in legal custody, was killed by another convict. Certainly that was not a lynching. Unless Tuskegee's definition of a lynching is that any man in legal custody so slaughtered is lynched, the number of lynchings in the United States has probably been twice as many as reported, for murders by gangs have been numerous.

The fourth case was the killing of George Green, negro, in Greenville county, by a band of robed and masked men, presumably members of a secret society. It was a dastardly crime and some fifteen men are under arrest charged with its commission. Chinese secret societies have put men to death in California and the Italian "Black Hand" was accused of many murders in American cities, but their crimes were never set down as "lynchings." Why is the murder of Green so called?

In South Carolina has been no lynching in 1933. So far, no one has been punished for the four murders falsely called lynchings, but is is unfortunately true that many murderers in the state have not been duly punished.

In the long and weary campaign which The News and Courier and the press of South Carolina has carried on against lynching, the aim has been to destroy the notion that for any cause a community is excusable in overriding the law. When communities are to be charged with the guilt of lynching, however they know nothing of the crime and manifest no approval of it, the issue is confused and efforts to suppress mob law are embarrassed.

"Mob" has come to be used by gangsters of great cities in describing themselves. If five men who kill another in South Carolina are "lynchers," why should as many gunmen in New York or Chicago when they kill a man be otherwise described?

Why should New York and Chicago escape the opprobrium of description as lynching towns?

Sumter, S. C., Item
January 1, 1934

NO SOUTH CAROLINA LYNCHING

(Charleston News and Courier)

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SUMPTER, S. C.
ITEM
JAN 1 1934

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CHARLESTON, S. C.
NEWS

DEC 30 1934

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LOWELL, MASS.
COURIER-CITIZEN

JAN 4 1934

A BAD LYNCHING RECORD.

Not since 1926 has the lynching record of the United States been as bad as it was in the year just closed. Ten years ago there was a sharp drop from 57 the year before—which was not worse than the previous average—to 33; and even that lowered record has not been equalled since. The previous minimum (38) was in the war year of 1917. The second war year, however, was characterized by a sharp setback, 64 such instances of mob violence having been noted. The minimum since the period during which accurate statistics are available, beginning in 1885, was eight in 1932.

It would be difficult to find an explanation for the irregularity of the record. On the whole there is perhaps a gain in respect for the processes of the law, but this crime goes in waves. After 1923 there was a still further drop to 16 the following year; but in 1926 there was a jump back to 30; then a reduction to eight by 1932; followed last year by a sharp bulge to 28. Whatever effect the attitude of Governor Rolph of California may have had on public sentiment, he cannot be held largely responsible for the bad record, since the California exhibition of mob violence came late in the year and the number of lynchings had already reached shameful proportions.

As usual, Negroes were the more usual victims in 1933. In three previous years not a single white person was thus done to death, and even in some years when the number of lynchings exceeded 60, no more white men suffered than last year. In 1904, the number of white victims, four, was the same as in 1933, although in the earlier year the total number was 87.

Almost half of these crimes last year were incited by a spirit of revenge for offenses that, even if the victims were guilty, would not have called for any further punishment at the hands of the law than a moderate term of imprisonment and a would have been sufficient in a few cases.

With the exception of Florida, which had a clean slate, all the southern states where mob violence against Negroes has been most prevalent, in spite of all efforts of lawyers and other good citizens to suppress it, contributed to this year's total. Arkansas might be mentioned as another exception, but that state began to clean house several years ago and its freedom from this crime is now almost to be taken as a matter of course.

On the whole the attitude of officials is improving. In 37 instances mob violence was successfully opposed by sheriffs and jailers or by an armed force, 11 white people and 37 Negroes have been thus saved from death. Each sharp rise in the number of lynchings since a real improvement has been perceptible has been followed by a drop of about equal proportions. One would expect therefore, a favorable swing in 1934, if it were not for the favor that has been shown to the California mob which took the law into its own hands and executed two murderous kidnappers. Apparently this has had a bad effect, but it may not prove to be an enduring one. After all, if nobody in the United States were lynched except for such well-established and atrocious crimes as that for which the California villains were hanged, there would not be much to worry about. Theoretically, every alleged criminal should have the protection of the law, but the worst tragedy of lynching as it is practiced in this country is that guilt is not always proved and that the death penalty is all too frequently inflicted for offenses that would not merit severe punishment, even if they were actually committed by the persons illegally executed.

Lynchings - 1933

Reports on, Sent Press, - Editorial Comments.

Jan. - Dec.

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WENATCHEE, WASH.
World
JAN 5 1934

OUR LYNCHING RECORD

The lynching record in the United States last year showed an increase from 13 in 1931, and eight in 1932 to 28 in 1933. This is not a reassuring showing but it is still much less than the maximum of between 100 and 150 attained several years ago.

Besides these 28 lynchings, 48 other persons were saved from lynching by prompt and vigorous actions of officers, showing that 76 persons might have been lynched had not the law interfered. Of those who died at the hands of a mob, eight were accused of murder, three of second degree assault, one was charged with disturbing the peace, one with common assault and battery, three with stealing liquor, three with uttering threats, one had no specific charge laid against him. Two were admittedly guilty of kidnaping and murder.

In a majority of the lynchings, it will be seen that the victims even if guilty of the crime charged did not deserve a death penalty. But in many of the cases where lynching was prevented, the defendants were afterwards found guilty and executed.

JEFFERSON CITY, MO.
POST TRIBUNE
JAN 5 1934

MOB VIOLENCE INCREASES

It is a disgraceful record for America that the number of lynchings in 1933 should have been three and one-half times that for 1932. It is not enough to explain that even the twenty-eight of the one year, as compared with the eight of the preceding year, represent a figure far below the one hundred or more annually at the beginning of this century, or the high record of 225 in 1892. For the forces of decency, enlightenment and respect for law must continue to operate in this country until mob violence is halted completely.

Despite the depressing showing for the last year, there is reassurance in the widespread denunciation of the attitude of Governor Rolph of California in condoning the two lynchings in that state. Such a reprehensible stand by a public official sworn to uphold the law had its echoes in the mob violence that shortly followed in this state and in Maryland, if not still in other states. Yet the public sentiment of this country is prevailingly and positively against mob defiance of law and the revival of primitive instincts bound up with it. That sentiment must continue to operate until the necessary work of prevention has been done.—Kansas City Star.

HOUSTON, TEX.
POST
DEC 31 1933

Judge Lynch's Jurisdiction

A STRIKING fact about the United States' lynching record of 1933 is that of the 28 persons done to death by mobs, only three were accused of criminal assault. Three others were accused of attempted criminal assault. Thus, less than one-fourth of the lynching victims were connected with that offense.

Many people who are inclined to condone the practice of lynching labor under the impression that mob action usually is taken to avenge wrongs against women. It has been true in the past that in the South negro assailants of women in many instances have been put to death by mobs. But lynchers have been taking cognizance of other crimes. They have been spreading their activities until numerous persons accused only of trivial offenses have been made to feel the vengeance of murderous bands of men taking the law into their own hands.

An analysis of the record of mob murders in 1933 calls attention to what an extent Judge Lynch is extending his jurisdiction over crimes and misdemeanors. Every citizen who is inclined to wink at lynching should not fail to consider this development.

According to statistics on lynching compiled by Tuskegee institute in Alabama, one of the victims of mobs in the past year died because he had been accused of threatening a man. One was lynched as a result of an accusation that he slapped a boy. One was said to have insulted a woman. One was alleged to have struck a man. One stole some liquor, so his slayers said. One figured in an altercation. Two were kidnapers. Three were charged with wounding persons. In three cases of lynching no one was ever able to learn what offenses the victims had been accused of. Eight of the persons lynched were accused of killings.

In this detailed report of 1933 lynchings there is revealed, surely, the danger in condoning mob violence in dealing with one or two varieties of crime, even though those varieties be heinous. Lawlessness is contagious. Permit mobs to murder with impunity persons accused of one sort of crime, and soon we have mobs taking the law into their own hands to punish people accused of trivial offenses. Unless lynching is curbed, the orderly processes of justice will be broken down and no citizen will have security.

WASHINGTON, IA.
JOURNAL
JAN 4 1934

LYNCHINGS IN 1933

Lynchings for 1933 in the United States numbered 28 an increase over 1932, 1931 and 1930 and that is a sad commentary on law enforcement processes and punitive regularity in this country.

As usual the great mass of the lynchings were in the south and the most of the victims were colored people. We think that some of our great northern cities are "bad stuff" but the lynching and murder records are held in the south, exclusively.

The colored man does not get a fair break in the south. Fourteen of the persons lynched were accused of less crimes than murder and the assault of women. In three cases no offense was reported at all.

The aristocratic, cultural, chivalrous south has a lot of things to learn yet about "common decency." With their lynchings, their chain gangs, their convict colonies and the like they still out simon Simon Legree in the expression of some of their emotions.

The racial prejudices that abound in the south are not of the colored man's making. He had nothing to do with it. He was enslaved by the white man originally and the onus of that status was not mitigated by the emancipation of the colored people. They still suffer for the iniquities of the slave trader and the slave owners.

But, in the matter of lynchings and other emotional crimes we of the north should not throw too many stones. We are not without sin ourselves and we sin, probably, with no more provocation than do our brothers of the south. We all need to set our mental houses in such order as will prevent us from irresponsible explosion.

RICHMOND, VA.
NEWS LEADER
DEC 30 1933

THREE TYPES OF LYNCHINGS.

The twenty-eight lynchings of 1933 are properly divisible into three groups—the race lynchings, the Rolph lynchings and those prompted by the belief that justice would be cheated by the law's delays.

Crimes of mob violence, inspired by race-feeling, are slowly diminishing. We see no reason to doubt their gradual disappearance as Southern states enact anti-lynching laws and enforce them. Lynchings prompted by the incendiary remarks of the governor of California will diminish as the memory of his language dies out, though the state of mind that applauded him unfortunately persists.

The lynchings that are most apt to increase and those that will be most difficult to combat have their origin in the fear of an excitable public that a person guilty of some infamous crime will defeat justice. This was the feeling responsible for the California lynchings that led Governor ROLPH to defend mob violence. These, consequently, are the contagious lynchings. They must be repressed, but they cannot be eradicated by anti-lynching laws, such as those of Virginia and of North Carolina.

The only sure means of triumphing over this type of lynching is to re-establish the faith of the citizen in the speed and certainty of American justice. Excessive regard for the rights of an accused man has made it increasingly difficult to assert the right of the state.

Unless there is an early and general reform of criminal procedure, the new type of lynchings will increase rapidly, until we have a quasi-judicial fascism in the United States.

Stanford, Ky., Journal
May 4, 1934

LYNCHING RECORD OF 1933

Tuskegee Institute, at Tuskegee, Alabama, has made public the result of its research into the lynching problem in America for 1933, and it shows that 28 persons were lynched by mobs during the year, whereas only 8 were lynched in 1932, 13 in 1931 and 21 in 1930.

Of the 28 victims of Judge Lynch, 14 were in the hands of the law and presumably already being prosecuted for their crimes. Of these 9 were taken from jails and 5 from officers in whose custody they were for the time being.

Against this record of lynchings Tuskegee reported that in 37 cases officers of the law prevented lynchings, successfully defending their prisoners from mobs. It may be interesting to note that in 31 of these cases mobs were resisted in southern states and 6 in northern states.

Of the 28 victims of lynchings 4 were white men and 24 negroes. Eight of the lynched persons were accused of murder, three of rape, three of attempted rape, three of wounding other persons, one with striking a man and another with slapping a youth, two with kidnapping, one with stealing liquor, one with insulting a woman and one with threatening a man.

There were no lynchings in Kentucky but Alabama had 3, California 2, Georgia 4, Louisiana 4, Maryland 1, Mississippi 3, Missouri 1, North Carolina 1, South Carolina 4, Tennessee 3 and Texas 2.

In California the governor of the state publicly approved the lynching of two kidnappers and in Maryland a near-riot resulted from the prosecution of alleged members of the mob which lynched a negro, when the prosecution was conducted from the attorney general's office, the local prosecutor having refused to act in the case.

As we have previously remarked in this column, there is a crime for which in the south, at least, the punishment is death if a mob can get at the accused. It would seem that the death penalty for slapping a boy or striking or threatening a man, however, is pretty severe and shows how cruel and vindictive mobs can be, once they get the upper hand of the officers of the law.

Lynchings-1933
&
Reports on, Sent Press, - Editorial Comments.

Jan. - Dec.

4465

Columbia, S. C. Record
Janaury 2, 1934

DEFINITIONS AND DISTINCTIONS.

In the lynching records for 1933 the state of South Carolina attains something like eminence, being credited four mob deaths as are also Georgia and Louisiana. Alabama, which went off on a lynching spree following one of its Scottsboro trials, and Mississippi, the leading lynching state, are credited with only three.

There will be those of course to question the accuracy of these records, compiled by Tuskegee institute. For one thing the lynching record compilers do not agree among themselves. The National Association for the Advancement of Colored Peoples for example lists only three "lynchings" for South Carolina and gives Alabama the undisputed lead with five.

But the debate doesn't end there. The three South Carolina "lynchings," it has been argued, were not lynchings.

"These South Carolina 'lynchings' were for the most part," the Greenville News for example contends, "murders committed by very small groups of men for comparatively trival offenses. One wonders why they should be recorded against this state as 'lynchings.' By similar logic the state of Illinois should be credited—or debited—with an unusually high number of lynchings. If a group of men slays another in Chicago it is set down as just another gangster killing, but a gang murder in South Carolina seems to be something quite different!"

And there is something in The News' complaint, enough to invalidate the lynching statistics in any scientific comparison of crime records in the South with similar records in Northern and Eastern states. What is a labor dispute in Pennsylvania would be a lynching in the records for Georgia or South Carolina. What is a gangster slaying in New York or Chicago would be mob violence in Greenville or Laurens.

But except for the purposes of such comparisons the distinctions the Greenville News and the apologists for South Carolina's record make are not important. The three 1933 slayings listed as lynchings in South Carolina partake enough of the elements of lynching and mob violence to make the argument difficult and would come under most of the legal definitions of lynching. The simplest definition of lynching for example is found in a Minnesota statute—"the killing of a human being by the act or procurement of a mob"—and the definition of lynching set up by the Southern Commission on the Study of Lynching in its model anti-lynching law is simply, "Lynching is the killing or aggravated injury of a human being by the act or procurement of a mob." And the minimum number of persons comprising a mob within the meaning of the statutes varies from one in Alabama, Indiana and Kansas to three in Kentucky, five in Illinois, New Jersey and West Virginia.

Two of the three victims in South Carolina were prisoners of the state, held in jail on minor charges, at the time of their abduction and slaying. The third, charged with nothing, was slain at his home by a mob. In none of the cases was there any spontaneous uprising of an entire community against the orderly processes of the law such as distinguished the lynching which everybody would admit is a lynching. But then there seldom is any such thing. In every community there are those who oppose lynching and lynchings are usually the work of a comparatively few people even when the entire community sits by and watches it done. And in all three cases there is an element of community responsibility. In the instances of the two persons taken from jails, the state was obviously obligated to defend its prisoners, held helpless and disarmed. In the Greenville case the community's fault lay in the fact that there had been no effective efforts made to apprehend and punish participants in previous exhibitions of the mob spirit.

The essential fact remains that three men are dead. And to dead men definitions do not greatly matter. A man, killed by a "very small" group is just as dead as if he had been done to death with all the sadistic details that distinguish the more celebrated lynchings. And the law of South Carolina is none the less violated and misused. A murder, of course, as the Greenville News, no defender of the killers, admits, is just as serious a crime as lynching. And the remedy—or more precisely the first step in a search for a preventive—is the punishment of the slayers—call them lynchers or no. The distinctions do not matter. The trouble in South Carolina is that too often distinctions have been made by courts, juries and governors.

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We were supposed to have had less drinking during prohibition, and now we have more taxes.

COLUMBIA, S. C.
RECORD

JAN 2 1934

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ST. LOUIS, MO.
GLOBE DEMOCRAT
JAN 6 1934

LYNCHINGS IN 1933.

During a year ~~when~~ the evil of mob violence was impressed on the public consciousness as, perhaps, it had not been in any prior year, the lynchings numbered forty-seven, according to the usual January report, an increase of ten over 1932.

Of the forty-seven victims, five were white men. Included in the forty-two Negro victims were three women in Florida and one in Alabama. The lynchings were distributed among fourteen different states, with Florida debited with the greatest number, eight, and with seven in Georgia, six in Alabama, five each in Louisiana, South Carolina and Tennessee and two in California. Missouri, Maryland, North Carolina, Texas, Michigan and Arkansas are debited with one each. That, in fourteen instances, peace officers either lent undoubted aid to the mob or made no resistance is charged. In one case in the South it is reported that the only fault of a victim was that he had sought to borrow money from a federal credit agency instead of from the local bank.

The figures themselves form a severe rebuke to Gov. Rolph's approval of the lynching of two kidnapers in California, but the report adds a verbal condemnation. And it is stated that the figures are incomplete as not including unnumbered Negroes in the South who escaped the rope or flames but were shot. While a statement that "no person has been prosecuted for any of these lynchings" may be true, nine are indicted and in a fair way to being prosecuted for the Missouri disgrace at St. Joseph and one of the most vigorous denunciations of the year on mob law was made by the Missouri judge presiding over the grand jury's deliberations.

MINNEAPOLIS, MINN.
MORNING TRIBUNE
JAN 21 1934

Lynching Gains in 1933.

The record of lynchings in the United States last year was the blackest since 1926. Victims numbered 28, as compared with 10 in 1932 and 14 in 1931. Where 1932 had recorded the fewest number of lynchings in any year since records were kept, 1933 showed an increase of 180 per cent, and only one year in the past decade has witnessed more mob murders.

Whether this was merely a temporary setback in the long struggle to snuff out lynch law in this country remains to be seen. Progress toward this end has been so steady in recent years that one is tempted to believe so and to blame the shameful showing of 1933 on a spirit of unrest and lawlessness which is purely transitory. After all, we were experiencing the fourth year of the depression. Nerves were frayed and tempers were on edge. Idleness and discontent and misery do not make, as a rule, for a law-abiding citizenry. It may be, then, that the 1933 record has its economic origins, and that improving conditions will set the stage for further advances in the long campaign to put an end to the disgraceful activities of Judge Lynch.

It is discouraging, nevertheless, to note that the National Association for the Advancement of Colored People reports a "surprisingly large number of instances of apparent collusion between law officers and mobs." This tendency, the association believes, is likely to grow unless curbed by legislative action. Certainly it will never be checked by such an amazing stand as that taken by Governor Rolph of California, who publicly condoned the lynching of two men in San Jose and promised to pardon the lynchers should they be convicted of the crime. To what extent Mr. Rolph sowed the seeds of contempt for law it is impossible to say; but even more depressing than the increase in lynchings itself was the spectacle of the governor of a great state aligning himself with those who had so barbarously taken the law into their own hands.

That Governor Ritchie of Maryland and some other state executives had the courage to stand resolutely against the lynchers is a fact, however, that helps to brighten an otherwise black record. It was not without its heartening significance, too, that Governor Rolph's stand in the San Jose case brought down upon him the scathing denunciation of the country as a whole. We may have taken a step backward in 1933, but when we review the record of the last 50 years, it is plainly apparent that we have made splendid progress. We have gone a long way since 1892, for example, when 255 persons were lynched. The ground lost last year may well sober us. It may well inspire us to a more determined effort to stamp out lynchings. But it will hardly warrant the conclusion that the United States, which has progressed so far in the right direction, is permanently reverting to the savagery of lynch law.

-ynchings-1933.
& Reports on, Sent Press.

Jan. - Dec.

4466

OAKLAND, CAL.
POST ENQUIRER
FEB 17 1934

Lynch Law in Action

A Disgraceful Record

The Tuskegee Institute of Tuskegee, Alabama, analyzes the American lynching record for 1933. It is not a good record. Lynchings increased 250 percent over 1932. There were 28 known lynchings in 1933, only eight in 1932.

Fourteen persons who were lynched last year were already in the custody of the law, waiting trial and punishment.

Only 13 of the persons lynched last year were charged with offenses punishable by death. The other 15 lynch law victims were seized by mobs for various offenses, ranging from wounding white persons in fights to bickering with a white person in the street, non-payment of rent and stealing liquor.

Mobs, once they form and smell blood, are not discriminatory.

Lynch law punishment for one offense easily serves as a precedent for the same kind of punishment for a lesser offense, and in the end lynch law can easily serve merely as the expression of racial or class prejudice—as last year's record shows.

Marietta, Minn., News
THURSDAY, MARCH 1, 1934

1933 LYNCHINGS SHOW INCREASE

Tuskegee, Ala. — (UP) — Twenty-eight persons were lynched during 1933, according to figures compiled in the department of records and research of the Tuskegee Institute.

This was an average, the report said, of 20 over 1932, 15 more than 1931, and seven more than in 1930. On a percentage basis, this was an increase of 250 per cent over last year.

Fourteen of the persons lynched were in the custody of the law nine were taken from jails and from officers of the law outside of the jails, and the bodies of two of them were burned, the report continued.

Officers of the law prevented 37 lynchings. In 24 of these instances the prisoners were removed or the guards augmented or other precautions taken. In the 13 other instances, armed force was used to repel the would-be lynchers.

The offenses charged were: murder, 8; rape, 3; attempted rape, 3; wounding persons, 3; altercation, 1; slapping youth, 1; kidnaping, 2; stealing liquor, 1; insulting woman, 1; threatening men, 1.

The states in which lynchings occurred and the number in each state follow: Georgia, 4; Alabama, 3; California, 2; Louisiana, 4; Maryland, 1; Mississippi, 3; Missouri, 1; North Carolina, 1; South Carolina, 4; Tennessee, 3; and Texas, 2.

MILWAUKEE, WIS.
LEADER
MAR 7 1934

1933 LYNCHING RECORD

The department of records and research of the Tuskegee institute reports that there were 28 persons lynched in the United States in 1933. This is 20 more than the number for 1932, 15 more than for 1931, and seven more than for 1930. Fourteen of the persons lynched were in the hands of the law; nine were taken from jails and five from officers of the law outside of jails. The bodies of two of the victims were burned. There were 37 instances in which officers of the law prevented lynchings. Six of these were in northern and western states and 31 in southern states. Of the 28 persons lynched, four were white and 24 were Negro. The offenses charged were murder, eight; rape, three; attempted rape, three; wounding persons, three; altercation, one; no offense reported, three; striking man, one; slapping youth, one; kidnaping, two; stealing liquor, one; insulting women, one; threatening man, one. The states in which lynchings occurred and the number in each state are as follows: Alabama, three; California, two; Georgia, four; Louisiana, four; Maryland, one; Missisipi, three; Missouri, one; North Carolina, one; South Carolina, four; Tennessee, three, and Texas, two.

Lynchings - 1933

Side Lights.

Alabama

X X X

4488

NEGRO WOMAN LYNCHED IN B'HAM

Son Narrowly Escapes Same Fate

Daily Worker 7-5-33

New York N.Y.

BOSTON.—The story of the brutal lynching of his mother three weeks ago near Birmingham was told here to the International Labor Defense by Alexander Lawrence, who narrowly escaped death at the hands of the same mob.

Lawrence told how his mother, Elizabeth Lawrence, living about five miles from Birmingham, was walking down a country road when some white children threw dirt and stones at her. She scolded them severely, but did not touch them.

That night she was murdered by a mob and her home burnt down. Alexander was away at the time, and when he returned he made a report to the county police. The only result was the reforming of the mob, which threatened to lynch him. He escaped and fled north to Boston.

The I. L. D. has begun preparations for an investigation of this lynching in Birmingham.

NEGRO BOY TELLS OF MOTHER'S LYNCHING

Woman Was Murdered and Home Burned

Tribune 7-13-33

Savannah Ga.

Boston, Mass., July 12.—News of the lynching of a colored woman, near Birmingham three weeks ago, was brought here today by the son of the woman murdered, Alexander Lawrence, who narrowly escaped death at the hands of the same mob.

About three weeks ago, according to the story told to the International Labor Defense by Lawrence, his mother, Mrs. Elizabeth Lawrence, living about five miles from Birmingham, was walking along a road when a crowd of young children threw stones and dirt at her. She scolded them severely, but did not touch them.

That night, she was murdered and her home burned down by a mob. Alexander was away at the time, and when he returned he made a report to the county police. The only result was the reformation of the same mob, which threatened to lynch him. He escaped, and fled north to Boston.

Machinery has been in motion for an investigation of this lynching.

ALA. BOY TELLS OF MOTHER'S LYNCHING

Afro-American 7-25-33

Baltimore Maryland

BOSTON—News of the lynching of a woman, near Birmingham, three weeks ago was brought here by the son of the woman murdered, Alexander Lawrence, who narrowly escaped death at the hands of the same mob.

About three weeks ago, according to the story his mother Elizabeth Lawrence, living about five miles from Birmingham, was walking along a road when a crowd of youngsters threw stones and dirt at her. She scolded them severely, but did not touch them.

That night she was murdered and her home burned down by a mob. Alexander was away at the time, and when he returned, he made a report to the county police. The only result was the re-formation of the same mob, which threatened to lynch him. He escaped and fled north to Boston.

The International Labor Defense has set machinery in motion for an investigation of this lynching from its Birmingham office.

NEW YORK TIMES

AUG 23 1933

X

THWART NEGRO LYNCHING.

Alabama Sheriffs Block Mobs at Decatur, Later Huntsville.

HUNTSVILLE, Ala., Aug. 22 (AP).—Two mobs seeking the same negro were dispersed here today by peace officers.

But their members threatened to return "a thousand strong" and get Thomas Brown, charged with criminally attacking a white woman in Decatur. Some carried pistols.

The answer of Sheriff Ben Giles was a command that all deputies swing into action at the first sign of violence. National Guardsmen were told to stand by.

Mr. Giles thwarted an attempt of a mob to get Brown early today after the negro was brought here for safekeeping, escorting the men to the county line. Late this afternoon another mob came to the jail. Demands that they be allowed to see the negro were ignored.

Brown was arrested yesterday soon after a white woman reported she had been attacked at Decatur, where the retrial of the famous Scottsboro case was held.

A crowd gathered at the Decatur jail last night, but dispersed when authorities allowed some of its members to go through the jail and satisfy themselves that Brown was not there. He had been spirited to this city.

James Royal, another negro, was shot to death last night near the scene where Brown was arrested.

Bullets Riddle Negro-Owned Store in Decatur, Ala.

Daily Worker 8-28-33

New York N.Y.

DECATUR, Ala., Aug. 27.—New terroristic attacks upon the Negro population here were discovered today when it was learned that several shots were fired into the Magnolia Drug Store, operated by a Negro, and into the Boston candy kitchen Tuesday night.

The attacks followed the lynching of James Royal, Negro boy, last Monday, the arrest of Thomas Brown on framed charges of "rape," the same day, and three successive attempts to lynch him.

This reign of terror, following closely upon the recent lynchings in Tuscaloosa, are regarded as preparations made by the authorities here for the lynching of the nine innocent Scottsboro boys, whom Judge James E. Horton has ordered to a third lynch-trial here in October.

Four shots were fired into the drug-store, operated by A. O. Sheffy and a single shot was fired through the window of the candy store. All were 38 caliber bullets.

Frank Brawley, Otis Webb and James Eddie, Negroes who were with Royal when he was murdered and narrowly escaped the same fate were held for the Grand Jury which is to meet Monday to railroad indictments against Brown and "investigate" the lynching of Royal and released in $100 bond.

NEGRO IS LYNCHED IN SELMA, ALABAMA

Houston Informer 9-9-33

Houston Texas

Selma, Ala.—Joe Solde, Negro tenant farmer, was lynched here Aug. 10, it has been learned by the International Labor Defense, in spite of efforts to cover up the crime made by authorities.

Solde was framed on a charge of stealing a cow, the real reason being a determination by his white landlord to drive him off a piece of land he held under his lease. Four white men, Archie Bryant, Walker Bryant, Edward Meallin, and Ace May, took him to the woods and beat him to death.

ALA. MOB CHASES MINISTER FROM STATE FOR REFUSING TO SIGN JIM-CROW WAGE CODE

Black Dispatch 9-21-33

Oklahoma City, Okla.

SELMA, ALA., CHIEF OF POLICE, SEC. OF COMMERCE AND BANK PRESIDENT LEAD SOUTHERN 'BOSSES' IN BANISHING REV. E. D. HUGHES FROM STATE

Former Muskogee Minister Hides All Night In Ditch To Evade Mob

NEW YORK, Sept. 21.—Because he refused to sign a statement saying he thought Negro workers ought to have a lower wage than that provided in the N. R. A. code, the Rev. E. D. Hughes, A. M. E. minister of Selma, Ala., has been driven out of town by leading whites, including the chief of police, the secretary of the chamber of commerce, and the president of a bank.

A hair-raising account of how he was forced to jump from a speeding automobile and hide under bushes in a ditch in order to escape a mob of pursuing whites, is contained in a statement given a representative of the National Association for the Advancement of Colored People by Rev. Hughes.

A complete statement telling in detail of the abuses heaped upon Mr. Hughes has been received here by the N. A. A. C. P. Protest has been made to General Hugh S. Johnson with a request that he take action against those who seek to block the operation of the President's agreements and use violence to enforce their desires.

$6 a Week For Girls

The Rev. Mr. Hughes, now residing in another Alabama city until he can get his wife out of the state, was the pastor of the Brown Chapel A. M. E. church in Selma and president of the Selma Ministerial Alliance. On August 20 one F. J. Ames, owner of the Selma Manufacturing company, sent to the Ministers' Alliance a private code for their approval. The code named $9.50 a week minimum wages for colored men, $9 a week minimum wages for colored women and $6 a week for colored girls from 14 to 16 years of age. He asked the colored ministers to approve the code.

Instead, the ministers wrote him a letter saying they had read President Roosevelt's code. They made no comment on the Ames code.

August 24 Rev. Mr. Hughes was taken before a committee of between thirty and thirty-five of the substantial white citizens of Selma at the courthouse. Bruce C. Craig acted as spokesman for the whites and after a few questions told Mr. Hughes:

"24 Hours To Leave Town"

Your record has been thoroughly investigated and we have found that you are not the type of citizen that exactly fits into a community like Selma and Dallas county, therefore we have decided that 24 hours from this minute, which is now 3:25 p. m., are long enough for you to get your business together and get out of town and Dallas county."

Rev. Hughes says he recognized the following persons at the meeting: Bruce C. Craig, Norman Standfield, chief of police; Hunt C. Frazier, secretary of the Chamber of Commerce; and E. C. Melvin, president of the Selma national bank. Mr. Hughes says he was offered $500 before this occurenc to go to Washington and urge a $8 wage for Negroes.

Hides In Bushes

Mr. Hughes did not leave at once, however, delaying until two days later, August 26. That afternoon five carloads of officers came to his house and chased his car which was just being driven away to be filled with gasoline by a friend. When they caught it and arrested the driver, they doubled back to get Hughes, who meantime had been warned by a fellow pastor and taken away in the car of his friend. The two were chased five or six miles out of Selma at sixty miles an hour. Mr. Hughes had his friend slow down to 25 miles an hour in a cloud of dust and he jumped from the car and rolled into a ditch while the whites whirled by after the car which had dropped him.

Mr. Hughes lay in the ditch under bushes until nightfall and made his way on foot to another town where he secured a ride to a large city.

Mr. Hughes is a native of Palestine, Ark. He has pastored churches in Muskogee, Okla., and Louisiana. His wife was Miss Mattie L. Martin of Bosteville, Ark.

@ Courier 10-7-33
Pittsburgh, Pa.

"THEY JUST BEAT HIM TO DEATH," FARMER TELLS REPORTER AFTER ALABAMA'S LATEST OUTRAGE

By SIDNEY WALKER, for A.N.P.

BENTON, Ala., Oct. 5—"They just beat him to death," a farmer furtively informed me. He was speaking of the death of Joe Souls, prominent farmer and independent renter on the Gary Plantation, near here, who was murdered Tuesday morning, August 8.

He died as the result of a beating given him by five white men: Archie Bryant, Edward Mealin, Asa May, and two others whose names are Hall and Geston. They lured Souls to a house on Archie Bryant's plantation and beat and tortured him until he died.

What was the cause? Jealousy. Souls rented the entire farm upon which he lived and sub-rented it to other Negroes. He had twenty tenants. He made the farm pay. Last year, Archie Bryant, one of the white men who helped to beat Souls to death, went to the white agent for the property in Montgomery and made him an attractive offer for the place. The agent, however, refused to displace Souls.

Thereafter Bryant waited for a chance to move against Souls. It came when Souls had a misunderstanding with Jim Ziegler, a sort of foster son who lived on his place. Souls lost a $10 bill and accused Ziegler, in whose clothes he found $6, of taking the ten. This angered Ziegler. He thereupon went to the white men who sought the farm and informed them that Souls permitted stray cattle to pasture on his land and then sold this cattle.

The white men, led by Bryant, came to Souls' house to see him, but Souls was away. When he returned his wife told him of the visit and that the men had left word for him to come to see them. He waited until the next day before doing so. When he met the men they accused him of stealing cattle. He denied the charge. They forced him to take his coat off and began beating him to compel him to confess the charge they made against him. He still refused. After this the white men left and told him he had better own up when they returned. They came back and whipped him again until he was in such condition that his assailants feared for his life. They took Souls to a doctor in Benton, but this man said that he could do nothing for him, that it was necessary to take him to a hospital.

On their way back with Souls in their car, the white men stopped in a nearby field and ordered Andrew Bledsoe to stop plowing, hitch his team to a wagon and take Souls home. Then the white men drove off. Souls told Bledsoe to leave him under a shade tree and hurry home to his wife for he was dying. When Bledsoe returned with Mrs. Souls the farmer was dead.

Archie Bryant and Edward Mealin, two of the white men involved in the flogging, are notorious in this community where they are gossips of other murders to their discredit.

No official action has been taken against them, despite the presence of witnesses to the entire affair.

Birmingham, Ala., News
October 4, 1933

The Tuscaloosa County Lynching Investigations

The failure of the Tuscaloosa County Grand Jury investigating the Pippen and Harden lynchings to find sufficient evidence to warrant indictments is disappointing. If Tuscaloosa County had succeeded in bringing the lynchers to justice in this case, the fact would have gone far toward redeeming its reputation in the eyes of the nation.

Let us hope that more success will attend the investigation of the more recent Cross lynching. There can be no doubt that the people of Tuscaloosa County wish to see these crimes punished. The strong support of public opinion in the community should be helpful to the Grand Jury in probing the Cross case.

Birmingham, Ala., Age-Herald
October 4, 1933

Not The End

Though few will be surprised by the failure of the Tuscaloosa County Grand Jury to indict the persons guilty of the Harden and Pippen lynchings, many will deplore this confession of helplessness at a time when resolute and revealing action was specially needed. The upshot is that a great state having at its command enormous means for the detection and punishment of offenders who have brought so much discredit upon it now declares in effect that it is either unwilling or unable to deal effectively with this problem. There is little comfort in that realization for informed Alabamians.

There is little comfort in the Grand Jury's expression of confidence in Sheriff Shamblin. "Nothing in the investigation reflected on his integrity or ability as a law enforcement officer" is the way in which this particular feature of the Grand Jury's report is summarized in the dispatches. So far as this paper knows, no one has ever questioned the "integrity" of the sheriff. But it is quite a different matter, so far as his "ability" is concerned, at least as it was evidenced in events leading up to the lynchings. If the sheriff's men who accompanied those darkies were equal to their responsibility, the sheriff cannot be held at fault. But if that was not the case, the sheriff cannot escape all blame in this connection.

Somehow The Age-Herald cannot bring itself to believe that the sorry affair has thus reached its end in a sandy delta of Grand Jury platitudes. The new spirit evinced in Tuscaloosa leads one to believe that the force of an aroused public sentiment may yet make itself felt in a satisfactory handling of the Harden and Pippen killings. However much outside interference may have blown upon the flame of popular feeling, the fact remains that Alabama civilization was brutally assailed by the lynchers. Such an affront simply cannot be dismissed. It has already borne an evil fruit. It must be faced with courage and vision, if its lingering infection is not to continue harassing the life of the state.

Alabama

4489

Lynchings-1933
6
Side Lights.

FATHER OF LYNCHED YOUTH, CHIEF WITNESS, DISAPPEARS

Call

12-1-33

Kansas City
Mo.

TUSCALOOSA.—No trace of Dan Pippen Sr., the father of Dan Pippen Jr., who was lynched in Tuscaloosa, and chief witness in his son's case, could be found by the delegation to investigate lynching sent into Alabama by the National Committee for the Defense of Political Prisoners.

Pippen Sr. has not been seen in Tuscaloosa for more than two weeks. Reports that he had been killed have been denied, but all searches for him have ended in failure and the conviction grows that he has been "quietly done away with." Judge Henry B. Foster, interviewed by the investigating group, stated as his vonviction that Pipen, like Willie Jemison, another witness "had left town for his own safety."

The Pippen disappearance is noted only as a single instance of "bitter, flagrant oppression of all Negroes in Tuscaloosa, which has followed in the wake of the four lynchings there," according to Alfred H. Hirsch, secretary of the National Committee for the Defense of Political Prisoners, and one of the Tuscaloosa investigators.

No Negro Registered

From first hand and unassailable sources the committee which he heads has learned: That not one Negro dared to register this year, although 300 voted in 1932.

That the Ku Klux Klan is parading with increasing fervency in and around Tuscaloosa. In a letter written by a white resident of Tuscaloosa he found the following words: "The Ku Klux Klan ride often. They were down the other night in full regalia, over a hundred strong. Routed a bunch of darkies out...one left and hasn't been heard from since."

That Negroes are now excluded from theatres where they were formerly admitted. The most prominent Negro business men in Tuscaloosa have lost the "favors" formerly extended to them by white attorneys.

That several Negroes whose property "is too good for a nigger" have either been forced to leave Tuscaloosa or have left "voluntarily."

That a Negro who collected funds for the International Labor Defense was obliged to leave Tuscaloosa.

The delegation sent by the National Committee for the Defense of Political Prisoners to investigate the lynchings was subject to open hostility from the deputy sheriffs who refused to be interviewed by them and restrained and suspicious politeness from Judge Henry B. Foster and Sheriff R. L. Shamblin.

Attorney General Thomas E. Knight Jr., refusing to cooperate with the delegation, declared: "If you step beyond certain bounds, I do not know how you will be treated. No one can tell what will happen."

More On Cross Lynching

Further information was obtained on the case of Dennis Cross, lynched on September 24. This man, a semi-paralytic, worked in and around a store known as "Hinton's." Some time before, a Negro had been murdered in the store in a dispute arising over a Negro woman said to have been the concubine of Hinton, a white man. There were three witnesses, all Negroes. Cross was one of these and the others were sent up on charges of having broken into and rifled Hinton's store. They got terms of 17 to 20 years, in spite of the fact that all of the small amounts of supplies taken from the store were found intact.

Cross remained as the only witness to the murder. He was charged with "grabbing" at a woman, but was released on $300 bail, allegedly supplied by Hinton. The small figure is worthy of notice, since had the charge been a real one, no such diminutive sum would been set as bond.

On September 24, men posing as deputies, came to Cross' house, telling him that "something had to be done in connection with his "bond," and took him out and shot him. Next day a local Negro undertaker was told that "there's a dead nigger down the road. You'd better pick him up."

The committee was informed that the automobile tracks leading to the scene of the murder displayed the treads of New Goodyear tires. Hinton's car also had new Goodyear tires.

Further information on the findings of the committee in these two cases is being assembled for publication, in order that the citizens of the entire country may realize the significance of these case, as they already do in the Scottsboro case.

Dan Pippen, Sr., Reported Missing in Tuscaloosa

Afro

1-25-33

Baltimore
Md.

No trace of Dan Pippen, sr., father of the Dan Pippen who was lynched in Tuscaloosa, Ala., and chief (witness in his son's case, could be found by investigators for the National Committee for the Defense of Political Prisoners, according to an announcement from the New York headquarters last week.

Pippen, sr., had not been seen in Tuscaloosa, for more than two weeks. Reports that he had been killed have been denied but all searches for him have ended in failure. Judge Henry B. Foster, when interviewed by the investigators, stated as his conviction that Pippen had left town for his own safety.

Coupled with Pippen disappearance, the investigators found several instances of bitter and flagrant oppression of all Negroes in Tuscaloosa. They reported that not one Negro dared to register this year although 300 voted in the 1932 election. That the Ku Klux Klan is parading with increasing frequency in and around Tuscaloosa. That Negroes are now being excluded from theatres where they were formerly admitted and that several Negroes whose property was considered "too good for a nigger", have either been forced to leave the town or have left voluntarily.

Negroes of Decatur Terrorized Daily By Mobs of Klansmen

Daily Worker

9-16-33

New York
N.Y.

(By a Negro Worker Correspondent)

DECATUR, Ala.—Having come into Decatur a few days ago to get the sentiment of the people in regard to the Scottsboro Case, I find that there has been a reign of terror let loose against the Negro masses at the hands of the white ruling class. A Negro, Thomas Brown, was framed up and accused of attacking a white woman Monday, arrested two hours later on Vine St., taken to jail and identified by the white woman as the attacker. A mob gathered at the jail to take the Negro out and he was spirited away to some unknown place, according to the capitalist press, although it is known to everybody here that this boy has been going with this woman for several months, and it could not be rape.

A Negro boy of 16 years of age was shot dead on Vine St. by a mob of Mack men about 50 feet from the place where Brown was arrested. The Klans paraded the Negro sections. Negroes were barred from going through white sections on their way to work. A Negro drug store was broken into.

Fellow workers, it shows very clearly that the white ruling class is laying a basis to make a greater attack on the living standard of the masses. The white and Negro workers are being divided. Lynch sentiment is preparing the ground in order to lynch the Scottsboro boys.

Fellow workers, we must close our ranks—we must fight—we must organize—we must build the International Labor Defense into a mighty defense movement. We must build up a United Front of Negroes and ing and national oppression of the white workers to fight against lynch- of the Negro. J. J.

Lynchings-1933

Side Lights.

Alabama

4490

Lynching Reports Are Proven False

5-10-33

GREENVILLE, Ala., May 9 (AP)—The sheriff's office Tuesday announced that a thorough investigation had shown unfounded reports that a Negro had been lynched at Georgiana on Saturday night for an alleged insult to a white girl.

A deputy sheriff speaking for the office said a young Negro had been whipped after he had replied to a young girl who asked if his Negro girl companion was his girl, "No, you are my girl."

The deputy said he did not know the names of the principals in the case.

Macon, Ga., Telegraph
May 10, 1933

Lynching Reports Are Proven False

GREENVILLE, Ala., May 9 (AP)—The sheriff's office Tuesday announced that a thorough investigation had shown unfounded reports that a Negro had been lynched at Georgiana on Saturday night for an alleged insult to a white girl.

A deputy sheriff speaking for the office said a young Negro had been whipped after he had replied to a young girl who asked if his Negro girl companion was his girl, "No, you are my girl."

The deputy said he did not know the names of the principals in the case.

Negro Vanishes; Lynching Hinted

GEORGIANA, ALA., May 7.—(Special)—The whereabouts of a negro boy about 16 years old, who was seized by white citizens early last night after he was reported to have insulted a young white girl, remained a mystery here today, with Town Marshal Peacock and Town Marshal Moore disclaiming knowledge of the incident.

Reports were current to the effect that the boy, after having been seized by the mob, admitted that he made insulting remarks to the girl, whom he approached while she was milking a cow at her home.

Conflicting reports as to what became of the boy are heard here, one report being to the effect that he was lynched and others—considered the most plausible—to the effect he had been given a lashing.

Marshal Peacock said he was not in Georgiana and was not on duty, declaring he was off with Sheriff Winkler at the time. The boy, he said, lived on the outskirts of the town, but he did not know his name.

Sheriff Winkler, at Greenville, said no report had been made to his office but he came to Georgiana tonight to investigate the incident.

Marshal Moore said last night that he "didn't know anything about it and didn't care anything about it." He said he was on duty at the time but as a "sort of nightwatchman," and that such things "were not in his line." He said he was marshal.

Marshal Moore resented newspaper efforts to get any facts regarding the reported mob's activities and said if he "knew the boy's name he had forgotten it."

Huntsville, Ala., Times
May 9, 1933

NEGRO BOY WHIPPED, BUT NOT LYNCHED

GREENVILLE, Ala., May 9 (AP—The sheriff's office here today denied reports that a young negro boy was lynched Sunday night near Georgiana for insulting a white girl.

"There's nothing to it," a deputy sheriff said. "A little white girl about 12 saw a negro boy walking along with a negro girl.

"She said, 'Is that your girl?' And the negro boy said, 'No, you're my girl.'

"Later, the girl told her father about it and they took the boy out and whipped him. That's all there was to it."

The deputy said he did not know the names of the girl or the negro.

Troy, Ala., Messenger
May 8, 1933

Negro Vanishes Following Insult; Lynching Hinted

GEORGIANA, Ala., May 8—The whereabouts of a negro boy about 16 years old, who was seized Saturday night after he was reported to have insulted a young white girl, remained a mystery here, with Town Marshal Peacock and Town Marshal Moore disclaiming knowledge of the incident.

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Troy, Ala., Herald
May 11, 1933

Negro Vanishes Following Insult; Lynching Hinted

GEORGIANA, Ala., May 8—The whereabouts of a negro boy about 16 years old, who was seized Saturday night after he was reported to have insulted a young white girl, remained a mystery here, with Town Marshal Peacock and Town Marshal Moore disclaiming knowledge of the incident.

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MAN LYNCHED IN STREET BY DECATUR MOB

Call
9-1-33
Kansas City

Crowd Sought Tom Brown National Guard Called To Protect Him

DECATUR, Ala. — One man, James Royal, has been lynched by a mob and the life of a second, Tom Brown, is in danger of being snuffed out in like manner in this Alabama town in which the second Scottsboro trial was held.

Royal was shot down in the street by a mob seeking Brown whose life the crowd has sought twice to take.

The sought prisoner is being held on a charge of attacking a white woman, Mrs. George Dugger, the mother of seven children, in Huntsville, Ala. He was arraigned and indicted by a grand jury which set September 4 as the date of his trial and brought him from Huntsville here for "safe keeping". He pleaded not guilty.

Since his placement in the Decatur jail two attempts have been made on his life, in one of which Royal was slain. Following Royal's death national guardsmen were put on duty around the courthouse to protect Brown.

With the guardsmen on duty, the grand jury is continuing its investigation of Royal's slaying. The jurors have been charged by Judge James E. Horton to conduct "a full and impartial investigation" into the death of Royal.

Judge Horton was the presiding judge in the second trial here of Haywood Patterson, first of the Scottsboro boys to be retried. He gained the nation-wide respect of the Negro citizenry for his fairness in conducting the trial amid the prejudice of his southern brethren

Decatur Is Scene of Mob Action

Defender 9-2-33

DECATUR, Ala., Sept. 1. — Armed gangs, following the example set at Tuscaloosa, lynched one Race man here Monday and three times attempted to lynch a second. This is the town where the retrial of Heywood Patterson, Scottsboro boy, was held last April, and to which Judge James E. Horton and Attorney General Thomas E. Knight Jr. insist the nine innocent boys be brought for a third trial in October.

James Royal was lynched by the gang Monday night after Thomas Brown, framed on a charge of attacking a white woman, was moved from the flimsy jail to Huntsville. The lynchers attempted to storm the jail. When they discovered Brown had been moved to Huntsville they went there in cars and demanded that he be turned over to them. In the face of the nation-wide protest against the Tuscaloosa lynchings, Sheriff Ben Giles was afraid to do this. The lynchers departed with a threat that they would return, "a thousand strong," though it was doubted that so many of the white lynch ruling class could be mustered.

Search Jail

They returned a second time, but were again disappointed, as Sheriff Giles feared to turn Brown over to them. In Decatur the lynchers were permitted to search the jail—the same one in which the Scottsboro boys were held last April—to prove that Brown had been taken away.

Defender 9-2-33 Chicago, Ill.

At the time of the Scottsboro trial here the jail was described as one "which could be broken into with a teaspoon" by the authorities. It is used only for our people, all white prisoners being taken to Huntsville.

Royal Shot Down

Royal was killed while standing on W. Vine St., where Brown had been arrested, with three other men. A carload of thugs swept by and fired several charges from a shotgun at the four. One charge struck Royal full in the chest. Frank Brawley, Otis Webb and James Eddie, Royal's companions, were held for a grand jury called for Monday by Judge Horton. No lyncher has ever been arrested here.

Brown was arrested in a pool hall after Mrs. George Dugger (white), mother of seven children, told the police that a Negro had held a knife at her throat and raped her by the roadside at 11:30 Monday morning.

A general round-up was begun by police, who brought Brown before Mrs. Dugger to be identified. He was the first one brought in and she immediately "identified him positively."

Paper Stirs Lynchers

The Decatur Daily, white paper, carried screaming headlines proclaiming "Negro Attacker Identified" and "Woman Is Victim of Brutal Black in Daytime Rape," whipping up the lynch spirit to a high pitch.

The special grand jury called for Monday has also been instructed by Judge Horton to return an indictment against Brown as quickly as possible to railroad him to a lynch trial immediately.

WOULD-BE LEADER PUT ON SPOT BY THOSE BETRAYED; PROBER TELLS INSIDE OF SELMA CASE

Journal and Guide 9-2-33 Norfolk, Virginia

By JESSE O. THOMAS

ATLANTA, Ga.—(ANP) — The complete story centering around the episode involving the Rev. E. D. Hughes of Selma, Alabama, who reported recently that he was run out of town, has not been fully told to the public.

Without any attempt to apologise for, exonerate, or justify the uncivilized treatment that Rev. Mr. Hughes received at the hands of the police department or the mob spirit manifested by the leading white citizens comprising a committee before whom he was called and who instructed him to leave town within twenty-four hours, but in order that the public might know the whole truth, it seems necessary to describe the part that Negroes played in this unfortunate drama.

In Selma is a large bag factory which has been an important employer of Negro labor. Connected with the bag factory, whose president was interested in getting a separate labor code for the Negroes working in that industry, was a colored physician, Dr. N. D. Walker, who served in the capacity of the company's physician. Whenever any of the employees were ill, Dr. Walker was advised by the company and when the visit was made, the company is alleged to have deducted the doctor's fee from the weekly income of the patient and paid the doctor direct.

Physician's Role Told

In lieu of this relationship with the company, Dr. Walker was most active in trying to get the Negroes to request the National Recovery Administrator to grant a separate code providing a subminimum scale for Negroes in the factory at Selma. Dr. Walker and an A. G. McCarroll, (Mr. McCarroll is proprietor of a barber shop in Selma, whose customers are white) and another Negro, who is secretary of Selma University, went to Montgomery and appeared before the public works committee and representatives of the NRA, at the request of F. J. Ames, owner of the factory, in the interest of this proposed "Jim Crow code."

Mr. McCarroll was a member of Rev. Mr. Hughes' Church, but had had a misunderstanding with his pastor and had threatened never to return to the church as long as he was pastor. Rev. Mr. Hughes accuses this Mr. McCarroll of taking advantage of his attitude toward the proposed code and while the white citizens who were afraid that Mr. Ames, the owner of the factory, would carry out his threat to move the mill if he had to pay the salary schedule provided by the blanket code, were incensed, Mr. McCarroll recognized his opportunity to get his pastor out of town.

He is alleged to have told the white people that Rev. Mr. Hughes was a Communist. This gave the police department and "the best citizens" sufficient cause, they evidently believed, for action.

Protected By Police

At this meeting in Montgomery, Dr. Walker is alleged to have stated in defense of the proposed acceptance of the blanket code, that Negro women were not worth more than $4.00 a week. This news finally reached the Negro community in Selma. When the writer was there, the same police department that drove Rev. Mr. Hughes out of town was protecting to doctor's home to keep the Negroes from driving him out of town.

This was one of the refreshing aspects of the whole situation. Negroes have finally gotten to the point, it seems, where these "goats in sheep's clothing" shall be put on the spot.

Not only was this Negro committee unfair to Mr. Ames, but it was manifestly unfair to the Negro employees in his factory.

Rumor was rife in this community that this Mr. McCarroll was identified with another tragedy that resulted in the death of a Dr. Sullivan, that occurred in Selma several years ago.

Future Seems Hopeful

It makes the future of the race appear quite hopeful when this element of our population upon whom the Negro professional and business men and women depend for existence, shows disposition to put them on the spot when it is known that they have misrepresented the masses in interracial counsel.

Whenever the anti-social and intolerant element of the white population wants to exploit helpless Negroes, they are usually able to find a cat's paw to pull the chestnut out of the fire. This man, whom we choose to call the average citizen, if given the information, can usually be counted upon these unauthorized ambassadors at to increase the mortality rate of the Court of St. James.

——EVERYBODY WINS——

Lynchings-1933

Side Lights.

Arkansas.

4491

NEGRO BEATEN BY MOB

Commercial

Taken From Officers On Highway Near McCrory—Officers Injured.

McCRORY, Ark., April 25.—Sam Williams, negro, 30, was taken from Sheriff John Browning and D. V. Massey, marshal of McCrory, on the McCrory-Augusta highway last night by a mob of masked men and severely beaten. He could not be found by officers this morning and is believed to have left the county.

Massey's legs were skinned and Sheriff Browning's left shoulder was pulled out of place by the mob when they took the negro.

4-26-33

Williams was arrested Friday on a charge which linked him with a woman in Augusta. Mob violence was threatened and he was taken from the county jail and kept in hiding in McCrory. His trial was held yesterday morning and he was fined $25 and sentenced to six months in jail. The woman, who testified that she was drunk and did not remember anything, was fined $25.

Officers wer attempting to take the negro to Forrest City for safe keeping and had taken a short cut from Augusta to McCrory. When they drove on the main highway, the road was blocked with cars.. Guns were taken from the officers and they were told to drive on to McCrory, where they sought medical aid.

They heard 50 shots fired and feared the negro had been lynched. Going to the scene later they found no trace of a lynching and it was believed today that the negro had fled the county.

ARKANSAS MOB FLOGS NEGRO PRISONER

AUGUSTA, Ark., April 25.—(AP)—Sheriff John Browning announced today that a group of 250 masked men forced him to give up a negro prisoner last night, flogged the negro severely and chased him out of Woodruff county.

Atlanta, Ga.

Browning said he was taking the negro, Sam Williams, 45, to Forrest City when the mob stopped his automobile. Williams was arrested a week ago on a statutory charge involving a white woman, who later left town.

NEGRO SUSPECT ~~KILLED~~ BY POSSE IN ARKANSAS

PINE BLUFF, Ark., Aug. 19.—(AP) Closing in upon him as for a second time he was [illegible] blood-hounds chasing him, a posse early today shot and killed Henry Jackson, 30, paroled negro convict suspected of a probable fatal attack on a guard at Cummins negro prison farm. The officers said the negro ran when they commanded him to halt.

Constitution

8-20-33

Jackson was sought for an attack upon George Ives, veteran, prison guard, who is in a hospital here with slight chance of recovery. Ives was struck over the head with a heavy timber at Cummins farm Thursday.

Atlanta, Ga.

ESCAPED NEGRO SLAIN

Commercial Appeal

Killed by Posse Near Camden After Officer Is Shot

CAMDEN, Ark., Nov. 1.—(AP)—An escaped negro convict who confessed shooting Proffit Linebarier, assistant fire chief, and committing a series of burglaries in three cities, died today of bullet wounds inflicted by a posse of officers.

11-2-33

The negro, Ernest Morgan, 28, was wounded and captured Monday night by a posse seeking him for the shooting of Linebarier, who with Officer Maurice Cawthon, was fired upon by the negro from a box car in the railroad yards here.

Morgan, who escaped from Cummings prison farm several weeks ago, only a few days before the end of his sentence, was said by officers to have admitted shooting Linebarier and to have cleared up several house burglaries here and at El Dorado and Texarkana. He also was a fugitive from the Louisiana penitentiary.

Linebarier is expected to recover.

Lynchings-1933
Side Lights.

Florida.

4492

POSSES SEEK NEGRO AFTER TWO SHOOTINGS

Constitution
3-18-33
Atlanta Ga.

TALLAH[illegible]SEE, Fla., Ma[illegible] 17. (AP)—Possemen from several cities in north Florida and sou[illegible]eorgia today c[illegible] search which [illegible] all night [illegible] negro who shot and wounde[illegible] persons after several robberies here and in Bainbridge, Ga.

The negro, known here only as "Red," last night shot and wounded Deputy Sheriff Joe Campbell, of Tallahassee, when Campbell and another deputy sought to arrest him for questioning regarding the thefts. The shooting occurred near Lake Hall, six miles north of here.

Several days ago, officers said, the negro shot and seriously wounded Sam Robinson, another negro, whom he held up and attempted to rob. He escaped from city police here yesterday when they tried to arrest him. He dropped a sack of loot later identified as having been stolen in Bainbridge.

A posse was formed here last night following the wounding of Deputy Campbell. The searchers and their bloodhounds were joined today by officers from Monticello and Quincy, Fla., and Cairo, Thomasville and Bainbridge, Ga.

St. Augustine, Fla., Record
May 10, 1933

Wounded Negro Taken to Jail In Duval Co.

Fear of Lynching Is Cause of Removal from Here

Ike Williams, the wounded negro, who was arrested in connection with the shooting of L. L. Knight and Frank Quigley, St. Johns County deputy sheriffs, was removed from Flagler Hospital last night where he was being treated for bullet wounds, to the Duval County jail in Jacksonville.

It was reported that rumors of mobbing and lynching the negro had reached the hospital authorities and county officials, and it was thought best to remove him to the jail in Duval County.

He was taken to Jacksonville last night about 8 o'clock in an ambulance, guarded by Deputy Sheriff V. J. Chauvin and J. R. Quisenberry. Williams was wounded in the abdomen and leg by bullets fired by the late Deputy Quigley, after the negro had shot both deputies.

NEGRO RELEASED AFTER KIDNAPING

Leader of Political Faction at Daytona Beach Claims White Men Beat Him

Telegraph
11-25-33
Macon Ga.

DAYTONA BEACH, Fla., Nov. 24 (AP)—Joe Harris, a Negro leader in a faction of today's municipal election, returned this afternoon from what he described as a night-riding abduction at the hands of unidentified white men who threatened his life.

Shelton Richardson, another Negro political worker, also was kidnaped and released near Kissimmee, near here, Harris said.

Numerous scalp wounds resulted from his experience with the band of men, Harris claimed. He said the abductors seized him and Richardson last night at almost the same time several blocks apart. He said there were three white men each in two automobiles.

Sheriff S. E. Stone began a search this morning for the Negroes and their alleged abductors soon after the report on the kidnaping was made and Mayor Edward H. Armstrong had telephoned Governor Dave Sholtz.

National guard officers said they had received orders from Adjutant General Vivian Collins to "stand by" and inform him of developments.

The return of Harris quieted feeling which had been manifest from the time of the first report, and brought to an end an all night vigil.

Meanwhile, the municipal election proceeded without disorder.

Brunswick, Ga. News
November 28, 1933

Negro political workers were reported kidnaped in a Florida election. They'll probably show up after the votes have been counted and their opponents declared victorious.

Lynchings-1933
Side Lights

Georgia

X X X

4493

WIFE OF SLAIN MAN AND NEGRO HELD AFTER INDICTMENT

Constitution

Negro Is Brought to Fulton Jail for Safe Keeping Following Arrests in Columbus Late Thursday.

2-24-33

Columbus, Ga.

ACCUSED WOMAN IN MUSCOGEE JAIL

Man Was Fatally Shot After He Left Grocery Store on Night of February 7.

COLUMBUS, Ga., Feb. 23.—(AP)—Mrs. Ruth Gamble, widow of J. R. Gamble, who was shot and killed here on the night of February 7, and a negro, Andrew Hunt, were arrested here today on charges of murder for the alleged slaying of the woman's husband.

The arrests were made following indictments brought by the Muscogee county grand jury charging them with the slaying of Gamble.

W. D. Layfield, Muscogee county jailer, said he had Mrs. Gamble in custody and that he "understood Hunt had been taken to another jail."

Layfield said Mrs. Gamble was arrested late today and brought to jail, where she has refused to make any statement. She is the mother of two boys, about 6 and 8 years old. She is 36 years old and, according to Layfield, a member of a well-known Georgia family.

She had been conducting the grocery business since the night her husband was shot.

Layfield said Gamble was shot as he left the grocery store. The Gamble residence is next door to the store and Gamble generally went from his store to the residence from the rear of the store, where he was found fatally wounded.

Three negroes have been under arrest as suspects, and Layfield said he had "on several occasions" had a negro by the name of Andrew Hunt in jail charged with misdemeanors.

The Muscogee county superior court is now in session, but Layfield said he did not know if the case of Mrs. Gamble and the negro would come up at this term. He said he had not heard of any attempt to have Mrs. Gamble released on bond.

Andrew Hunt, negro, was brought to the Fulton county tower here late Thursday for safekeeping. The negro was driven from Columbus by Sheriff C. C. Layfield, who immediately returned to the Muscogee county capital.

WARREN COUNTY MOB HAS NEGRO

Lynching

Telegraph

Wounded Man Taken From Doctor's Office After Two Men Are Shot to Death

5-13-33

Macon Ga.

WARRENTON, Ga., May 12 (AP)—A mob of about 50 men took Will Kinsey, Negro, from the office of a physician here Friday night and disappeared after Kinsey had been wounded in a gun battle in which Charlie English, leading white farmer of this section, and Lamar Kinsey, a Negro, had been killed.

Will Kinsey was wounded in the battle on English's farm where the two Negroes were tenants.

Dr. A. W. Davis, a physician, said Will Kinsey was brought to his office and treated for his wounds. He said he left the Negro in charge of a deputy sheriff.

Dr. J. A. Bray, a drug store owner across the street from the physician's office, said he saw a mob of about 50 men enter the office and leave with the Negro. They threk Kinsey into the back seat of an automobile and disappeared, he said.

Sheriff Investigating

When informed of the abduction of the Negro late Friday night by newspaper men, Sheriff George P. Hogan said he had just returned from an investigation of the shooting and had not been informed of the mob's action. He beg an investigation at once.

The sheriff said he had learned English and another man went to the home of the Negroes and the shooting followed. He said Lamar Kinsey and English were killed instantly.

Relatives had already taken Will Kinsey to Warrenton when the sheriff arrived.

White, Negro Slain, Mob Abducts Brother

Constitution

5-13-33

Atlanta Ga

WARRENTON, Ga., May 12.—(AP) A mob of about 50 men took Will Kinsey, negro, from the office of a physician here tonight and disappeared after Kinsey had been wounded in a gun battle in which Charlie English, leading white farmer of this section, and Lamar Kinsey, brother of Will, had been killed.

Will Kinsey was wounded in the battle on English's farm where the two negroes were tenants.

Dr. A. W. Davis, a physician, said Will Kinsey was brought to his office and treated for his wounds. He said he left the negro in charge of a deputy sheriff.

Dr. J. A. Bray, a drug store owner across the street from the physician's office, said he saw a mob of about 50 men enter the office and leave with the negro. They threw Kinsey into the back seat of an automobile and disappeared, he said.

Sheriff George P. Hogan said he had learned English and another man went to the home of the negroes and the shooting followed. He said Lamar Kinsey and English were killed instantly.

Relatives took Will Kinsey to Warrenton.

OFFICERS FIND BODY OF ABDUCTED NEGRO

Constitution

5-14-33

Atlanta Ga.

WARRENTON, Ga., May 13.—(AP) A mob abducted a wounded negro last night after a gun battle in which his brother and a white planter were killed and early today officers found his body lying at a roadside just outside the city.

The negroes, Lamar Kinsey and Will Kinsey, were tenants of the planter, Charlie English, and the fight took place at their home. Sheriff George P. Hogan said he learned the battle occurred when the planter went to question them about trouble with his nephew. English and Lamar Kinsey were killed instantly in an exchange of shots.

Will Kinsey, wounded, was brought here by relatives and Dr. W. A. Davis said he treated him in his office and left him with a deputy sheriff. J. A. Bray, a druggist, reported he saw a mob enter the physician's office a little later, bring Kinsey out, shove him into an automobile and drive off.

Sheriff Hogan said he did not learn of the abduction until he returned from investigating the shooting. A search disclosed the negro's body lying about 40 feet from the highway a little less than two miles from town on the Warrenton-Gibson road. He said he could not say how the negro died but was pushing an inquiry.

The sheriff added that Kinsey had not been arrested. He said he had been informed, however, that Lamar Kinsey fired the first shot and that when English retaliated, Will Kinsey shot the planter. He added he had been informed the negroes were the aggressors in the trouble with English's young nephew.

Resists Arrest Lynched

Chicago Defender

5-20-33

St Petersburg Fla.

St. Mary's Ga May. 20 (By the A. N. P.) John Williams was lynched in Camden county last week He was alleged to have stolen a hog. Seventy-five men in a mob lead by sheriff Cartley explained the murder on the basis of Williams resisting arrest. Newspapers have been conspiously silent.

WOMEN DEPLORE STATE LYNCHINGS

Southern Group Gives Out Statement Condemning Crime in Which Life Is Taken

Macon Telegraph

7-5-33

Macon, Georgia

ATLANTA, July 4 (AP)—Three lynchings in Georgia recently were condemned in a statement given out here today by the state council of southern women for the prevention of lynching.

Mrs. W. J. Neel, of Forsyth, chairman of the council, and Mrs. M. E. Tilly, secretary, issued the statement.

"We can never hope to banish this crime from our country until every citizen realizes that a lynching indelibly stamps his community as primitive and savage," the statement read.

"Public sentiment must demand effective legal action by the courts against the leaders of lynchings before this crime is wiped out.

"Sheriff Jud Griffin, of Baker county, according to the papers, has shown courage and patriotism of a high order in his determination to uncover the persons involved in the two lynchings in his county. The time must come when every sheriff will know that a lynching in his county marks him as a weakling who is unable to uphold the law.

Women Determined

"We women are more determined than ever to pursue our program of education against this crime. We do not want any one to believe that lynchings are for our protection. The causes lying back of two of these lynchings are fights between men. The third lynching had no cause assigned. In all, six persons lost their lives as the result.

"We deplore all lynchings. We condemn them unqualifiedly."

The statement was issued through the Atlanta office of the committee on interracial co-operation.

White Georgian, Tells of Wanton Killing He Saw

Journal and Guide

7-16-33

Norfolk Va.

CHICAGO, Ill.—(ANP) — Accompanied by a plea that his name not be published, the Associated Negro Press received a communication from a white citizen of Warrenton, Ga., last Saturday describing the brutal killing of a colored tenant farmer by a white proprietor in Warrent county recently. The white man's letter, at the end of which he gives his name and address, reads as follows:

"Watson Darden, age 39, was shot to death with a Winchester rifle in the hands of Lovett Cockwell, 35-year-old white man, July 24.

"The trouble started over the plowing of a peanut patch. They had many hard words out there in the field. Mr. Cockwell cursed and threatened to kill Darden. So Darden told Cockwell that he could have the farm and, because he and Mr. Cockwell couldn't get along, he left immediately for the town of Warrenton.

Pursued Victim

Cockwell had gone to his house also. Seeing Darden going down the road, Cockwell jumped in his car and followed and overtook Darden in a valley on a bridge something like 600 yards from Darden's house. There he stopped his car, got out and shot Darden three times.

"Darden didn't have anything to defend himself with, not even a pocket knife. After he had shot Darden, Cockwell turned and went back to his house where he got some men to go down to the bridge and move the dead man and carry he corpse to Darden's house. He did not tell the men who moved the corpse that it was Watson Darden.

Sheriff Does Nothing

"Cockwell then went to Warrenton and reported to the sheriff. The sheriff didn't even visit the scene and didn't offer to do anything. No inquest was held or even mentioned. They had some kind of a secret meeting with Cockwell and told him to go and bury the Negro.

"Watson Darden had a wife and nine children, ages as follows: his wife, Ethel Darden, 35; Jesse James, 16; Alice Neal, 14; William Davis, 13; Nathaniel, 12; John Edward, 9; Willie Joseph, 8; Annie Ruth, 5; Ben Davis, 2, and Steven ight weeks.

"His widow and nine children vere left with nothing to eat. hey are in a pitiful condition. arden was just thrown into the round by the chain gang hands."

Lynchings-1933
Side Lights

Illinois.

4494

Attempt to Lynch Negro Marine Union Organizer in Cairo

Daily Worker
11-17-1933
New York, N.Y.

CAIRO, Ill., Nov. 16.—An atempt to lynch William Westerbrook, Negro organizer for the Marine Workers Industrial Union, who has been leading the strike of 150 Negro dockers on the Federal Barge Lines here, was made early this week.

A lynch mob, organized by the superintendents on the Barge Lines, directly owned and controlled by the U. S. government, came to Westerbrook's home at 2 o'clock in the morning. Only his immediate flight saved him from death.

Failing to crush two previous strikes here, as well as strikes on the same line in St. Louis, resulting in wage increases of the Negro dockers, the bosses are attempting this means to smash the organization of the Marine Workers Industrial Union.

The first step was the blacklisting of a member of the dock committee of the union here. After protesting, a strike was called. The strike was extremely militant and the few who attempt to scab were beaten up. Twelve Negro longshoremen were arrested. The docks are patrolled by armed guards.

The Marine Workers Industrial Union calls on all of its branches to send telegrams of protest to the NRA against the attack on the union by a Federal-owned company, demanding the recognition of the union of the workers' own choice, and a living up to the agreement won by strike.

Lynchings-1933
6
Side Lights.

Iowa

4495

Iowa Farmers Abduct Judge From Court, Beat Him and Put Rope Around His Neck

Times 4-28-33

New York. N.Y.

By The Associated Press.

LEMARS, Iowa, April 27.—A crowd of more than 100 farmers today dragged District Judge Charles C. Bradley from his court room, slapped him, carried him blindfolded in a truck to a crossroads a mile from here, put a rope around his neck, choked him until he was only partly conscious, smeared grease on his face and stole his trousers.

The abduction occurred after the judge had refused to swear he would sign no more farm-mortgage foreclosures.

The farmers entered the judge's court room late in the afternoon to discuss with him hearings which are to determine the constitutionality of two new laws relating to mortgage foreclosures.

The judge requested them to take off their hats and to stop smoking.

"This is my court," he said.

The farmers rose in reply to his demands, dragged him off the bench, slapped him and shook him and carried him bodily out of the court room, through the lobby of the court house and onto the lawn.

There they demanded that he "swear" not to sign any more foreclosure actions. Judge Bradley, about 60, defied the crowd and again was roughly handled.

When he persisted in refusing to give the oath the farmers, most of whom were masked, loaded the blindfolded judge into the truck and carried him away.

About a mile southeast of Le Mars they put the rope around his neck, according to a news correspondent who accompanied the farmers and remained with Judge Bradley throughout the affair.

They then repeated their demands, but the judge still refused, and one of the farmers tugged on the inch rope.

Judge Bradley fell only partly conscious, but still refusing to comply with the demands, the witness said. The farmers dragged the judge to his feet, carried him to the side of the road and threw the loose end of the rope over a sign.

"Make him get down on his knees and pray," one of the farmers said.

J. Lewis

The judge was pushed to his knees and declared:

4-28-33

"I will do the fair thing to all men to the best of my knowledge."

New York N.Y.

One of the farmers removed a hub cap from a truck, partly filled with oil, and placed it on the judge's head. The oil and grease ran down his face and others in the crowd threw dirt which stuck to the oil.

The farmers removed the judge's trousers and filled them with dirt. Then they drove off, leaving the begrimed jurist standing in the middle of the road. Several offered him a ride, which he refused.

His neck was chafed and his lips were bloody, in addition to the dirt and grease on his face and hair.

He was taken back to town in a car by Wilbur De Pree, son of the Rev. J. J. De Pree. Arriving at the Court House he asked to be left alone.

"I'd rather not say," he replied in answer to queries as to whether he would seek prosecution for his abductors.

Sheriff R. E. Rippey appeared on the scene shortly after the judge regained his chambers.

The judge had set today as the date for hearing on the first of several cases brought by mortgage holders to test the validity of new Iowa statutes postponing mortgage foreclosure sales.

Earlier in the day farmers, reported to be the same persons who participated in the abduction, were held off by a crowd of twenty-two deputies at Primghar, Iowa, while Sheriff Ed Leemkuil directed the sale of the John Shaffer farm.

The farmers stormed the O'Brien County Court House, but the efforts of the deputies held them to the two lower floors, while the sale was completed. The farm, 160 acres, near Calumet, Iowa, brought $6,500.

O. R. Montzheimer, attorney for the mortgage holders, was seized as he left the court house and forced to kiss the American flag and to promise not to bring further foreclosure actions.

After returning from Primghar, the delegation of Plymouth County farmers seized Clarence Becker, mortgage-holder in another foreclosure action, carried him to the ball park and threatened him with a rope. Sheriff Rippey persuaded them to disperse and they proceeded to Judge Bradley's chambers.

Insurance companies involved in the suits which Judge Bradley was to hear include the Metropolitan Life, the John Hancock Life, the Equitable of New York, the Mutual Benefit Life and the Franklin Life.

Other mortgage holders involved are the Collins Mortgage Company, Lincoln Joint Stock Land Bank, Federal Land Bank, Fremont Joint Stock Land Bank, Des Moines Joint Stock Land Bank, and the First Trust Joint Stock Land Bank.

The mortgage holders question the constitutionality of the law suspending foreclosure proceedings and the law extending the redemption period on foreclosed property until March 1, 1935.

Troops Stand Guard Where Judge Was Flogged

Advertiser
4-29-33
Montgomery Ala.

LE MARS, IOWA, April 28.—(AP)—Four companies of National Guardsmen in full field equipment ruled this Northwestern Iowa town tonight as an aftermath to an attack Thursday by disgruntled farmers upon 54-year-old Judge Charles C. Bradley because he refused to promise postponement of pending mortgage foreclosures.

Four companies of militiamen from Sioux City and Sheldon arrived at noon with full field equipment, wireless and telephone sets, and machine guns and established headquarters in the local armory. A medical detachment from Des Moines was en route by motor truck.

Col. Glenn C. Haynes, of Des Moines, declared the town would be patrolled by a military guard with customary peace officers superseded, except in cases which should be placed specifically under their jurisdiction.

A second contingent of guardsmen was ordered during the day to Denison, in nearby Crawford County, to establish martial law throughout that area in response to a proclamation of Gov. Clyde I. Herring. The action resulted from a riot this afternoon at the J. F. Shields farm when four State agents and 30 deputies sheriff attempted to carry out a foreclosure sale on a chattel mortgage.

Between 300 and 500 farmers who had gathered at the farm engaged the officers in battle and fists and clubs flew wildly for several minutes. William H Zelinsky, State agent, received a slight head injury and about 10 other officers were treated for hurts.

After the sale had been postponed Sheriff Hugo J. Willy, of Crawford County and County Atty. Andrew Bell petitioned the Governor for troops.

Gov. Herring called out the Third Battalion of the 168th Infantry, which embarked immediately for Denison.

The threat of a third disturbance at the Ed Burband farm near Le Mars, scene of a demonstration in which an insurance company lawyer was threatened several weeks ago, proved unfounded late today. Several hundred farmers reported to have gathered there to offer resistance turned out to be a small group of neighbors.

Sheriff Ralph E. Rippey, of Plymouth County, who was absent from Le Mars yesterday when Judge Bradley was dragged from his bench, abducted by the mob, and roughly handled, declared today a few members of the group had been identified and a thorough investigation is being conducted. He refused to divulge the names.

Terming the abuse of Judge Bradley "an outrage," Rippey added:

"I did not know of the attack until after it occurred. With State Agent McNaughton, I was in the southeast corner of the county at the time. The mob was not all made up of Plymouth County residents. There were also trucks and cars from O'Brien, Woodbury, Sioux and Cherokee Counties."

Replying to a statement which quoted Gov. Herring as terming Rippey a "weak sister" in the incident, the latter declared:

"I feel that the Governor is misinformed. Until the affair yesterday, we were settling our troubles peaceably."

APOLOGIZING FOR THE MOB

Advertiser
5-14-33
Montgomery Ala.

Our esteemed and engaging weekly contemporary, The Nation, of New York, has among many virtues, consistency. It is a jewel. After condemning the courts of Alabama it apologizes in the length of nearly half a page for the white men in Iowa who seized a judge, carried him into the bushes, beat him, plastered his head with greasy dirt and left him, robbed of his trousers, by the roadside. The much berated Mr. C. L. Blease has never exerted an influence favorable to lynch law comparable with that The Nation is exerting. We are The Nation's "constant reader."—Charleston News and Courier.

Lynching A Whole People

Telegraph
5-4-33
Macon Ga

About the most humiliating spectacle that has ever been witnessed in the United States was the work of the mob of lynchers which took Judge C. C. Bradley out of court at Le Mars, Iowa, last Thursday and subjected him to abuse because he would not promise to refuse foreclosures of mortgages which the laws of that state required, and which laws he as a judge was sworn to respect.

This bunch of gangsters simply demonstrated once again how dangerous and to what extremes the mob spirit is carried when it is unrestrained—and it also demonstrates that it is not confined to any particular section of the country. It manifests itself upon every hand, in every class, as witness the minister writing in the letter column of The Telegraph yesterday morning in the spirit of the mob in his prejudging the case of the Scottsboro Negroes who are still in court.

The Iowa farmers, with their democracy and the right to elect their legislators, glibly passed laws which provided for foreclosure of mortgages in the event of failure to pay debts according to contract; under their law they borrowed money and used that money for their advantage and enjoyment. And when pay-day arrived they resisted the terms of their contract, and even went into the court house and dragged the judge out, past the sheriff's office where deputies and others sat, threw the judge into a truck, carried him out on a country road, one of the mob taking a hub cap from the truck, filled with grease, and slapping that down on his head, jeering that it was the judge's crown, while other members of the mob pulled at the rope around his neck, having thrown one end of it over a cross-arm of a pole.

The Iowa gangsters who committed this crime will very probably be run down and handled by the law which they set up and maintained for their own and the court's protection, as Governor Herring placed the disturbed section under martial law and converted a barn into a jail to hold the 60 or more mob members already under arrest. He denounced the sheriff presiding over the county as a weak-kneed sissy and responsible for what had happened.

It is of course unfortunate that foreclosures are resorted to, or that anybody should be in such condition that a foreclosure has to be made. But the remedy is not in mob violence. That is a fool-hardy procedure, and even if it succeeded for the moment, it could not become a permanent remedy—for courts and law have too long obtained and constituted the bulwarks of human liberty for the people to countenance for a moment the flouting and traducing of them. They are our courts, right here in Georgia, that have been insulted and menaced, and with them our liberties have been jeopardized to just whatever extent they are allowed "to get away with it" in Iowa. If such things as this can succeed, then what can Iowa expect in the future as to capital with which to develop herself, for her farmers to finance themselves, for people to be attracted there to live—to move into a country of rioters? And of all the heinous, abominable, ingenious audacity for attacking public welfare, nothing could have excelled the work of the Iowa lynchers.

The mere thinking of the matter is enough to make decent and hopeful people vomit.

Lynchings-1933
Side Lights.

Kentucky

4496

Mob Whips Doctor in Kentucky Town for Aiding His Race

Defender 9-2-33
Chicago, Ill.

MIDDLESBORO, Ky., Sept. 1.—This town unofficially "laid down the law" to members of the Race who dare battle for a square deal under the new deal in politics last week when a band of hooded men kidnaped Dr. I. H. Miller, who more than likely would have been killed had he not wisely consented to leave the community.

Dr. Miller is well known here as a practitioner and as a politician, and has taken a leading part in the move to obtain recognition for members of the Race under the new national industrial recovery administration.

The physician was abducted, thrown into a closed automobile and spirited to a spot on Cumberland mountain where he was whipped until blood streamed down his body.

When officers reached the scene, having been told where the victim was by some of the mob, Dr. Miller was barely conscious. He later told the authorities there were about 10 men in the party and that he could identify most of them.

Asked if he knew any reason why he was attacked, Dr. Miller said the mob told him he had been too officious in politics.

Besides the severe body bruises resulting from the whipping, Dr. Miller received a sprained ankle and a sprained shoulder. The kidnaping occurred in front of his office.

Citizens here have become aroused over the incident and County Attorney Walter B. Smith has promised a full investigation.

An appeal has been sent to Gov. Ruby Laffoon at Frankfort urging that the state take a hand in the investigation. It has also been intimated that because the efforts of the mobbists are partly directed toward interfering with operation of President Roosevelt's recovery program federal authorities may be drawn into the picture.

Under the new regime Dr. Miller is one of the few Race leaders who have bolted the old system and stood out squarely for a revamping of the general scheme. He is said to have been opposed to a plan that is being fostered here that will deny members of the Race a fair share of the jobs under the re-employment program, and has contended for Race representation in politics according to its voting strength.

The physician has been given protection and guards have been stationed at his home and office. Friends have urged Dr. Miller to leave town or curtail his activities, but he has or curtail his activities

Louisiana

4497

Lynchings - 1933
Side Lights.

Charleston, S. C., News & Courier
October 16, 1933

NEGRO ALMOST LYNCHED

White Men in Louisiana Intercede for Him

(From Yesterday's City Edition)

New Orleans, La., Oct. 14.—(U.P.): A near lynching was revealed here today when Norman Thibodeaux, 10, negro, applied at a hospital for treatment for rope burns on the neck.

He said a mob at Labadieville tied a rope around his neck and swung him off a bridge where the body of another lynched negro was already hanging. He was cut down after two members of the mob interceded for him, he said.

Freddie Moore, negro, was found hanging from the Labadieville bridge Thursday morning. He had confessed to murdering a white girl, and a mob of several hundred men stormed the jail and took him away.

LYNCHED! FREED! CAPTURED! NOW HELD IN MURDER

Courier 10-28-33
Pittsburgh, Pa.

New Orleans Man Has Thrilling Adventure At Hands Of White Justice.

NEW ORLEANS, La., Oct. 26—Norman Thibodeaux of this city holds a unique record. On October 11 he came within an inch of being hanged to death by a mob in Labiedeville, Assumption Parish, for complicity in the murder of a white girl, for which one man was lynched. He was strung up and cast off a bridge, but pleadings of a white man caused him to be cut down and allowed to escape.

He made his way to New Orleans and was treated in the Flint-Goodridge hospital for rope burns and bruises of the throat. Upon notification of the peculiarities of the wounds, officers caused the arrest of the man and he recited his tale to them.

The Assumption Parish authorities notified the New Orleans police department that a murder charge had been lodged against Thibodeaux and they requested the police department here to hold him for them.

Maryland

4498

Lynchings - 1933
Side Lights

Gunman Hunted By State Troops

Macon Telegraph

~~Macon.~~ Ga

Company of Maryland Militia on Trail of Negro

3/1/33

CENTREVILLE, Md., Feb. 28 (AP). Governor Albert C. Ritchie Tuesday night ordered out Company K. Centreville's unit of the Maryland National guard, to search for a heavily-armed Negro who wounded one member of a posse late Tuesday and kept up an exchange of shots until after dark with other searchers.

The posse of 100 men including 25 volunteered national guardsmen early Tuesday night believed they had the Negro, Harry Branch, surrounded in a 25-acre swamp thicket near here.

Frank Brower was wounded in the shoulder as he stumbled into a thicket hiding the Negro.

Officers said the Negro was known to have two shotguns, a pistol and a large supply of ammunition.

The Negro had been sought since Sunday for shooting and critically wounding Lillian Giles, described as his common law wife.

Brig.-Gen. Milton A. Reckord, commander of the Maryland national guard, gave Captain William T. Rowe, commanding the Centreville company, orders to aid in the search for the Negro and to protect him if captured alive.

WILMINGTON, DEL.
JOURNAL
AUG 15 1933

WAS NO COLOR LINE THERE

THERE has been a big posse out near Centreville, Md., hunting for a fugative from justice. That posse is composed of white men and Negroes, all ardently desirous of making a capture.

The fugitive is Emile D. Davide, a Negro, 21 years old. He is accused of having slashed Constable Louis H. Perkins mercilessly when the constable was endeavoring to effect his arrest on a warrant charging him with the larceny of a suit of clothes.

Infuriated by the impending arrest, the young Negro drew a long knife and stabbed and slashed the constable three times. That he did not kill Perkins was due more to good fortune than to good intent. He was so desperate that he also took a pistol from the constable, fled into the neighboring woods and escaped.

Perhaps the most striking feature of the aftermath was that when a posse of about 150 men started out to run down the desperado and bring him to justice, fully fifty of them were Negro men who felt that they should show conclusively that they were eager to capture the fugitive even at the risk of their own lives.

That is a good sign on the Eastern Shore where, only too often, there is a show of color-line prejudice and sympathy which makes for ill feeling and bad results all along the line.

Negro Child Killed By Woman Lyncher On Her Way to Orgy

Daily Worker
10-23-33
New York

Mrs. Fred Nelson Runs Down 7-Year-Old Edna Broton

PRINCESS ANNE, Md., Oct. 22.—A car driven by a white woman lyncher, who took part in the lynching of George Armwood, Negro worker, here last Wednesday, ran over and killed a seven-year-old Negro girl on the way to the lynch orgy, it was revealed here today.

The car, containing also two white men, was driven by Mrs. Fred Nelson of Crisfield. Driving at high speed on the wrong side of the road, it knocked down and instantly killed Edna D. Broten, who had just alighted from a school bus.

The car stopped, but when Mrs. Nelson saw that it was a Negro child she had murdered, she merely left her name and address and drove on, to take part in the hanging and burning of Armwood.

Officials have refused to take any steps or make any investigation. Coroner Edgar A. Jones refused to even comment.

The child, daughter of Mrs. Minnie Broten, Fairmount Rd., Jamestown, Md., was buried Thursday afternoon. Several of her classmates acted as pallbearers.

New Lynch Orgy Threatened In Princess Anne

Daily Worker
12-5-33
New York

Negro Missing After Release as Murder Suspect

PRINCESS ANNE, Md., Dec. 4—The stage was set here for another brutal lynch orgy with the discovery of the body of a murdered white girl.

The body of the girl was discovered by two Negro workers about 100 yards from their shack. They at once reported the discovery to the police and were held for "questioning." The two workers were later released, but it is reported that one of them is missing.

The girl's father, Edward Morris, a farmer, said she had been missing since last Friday. On that day and for several days preceding Eastern Shore lynchers were holding wild celebrations over the release by Judges Duer and Pattison of four known lynchers of George Armwood

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GIRL FOUND DEAD IN WOODED AREA

Telegraph

Strange Case Stirs Community Where Lynching of Negro Occurred in October

12-5-33

PRINCESS ANNE, Md., Dec. 4. (AP)—The strange death of a 20-year-old girl today stirred Princess Anne, the scene of October's lynching and more recently the focal point of troops sent to arrest lynch suspects.

The body of the girl, Edna Morris, was found by two Negroes near their shack more than a mile from her home. The body was lying in a patch of woodland, face down, fully clothed.

The girl had been missing since last Friday, but her parents said they had made no search for her because they believed she had eloped.

The Negroes were brought to Princess Anne, but neither was held. Later, one of them was reported missing and reports from the section where the girl lived, five miles from Princess Anne, said a search was being made for him by citizens.

Meanwhile, an autopsy was performed by Dr. Harry Langord, and on its completion he said there was no evidence she had been attacked in any way.

Cause of Death Is Puzzle

Blood was found on her mouth and her nostrils, but he said this might have occurred from natural causes, had she fallen on her face. Parts of the girl's stomach were sent to Baltimore for chemical examination.

Sheriff Luther A. Daugherty expressed the belief the girl had been murdered.

"There are some things about this case that don't look good to me," he said.

The father of the girl, Edward Morris, a farmer, said he knew of no [illegible] would want to take her life. He said she had been friendly [illegible] youth [illegible] Salisbury and when she did not return home Friday he believed she had eloped.

Telegraph
12-5-33
Macon Ga

N. Y. HERALD
DEC 5 1933

Missing Girl Found Dead Near Scene of ~~Lynching~~

Maryland Couple Believed 20-Year-Old Daughter Eloped

PRINCESS ANNE, Md., Dec. 4 (AP).—The strange death of a twenty-year-old girl today stirred Princess Anne, the scene of October's lynching and more recently the focal point of troops sent to arrest lynch suspects.

The body of the girl, Edna Morris, was found by two Negroes near their shack, more than a mile from her home. She was lying in a patch of woodland, face down, fully clothed. She had been missing since last Friday, but her parents said they had made no search for her because they believed she had eloped.

The Negroes were brought to Princess Anne, but neither was held. Later one of them was reported missing, and reports from the district where the girl lived, five miles from Princess Anne, said a search was being made for him by citizens.

Meanwhile there was an autopsy by Dr. Harry Langford, and on its completion he said there was no evidence she had been attacked. Despite the statement by Dr. Langford, Sheriff Daugherty expressed the belief the girl had been murdered.

Girl Slain Near Lynching Scene

Advertiser

12-5-33

Young Woman Murdered, Sheriff At Princess Anne Believes; Negro Sought

Montgomery Ala

PRINCESS ANNE, MD., Dec. 4.—(AP)—The strange death of a 20-year-old girl today stirred Princess Anne, the scene of October's lynching and more recently the focal point of troops sent to arrest lynch suspects.

Advertiser

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The girl had been missing since last Friday, but her parents said they had made no search for her because they believed she had eloped.

12-7-33

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Montgomery
Ala

Meanwhile, an autopsy was performed by Dr. Harry Langford, and on its completion he said there was no evidence she had been attacked in any way.

Blood was found on her mouth and her nostrils, but he said this might have occurred from natural causes, had she fallen on her face. Parts of the girl's stomach were sent to Baltimore for chemical examination.

Sheriff Luther A. Daughtery, who conducted the investigation, said no coroner's inquest would be held until the report from the Baltimore chemist was received.

Despite the statement by Dr. Langford, Sheriff Daughtery expressed the belief the girl had been murdered.

"There are some things about this case that don't look good to me," he said.

Although a search was being made for the negro by a few residents of the county, the opinion was expressed by officials that there would be no trouble for the present, at least not until the suicide theory held by some had been disproved.

Princess Anne, a normally peaceful town on Maryland's eastern shore, has been much in the limelight for several months.

On Oct. 18, a group of persons overpowered a score of State police guarding the jail and lynched George Armwood, a negro accused of attacking an aged white woman.

Last week, after State's Atty. John B. Robins refused to arrest nine men the Maryland Attorney General, William Preston Lane, said were members of the mob, Gov. Albert C. Ritchie sent troops to Salisbury, in an adjoining county, and in expeditions into Somerset County (Princess Anne), they arrested four.

The troops withdrew after a riotous demonstration and the following day the four were freed in habeas corpus proceedings before a hilarious and demonstrative crowd in Princess Anne.

Lynchings - 1933
Side Lights.

Minnesota

4499

Negro Convicted for Self-Defense Against Lynch Mob

Daily Worker

10-18-33

New York N.Y.

MINNEAPOLIS, Minn., Oct. 17.—An all-white jury, deliberating only two hours, returned a verdict of manslaughter against William Hardiman, one of two Negro youths on trial for the slaying of a white man, shot when the defendants and two other youths defended themselves against a lynch mob seeking their lives.

When cornered by the mob, the four youths fought back. One of them fired a shot which resulted in the death of the leader of the mob. Although there is no evidence connecting Hardiman with the firing of the shot, and despite the fact that the testimony showed that the lives of the boys were in danger, the jury convicted.

When the jury returned the verdict of guilty, a number of Negroes who still had illusions in the "justice" and "impartiality" of the lynch courts of the white ruling class, broke down and wept. Only a few hours before, David J. Bentall, noted Chicago attorney of the I. L. D., in his speech to the jury, asked: "Are you going to put the stamp of approval on the events that occurred here on the night of the June 22," and the jury, by its verdict, answered that it does.

The I.L.D. has announced its intention of demanding a new trial for Hardiman, and will take the fight to the Supreme Court if necessary. Realizing the importance of the case, which involves the right of a Negro to defend himself against an armed lynch mob, the I.L.D. is appealing to all organizations to support the mass and legal fight for the release of Hardiman and his co-defendant, James Johnson, who is to be tried at an early date. Many Negro organizations and churches in Minneapolis and St. Paul are supporting the fight. The lynch verdict has convinced the Negro people and workers more than ever before of the necessity of a ruthless fight, in alliance with the white workers, against the increasing persecution of the Negro people.

Lynchings - 1933 & Side Lights.

Mississippi.

4500

CHURCH DEACON IS LYNCHED BY MOB OF WHITES

Defender

9-23-33

Chicago, Ill.

Bullet-Riddled Body Thrown on Steps

Leflore Co

MINTER CITY, Miss., Sept 22.—(Special.)—"Let this be a lesson to all darkies." Thus read a sign painted in red on a large cardboard which was placed beside the bullet-riddled body of Richard Roscoe, 39 years old, deacon of a Baptist church here and a well-known farmer, as it lay in the front yard of his home.

A mob of white men, women and children lynched Roscoe Monday afternoon after news spread throughout the community that he had attacked a white man, J. E. Matthews, an agent on the B. G. Humphrey plantation.

Hear One Sided Story

They heard one side of the story and that was how Roscoe had attacked Matthews. And like an eagle swooping down on its prey, the mob rushed into Roscoe's home, dragged him from his bed and fired 35 bullets into his body.

Not satisfied, the bullet riddled form of the victim was tied to the rear of the sheriff's automobile and paraded through principal streets as though the members of the mob were bent on having a Roman holiday.

Later, in order to add insult to injury and to show their contempt and disregard for the law, the mob proceeded to Roscoe's home where they deposited the ghastly corpse on the steps of the house.

Eye Witness Tells Story

According to the story told by an eye witness, Roscoe was picking cotton when Matthews came to him and started a quarrel, declaring that Roscoe was just "too d—— smart for a darky." He kicked Roscoe and when Roscoe objected, Matthews fired two bullets into his body.

Roscoe, it is said, then rushed into the white man and in the scuffle was shot a third time, but during the melee, Roscoe succeeded in biting off Matthews' index finger on the left hand. Roscoe then seized the white man's gun and beat him severely over the head.

Several other men who were picking cotton, came to the scene, separated the two and carried Roscoe to his home to await medical attention. Matthews drove away in his car vowing that he would have Roscoe lynched.

His threat was made good, for less than an hour the mob of 100 or more persons had lynched Roscoe.

NEGRO BANDIT SHOOTS TWO SEEKING ARREST

Commercial Appeal

Posse Surrounds Robber in Canebrake Outside Greenwood

9-16-33

GREENWOOD, Miss., Sept. 15.—Wilford Gaines, son of Deputy Bob Gaines, of Sidon, and Deputy J. D. McClelland were wounded this afternoon as they sought to arrest a negro bandit. The negro is surrounded by a posse from Greenwood and Sidon in a canebreak near Roebuck Bridge, seven miles south of here.

Memphis, Tenn.

The negro held up an Italian peddler. The unidentified negro escaped into a canebreak near Roebuck, and is armed with a rifle. Shooting at officers, the negro wounded Gaines and McClelland.

Young Gaines, brought to the Greenwood-Leflore Hospital, is said to be seriously wounded. McClelland's wounds are not considered serious.

Slayer Of Mississippi Man Sought By Posses

Advertiser

12-30-33

Montgomery, Ala.

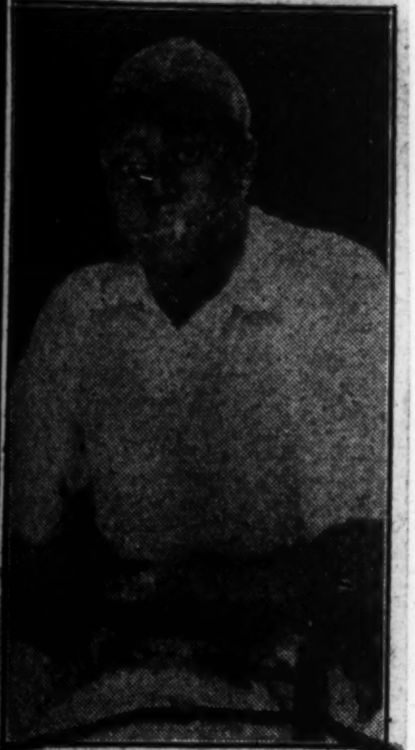
NATCHEZ, MISS., Dec. 29.—(AP)—A search with blood hounds through the forests along the Wilkinson and Adams County line was being pushed late today by an armed posse for the slayer of J. B. Seals, 26, near Buffalo, Miss., Wednesday night. Seals, who was shot from ambush when he stopped his car on a highway to remove a log that lay across the road. authorities were told.

Lynchings - 1933
Side Lights.

New Jersey

4501

Victim of Mob



Because he sought to protect his sweetheart from the lustful passion of a small mob of white hoodlums, Julian Smith, above, was brutally beaten in a Newark, N. J. municipal park recently. The victim received a cut on the head that required five stitches to close, a deep knife wound on the hand and several other bumps about the person. The young woman, Miss Mary Little, also received minor injuries.

The pair were rescued from the attack of the mob by an unidentified white man and woman who were passing through the park in an auto. This attack is another of the series of outrages committed against Negroes here in recent months.—(Co-op Photo).

Journal and Guide

Norfolk, Va.

Lynchings — 1933
Side Lights.

North Carolina

4502

MOB FIRES ON LAWYERS AFTER BLACK JURY PLEA

Afro-American

Durham Lawyers Cite Illegality of the Trial with White Jurors.

10-14-33

DEMANDS MET BY GUN-FIRE

Balto. Md.

Fast Getaway Saves Men from Death.

HENDERSON, N.C.—Forced to flee for their lives in a speeding automobile as blasts of gun fire roared behind them and a barrage of stones crashed against their car, two Durham attorneys were saved from the ire of a mob of angry whites here late last Thursday, after the lawyers had asked a quashing of an indictment by the grand jury because there were no Negroes on the jury.

The attorneys, C. J. Gates and M. Hugh Thompson, made their petition in the case of Beaufort Kelley and Florida Bullock, charged with kidnaping and assaulting Mary Lena Van Dyke, 16, white, several weeks ago. Associated with them in the case was R. O. Everett, white, state investigator, whose car it was that spiried the other two away from the threatening group assembled in front of the courthouse.,

Court Denies Motion

The motion to quash was made by the two lawyers late Wednesday. Their demand for the right to inspect records pertaining to the jury selections in this county was sustained by the court but the motion to quash was referred over to Thursday morning, for further argument and a decision by the court.

Passing in and out of the courtroom and record rooms, as they looked up material they wanted to use, the two attorneys were cursed by white men standing around. Expecting reprisals, they suggested that they be given protection by the court but were persuaded that this would be unnecessary.

Produce Qualified Citizens

Again making their request for a motion to quash Thursday morning, the attorneys produced prominent colored citizens of the city to show that colored people were systematically excluded from jury duty and had so been for 26 years. Everett, the white lawyer, refused to join in this motion and two other white lawyers interested in the case withdrew entirely when the race question was introduced.

Leaving the courthouse Thursday evening, the motion having been denied by the court, the two Durham attorneys found a mob of angered whites threatening them. Everett hastened to place them in his car and drove speedily away, while shots were fired from the mob and stones were hurled at them.

Finds .45 Revolver

An investigation of the mob action was begun Friday by the court, with the bar association promising aid. While white witnesses testfied that the shots sounded like pistols of small calibre, a small boy produced a sawed off .45 calbre pistol with five exploded shells which he had found in a vacant lot nearby, the morning following the attack.

Police told investigators that the firing sounds were from backfiring automobiles but this was later corrected by other witnesses. Two other colored men were struck by stones hurled by the mob.

White Girl Tells Story

At a preliminary hearing following the assault on the Van Dyke girl several weeks ago, she told the court that two colored men, whom she positively identified as Kelly and Bullock, approached her as she was feeding pigs at the sty 100 yards from her father's house near this city.

Demanding to know where her father kept his money, the men blindfolded her, leading her into the woods nearby. Here they struck her, knocking her unconscious, she said. Physicians later said she had been criminally assaulted. The men are charged with kidnaping, punishable, under a law passed this year, with life imprisonment.

Court Protects Lawyers

Continuing their defense of the men, Gates and Thompson were given protection by the court. They are basing their defense along the line of possible mistaken identity, attempting to prove that there are other colored men here who could easily be mistaken for either Kelly or Bullock. Everett is pursuing this angle of the defense.

The trial is expected to be concluded this week. Other aspects brought out thus far include: testimony by Sheriff J. E. Hamlett, white, that in his 26 years as sheriff, no colored jurors had been selected; the attempted discrediting by the court of prominent colored the discrimination charge: a men introduced by the defense in change of venue was denied; editorial comment by the local white paper upholding the custom of excluding colored from jury duty.

This paper said, "It is well known that North Carolina juries are composed of white men. Not for years has a Negro sat on a jury in North Carolina, but there has been no complaint of injustice, for that reason... Had the two Durham Negro lawyers been primarily concerned in acquitting their clients...they would not have raised a false issue."

FIRED ON AT HENDERSON; GET GUARDS

Guide
10-14-33
Norfolk, Va.

White People Resent Raising Of Jury Question

KIDNAPPING CHARGED

2 White Lawyers Drop Case To Avoid "Race Issue"

By SAMUEL TICE

HENDERSON, N. C.—(ANP)—Bullets were the answer of the rabble whites of this county after two Negro lawyers, C. J. Gates and M. H. Thompson, both of Durham, had challenged the Jim Crow jury system of the state last week in their defense of Beaufort Kelly and Florida Bullock, two colored men on trial for kidnaping and attacking 16-year-old Lena Van Dyke, white.

As the trial opened, five lawyers were associated in the defense. Gates and Thompson and R. O. Everett, a white lawyer who is also a representaive in the state legislature from Durham, were to defend Kelly. J. C. and T. S. Kittrell, both white, had been engaged to represent Bullock.

Three motions were made by the defense attorneys: for a change of venue, for a trial before jurors selected from another county, and for a quashing of the indictment because Negroes were excluded from the grand jury because of their race.

White Lawyers Balk

The white lawyers coasted along well enough until the motion on Jim Crow juries was reached. Then the lawyers supposed to defend Bullock deserted, claiming that they would have nothing to do with a case in which the "race issue" was injected, as though there is ever a trial of a Negro in a southern court which is not haunted by the ghosts of either the white man's prejudices or his indulgent paternalism.

Everett remained in the case, but refused to join Gates and Thompson in the motion to quash because of Negro jury exclusion. He also said that he did not want to become mixed up with the race issue.

All three motions were denied by Judge Hugh Parker of the Vance County Superior court and exceptions were taken to Judge Parker's ruling as the basis of an appeal.

Mob Gathers

Thursday night at evelen o'clock after a night session of court, a mob gathered for the purpose of doing bodily harm to Gates and Thompson. While in the courtroom, a white man cursed at Gates. After they had left, a group of whites sought to seize them. They had asked Everett to ask the court for protection, but he did not think protection was necessary and let the matter go.

However, when he saw the crowd of whites menacing the Negro lawyers, he did invite them to get into his automobile. As they did so, both Gates and Thompson told Judge Parker, the whites attempted to seize them. After they were in Everett's car, from 10 to 12 shots were fired in their direction, according to the testimony Friday of H. E. Brown, white, a Seaboard Air Line telegraph operator.

The police of Henderson had reported that the noise of the pistol explosions was caused by automobile backfiring.

Get Guards

Lieut. Lawrence Oxley of the State Welfare Department, in Henderson to observe the progress of the trial, told of a colored boy who had found a sawed-off pistol which was evidently used by one of the members of the mob. This boy was 12-year-old Arnold Price. Five cartridges had been exploded from the pistol.

When Mr. Gates and Mr. Thompson reached Henderson Friday morning they communicated with Judge Parker and asked for protection. He sent two armed deputies to escort them to court.

In advancing their motion to quash the indictment the Durham lawyers questioned law officers of Vance county in reference to the method of jury selection and Negro exclusion and placed competent Negro residents of Vance county on the stand to show that despite their residence in the county and their competence, they were never called for jury service.

Alabama Tactics

As at Decatur, in the Scottsboro trial, so here the policy of the prosecutor, was to go beyond the ordinary test of competence applied to white persons, in a prying effort to show that the Negroes examined had violated the law at some time in their lives.

After the desertion of Bullock by the Kittrells, N. C. Pearce volunteered to defend him.

The VanDyke girl claims that she was feeding hogs about 100 yards from her rural home when two colored men, one with a pistol, approached her and forced her to accompany them to a secluded spot. There they are alleged to have demanded of her where her father kept his money. When she said she did not know, she says they struck her, knocking her unconscious. Later she revived and heard her father calling her.

Identification Attacked

She identified Kelly and Bullock as her assailants, but the defense contends that there are many other Negroes in the county who would fit the description given by the girl.

The trial consumed several days. It began on Thursday, October 5 Latest reports before the Journal and Guide went to press said that the jury was expected to get the case Wednesday afternoon. A verdict was not expected before Wednesday night, and perhaps not until Thursday.

The action is being especially observed by North Carolinians because of the Durham backing it has. That city is supposed to have one of the most progressive colored populations in the state: Out of it within last year have come several challenges against discrimination. One was the effort of a colored boy to enter the pharmacy school at the University of North Carolina. Another is the fight for equal pay for teachers.

Nashville Tenn. Banner
October 6, 1933

Tenseness Marks Trial of Negroes

North Carolina Attorney Says Colored Lawyers in Assault Case Were Fired Upon

Henderson, N. C., Oct. 6—(AP)—Tenseness pervaded the Courthouse here today as trial of two Negroes on kidnaping and assault charges was to be resumed, following the assertion of R. O. Everett, Durham legislator, that two Negro defense attorneys were shot at last night.

Everett, also associated with the defense, charged that at least ten shots were fired at the two Negro lawyers, C. J. Gates and H. M. Thompson, when they left the Courthouse after a night session.

After rescuing the Negroes from a crowd, which also hurled stones, Everett stated, he drove them in safety to Durham.

The attorneys are defending Beaufort Kelly and Florida Bullock, Negroes charged with kidnaping and assaulting a white girl near here several weeks ago.

Gates and Thompson moved Wednesday to quash the indictment on the ground that Negroes were barred from the grand jury and had been discriminated against. Everett refused to join this motion, on the ground that it injected "the race issue," but continued as counsel, moving for a change of venue. Both motions were denied yesterday.

Police, Judge R. Hunt Parker and other officials said they had no knowledge of the disturbance.

"The matter is in the hands of the court and the Governor," Everett said. "I will do nothing to embarass them. The court is able to take care of itself and this thing happened right under the eaves of the Courthouse."

Miss Mary Lena Vandyke, the sixteen-year-old alleged victim of the attack, identified them as her assailants in court yesterday. The state contends Kelly and Bullock came to her farm home when her parents were away, forced her into a woods and assaulted her.

Tuscaloosa, Ala., News
October 6, 1933

NEGRO LAWYERS WOUNDED IN N. C. ASSAULT CASE

HENDERSON N. C., Oct. 6—(AP)—Tenseness pervaded the courthouse here today as trial of two negroes on kidnaping and assault charges was to be resumed, following the assertion of R. O. Everett, Durham legislator, that two negro defense attorneys were shot at last night.

Everett, also associated with the defense charged that at least ten shots were fired at the two negro lawyers, C. J. Gates and H. M. Thompson, when they left the courthouse after a night session.

After rescuing the negroes from a crowd, which also hurled stones, Everett stated he drove them in safety to Durham. The attorneys are defending Beaufort Kelly and Florida Bullock, negroes charged with kidnaping and assaulting a white girl near here several weeks ago.

Orlando, Fla., Sentinel
October 7, 1933

NEGRO LAWYERS FIRED ON AS THEY NEAR COURT HOUSE

HENDERSON, N. C.—(AP)—Judge R. Hunt Parker today ordered an investigation into reports two negro attorneys who sought to have the indictment in a case on trial quashed because there were no negroes on the grand jury were fired on as they left the court room last night.

CHARLOTTE, N. C.
NEWS

OCT 8 1933

Poor Timing.

Because in Henderson, North Carolina — a town which has its rougher elements — there are exponents of overlordship who strut their supremacy stuff and fire their pistols when they feel that Negro lawyers are about to trespass in the white man's court, it does not follow that the two colored alleged assailants of a young white girl (the assault was not criminal) are any more certain of obtaining justice through being made the goats of the Negroes-on-juries agitation.

It does not follow, in fact, that Florida Bullock and Beaufort Kelly have between them enough sense to qualify for martyring purposes. The nature and the circumstances of the crime for which they are standing trial itself precludes the possibility that the guilty black-amoors are rational. The only point lies in establishing beyond doubt that it was Florida and Beaufort who did it.

Yet in the face of such a setting, Negro counsel for the accused sought to establish that in Henderson only white people are summonsed to serve on juries. That probably is the truth and the whole truth, and it probably would not be difficult to force the admission that it is true.

But what it has to do with getting Florida Bullock and Beaufort Kelly out of a jam we cannot discover. One doesn't hire lawyers to conduct large crusades while one stares the jail in the face.

Lynchings-1933 X
Side Lights.

South Carolina

4138

Flogging Fatal; Four Are Jailed

2/20/33

~~Macon Telegraph~~

South Carolina Negro Beaten by White Men

Macon, Ga.

AIKEN, S. C., Feb. 19 (AP)—George Jeter, Negro, died Sunday from the effects of a beating given him by a group of white men last Tuesday and four men, his alleged assailants, were arrested.

The men, who are in jail pending an inquest, are Stamp Floyd, Jim Hancock, Jim Patterson and W. M. Hitt, all of the northern section of the county, where Jeter lived.

Officers quoted members of Jeter's family as saying he named those arrested as the men who beat him and said the flogging was inflicted after they had accused him of stealing liquor from them.

Jeter's mother said he told her the four men met him Tuesday, took him into a woods several miles from home and beat him severely. He was left at the scene so badly hurt, members of his family said, that he was unable to make his way home until Thursday.

A physician who treated Jeter said the Negro suffered internal injuries.

LYNCHED MAN A PREACHER'S NEPHEW

Afro American
12-2-33
Baltimore Md.

COLUMBIA, [illegible]—Morris Dendy, graduate of Allen University and leading A.M.E. layman, was lynched here recently while his mother looked on. She tried in vain to dissuade the four white men who were bent on murder.

Dendy was a nephew of Rev. R. Y. Dendy, presiding elder of the A.M.E. Church, and is related to Professor M. Dendy, the principal of Spartanburg, S.C., High School.

Robed Band Murders South Carolina Negro

Constitution
Atlanta Ga.

GREENVILLE, S. C., Nov. 17.—(AP)—George Green, middle-aged negro, was taken from his home at Taylors, near here, early today by a band of men robed in white, shot and left dying.

Authorities said they knew of no reason for the slaying of the negro. They were conducting an intense investigation, spurred on by indignation of citizens in the community.

Green's wife said a band of 10 or 12 men, wearing robes and masks, appeared at the house and demanded that the negro come outside.

Green retreated to an inner room, she said, and warned that he would hit the first person to enter with an ax. The mob hammered in the door, took the negro and fired three shots into his body.

The woman said one of the men pulled off his mask and revealed he was white. She fled and notified officers.

Two deputies arrived at the scene just before Green died but he did not rally enough to make a statement.

40TH LYNCHING OF YEAR IN S.C.

Afro American
11-25-33
Baltimore Md.

GREENVILLE, S. C.—A mob of white men, robed in white, took George Green, middle-aged man, from his home at Taylors, near here, last Friday, shooting him to death.

The group of men left Green dying from his wounds. Officials here deny that they know of any reason for the lynching.

"We Stopped Their Lynching," Young Negro Woman Tells

Workers
New York
12-2-33

Relates How Negro Croppers and White Workers in South Carolina Dispersed Lynch Mob by Determined Resistance

An Interview by Boris Israel

"It was my brother," she tells me in a husky, low tone, which carries in itself a whole world of bottled up determination. "That's how I know this so well."

She is a young, clean-cut Negro woman, slender, supple, a strong mouth, nervous hands, and eyes which can flash surprisingly into fighting flame through their softness. She sits restlessly, telling me of how the workers in the Carolinas had actually stopped lynchings by action.

Rape Accusation

It was her brother who had been accused of attacking a white woman in Fort Mill, South Carolina. The accusing woman had been meeting a friend secretly and, on the point of being discovered one night, screamed that a Negro had attacked her. A round-up was made and, pressed, she had said, "I think that looks like the one."

Storekeepers closed their stores, barbers came out of their shops with their customers and loungers, the pool rooms were emptied, and the world flew through the town like wildfire. From somewhere a rope appeared. It was in the spring of the year and the word travelled, too, through the fields where the Negroes were chopping the cotton and plowing the fields.

Lynch for Lynch

"They threw down their hoes and they said it was going to be lynch for lynch." It all happened so quickly. But when the lynchers appeared [illegible] the jailhouse surrounded by the Negro workers. The orders were announced: "You don't come within a block of this jailhouse. You touch that boy and we will take care of that lying white women."

There was no lynching in Fort Mill that day.

"That was even before we knew how to organize," it is explained. "We just organized for that time because we had to do it. Now we can do it better." Comrade Mary Welch is now a leader of the workers, she is a Bolshevik. She tells again of Greenville, S. C., where the Ku Klux Klan had been maintaining a reign of terror against workers' organizations.

K. K. K. Stops Meetings

"If maybe three or four of us women would stand and talk together on the street they'd come up and ask us what kind of meeting we was holding, and what we was talking about."

Any meeting in a house was raided by these mobs, led by the police and the cotton mill overseers. Then the leaders would be taken miles away from the town, clubbed and beaten and left in the ditch. "Anyways, we kept growing and building the organization," this comrade says, simply.

"Then one white storekeeper picks on one of our members, about his girl—says this young Negro boy has insulted him cause he went with his own colored girl.

Talked Back to White

"Our comrade, he took up for himself and told the man so, and that night they passed around the word to go get that boy and to lynch him." Mary Welch called some of the members of the I. L. D. and the union together. They met in the house of one of the workers.

"I explained to them what it was all about and what the white bosses was fixing to do.

"We decided we was going to stop this here lynching. We said even if some of us do get killed we was sure we could get some of them. We got to defend ourselves." They went to the home of the young prospective victim of the mob and hid him somewhere else.

"It was about thirty-five of us. It was twenty-eight men and two women.

They crowded into the small, two-room home and each took what he or she could for a weapon. "We had chair backs and pieces of wood and hoes and the woman of the house, she had a shot gun in bed with her.

"If they come in to mob us, we're going to fight till we die," they decided. Comrade Welch gave instructions. She explained that they could get guns from some of the mob.

Defend Ourselves

"When the fight starts. Just don't start nothing. But we can sure defend ourselves." They waited. In that stifling cabin, packed in with a space about the door and papers tacked over the windows, they waited.

Cars drove into the street and stopped. The Klan mob was out in force. There were between thirty and thirty-five autos, according to a count made. Two of the white mob leaders, a policeman one of them, threw open the door.

"They was surprised to see us there. They thought they was just going to take that young boy out alone, beat up his mammy and papa and string him up to a tree. They wanted to know what was we doing there.

"They started searching the menfolks but the man of the house he wouldn't let them search him for his pistol. There was a little bit of a rumpus. Then the rest of the mobmen came up there.

I Pushed Him Back

"I jumped to the door and pushed the first of them back and told them they better stay out cause we intended defending ourselves. They looked at the comrade in the bed with the shotgun raised up at them and then they saw another comrade through the door and he had a gun too, so they ran back to their autos.

"Every one of us stood our ground.'

The two mob "leaders" begged to be allowed to leave, they begged for mercy, for their lives, they promised. They left. "They couldn't get out of there fast enough," Mary Welch says, a quick, flickering smile turning her lip-corners up and lighting her face.

We Went Ahead

There is a note of triumph in her voice as she says, "After that time, they didn't try to break up no more meetings. We went ahead and they never bothered us again the way they had been doing.

She tells me of a perhaps even more significant incident in Charlotte, North Carolina, just this year. The organizer for the Young Communist League, a young Negro worker, was accused of insulting a white girl and a mob was forming. Ten white mill workers heard of the plan and spread the word.

Ten white mill workers in the south spread the word: "Lynching. A lynching is scheduled. They're going to lynch the Y. C. L. organizer." And when the lynch mob formed they were faced with workers, white and black, who told them: "You don't lynch him before you lynch us."

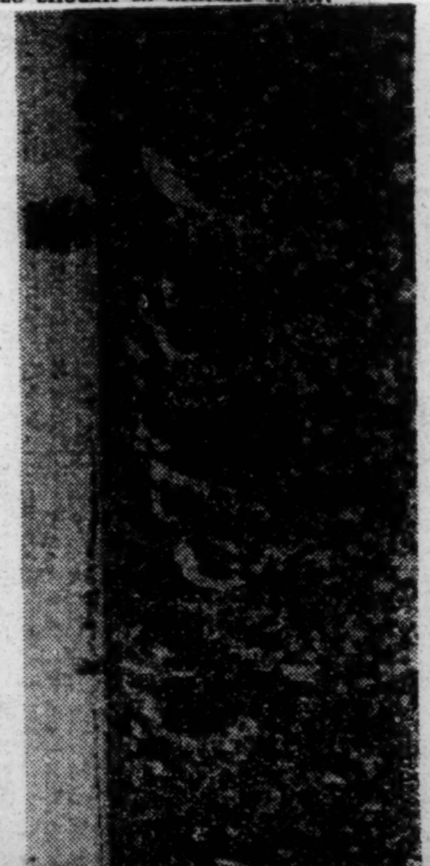
He Wasn't Lynch

He wasn't lynched. Mary Welch explains. "Those men that carry you out and beat you up or hang you to a tree—they don't want to die any more than you do.

"Start right when they start, start before they start, and organize our forces against this lynching.

"If they can organize forces to take a Negro out and lynch him, we can organize enough to prevent them!"

Producing Super-Profits for Wall Street



Negro sharecroppers toiling on the cotton plantations of the South, where they are paid the most meagre starvation wages. Hundreds of thousands of these croppers are practically chained to certain landlords through the use of the landlords system of debt slavery.

Robed Mob Slays Negro

GREENVILLE, S. C., Nov. 17 (AP).—George Green, middle-aged Negro, was taken from his home at Taylors, near here, early today by a band of men robed in white sheets and left him dying. Authorities said they knew of no reason for the slaying of the Negro.

Green's wife said a band of ten or twelve men, wearing robes and masks, appeared at the house and demanded that the Negro come outside. Green retreated to an inner room, she said, and warned that he would hit the first person to enter with an ax. The men hammered in the door, took the Negro and fired three shots into his body. He died before he could make a statement.

The woman said one of the men pulled off his mask and revealed he was white.

N Y Herald
Nov 18 33
Tribune

GREENVILE, S. C.
NEWS

NOV 23 1933

THEY MUST BE CAUGHT

It is highly gratifying to learn that officers feel they are making considerable progress toward establishing the identity of the members of the masked band who broke into the home of a negro at Taylors last week and slew him.

The crime, according to all indications, is one of the most despicable in the recent history of the county and has placed another dark blot upon the reputation of the county—which is already rather badly spotted from homicides and other serious crime.

It is the earnest hope of the citizenship of Greenville county that the efforts of the state and local officers now at work on this crime will speedily be successful in apprehending the perpetrators and in gathering evidence of a character that will warrant their conviction and adequate punishment.

COLUMBIA, S. C.
RECORD

NOV 24 1933

On the Right Road.

Six persons were being detained today in Greenville's investigation of the slaying of George Green, 78-year-old negro shot and killed by a band of masked men, and ~~five of~~ them, all white men, were under arrest on charges of murder.

There is of course no telling from this distance whether the officers as yet may be said to have solved the mystery of Green's murder and it may be that all of those so far questioned in the case are innocent. But Greenville and Greenville's officers, aided materially it seems by the state constabulary, are on the right road. They are prepared to make arrests and the way to end the reign of masked terror in Greenville is to arrest and try the members of the mobs.

Tennessee

Lynchings-1933

Side Lights.

4503

POSSE TAKES TRAIL OF NEGRO ATTACKER

Commercial Appeal

Believed to Be in Hiding in Bartlett Bottomlands

11-4-33

IDENTITY IS ESTABLISHED

Memphis, Tenn.

Mrs. R. L. Hartsfield Taken to Doctor After Assault in Bartlett Home—Invalid Sister Locked in Closet

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The bottomland and the roads near Bartleet were searched unceasingly last night by 60 armed men for a bold young negro who assaulted Mrs. R. L. Hartsfield, locked her invalid sister in a closet, and terroized the two women for two and a half hours before departing with a diamond and sapphire engagement ring, a wedding ring and a wrist watch.

Sheriff's deputies in patrol cars rode the highways while other officers and armed citizens, making a posse of more than 60, tramped through the fields and bottomlands in a relentless hunt for the negro, whose identity, the officers said, is almost positively known.

Efforts to use bloodhounds in the manhuit were unsuccessful, dogs being unable to pick up the trail.

Flourished Pistol

The negro entered the Hartsfield home near Bartlett at 8 o'clock yesterday morning and remained there until 10:30. He attacked Mrs. Hartsfield, menacing her with a pistol, and locked her sister, Mrs. Rose Newman, who is partially paralyzed, in a closet.

Then he leisurely invaded the kitchen, cooked himself a breakfast, ate it and played the phonograph to amuse himself.

He searched the house until he found the jewelry.

He left when a laundry man stopped at the house at 10:30 o'clock.

Officers called Mr. Hartsfield, an employe o fthe Lee Lumber Company, and he took his wife to a physician.

Sheriff Bacon braodcast the negro's description. He is about 25 years old, about five feet three inches tall, is quite black, with kinky oily hair and small ears.

Se was wearing a short army coat(, blue trousers, a grey cap and black shoes.

Lynchings-1933
Side Lights.

Texas.

4504

Armed Posse On Trail Of Texas Negro Killer

BEAUMONT, TEXAS, Dec. 3.—(AP)—Armed citizens and officers were spurred on tonight in their search for a negro accused of killing Mrs. Nellie Williams Brockman, 30, and attempting to burn her body with her automobile truck, after a Texas ranger and members of the crew of a freight train shot at a negro who set fire to a railroad bridge early today.

The negro fled from the scene of the blazing railroad bridge near Fuqua, 20 miles west of Mountze, where Mrs. Brockman's body was found last night.

Officers expressed the opinion the killer set fire to the bridge to stop the train so he could board it. As he ran from the brush thicket toward the train two of the train crew opened fire on him and he retreated.

A posse of citizens and officers with bloodhounds plunged into the maze of brush tickets in pursuit, but early tonight, had not picked up the trail.

Although practically the entire male citizenship of the community was engaged in the search for Mrs. Brockman's slayer, no display of mob temper had been made.

Mrs. Brockman left her farm home shortly after noon yesterday to drive alone to Mountze to exchange a pair of baby shoes she had bought. Early in the evening, her body was found, a shotgun wound in the head, beside the blazing truck. The woods nearby were afire, and Mrs. Brockman's body was partly burned.

Lynchings - 1933

Side Lights.

Virginia.

4505

Macon, Ga. News
May 2, 1933

DOUBT EXPRESSED OF NEGRO'S GUILT

Eight Early County Jurors Say They Convicted Powell Fearing Lynching

Eight Early county jurors who convicted William Powell, Negro, on a murder charge in 1922 said in an affidavit read Tuesday to the board of county commissioners here that they did so because they believed he would be killed immediately if an acquittal verdict had been returned.

They expressed doubt of the Negro's guilt in the slaying of the son of an Early county sheriff, for which he was given a life sentence. He has been serving the term on the Bibb county chain gang.

The board of commissioners became interested in the case two weeks ago and appointed a committee to investigate the matter before recommending a pardon. The committee was not ready to report Tuesday.

Attorneys Employed

W. O. Cooper, Jr., and John J. McCreary, Macon attorneys, have been employed by the Negro to present his claim to the prison commission and the affidavits read to the board were obtained by Mr. Cooper.

The deputy sheriff was slain in Powell's own home, the evidence shows, after the Negro had been chased for some distance and taken refuge there.

The eight jurors who signed the affidavit said the court charged that only three verdicts could be returned: guilty without recommendation; guilty with recommendation; and not guilty. They said the Negro would have been killed in the courtroom had an acquittal verdict been returned.

The jurors who signed the affidavit are: W. B. Taliaferro, J. O. Lane, I. A. Walton, W. H. Williamson, M. G. Hayes, J. G. Philman, Willie Clowers, and J. M. Garrett.

Powell is the Negro from whom $1,200 was stolen last November. Records in the camp here show him to have been a model prisoner, Commissioner Troy M. Raines said.

Child's Story of Fake 'Attack' Sets Lynch Dogs on Negroes

Daily Worker

MORRISONVILLE, Va., Oct. 9— Little Carroll Crim, 12, had heard his elders describe with cynical glee the growing man-hunts and lynchings of Negroes on charges of attacking white children. Perhaps a stray word here and there gave Carroll his clue to the trumped-up nature of these charges. Little Carroll decided it would be wonderful fun to emulate his elders and start a man-hunt on his own account. Then, too, he could play hookey and get away with it.

10-10-33

So Carroll stayed away from school one day last week. He spent the day in the woods near here. Late in the afternoon he emerged from the woods, his clothing torn in shreds, with a terrified look in his eye and a ghastly tale of being attacked by two Negroes, beaten, bound and gagged.

Officials and leading business men of Morrisonville instantly seized upon the lynch incitement. Posses were organized to hunt the surrounding countryside for Negroes. Scores of innocent Negroes were arrested "on suspicion" and given the third degree to extort confessions. But Carroll's father kept questioning him for details, and finally Carroll broke down and told the truth. He just wanted some excitement and, in addition, he didn't want to go to school. And he had already learned how easily a man-hunt and lynching bee could be organized against innocent Negroes.

Athens Ga.
Red + Black
10/27/33

Nigger, Nigger; Damned Nigger

A MORRISONVILLE, Va., youth recently conceived of an excuse for "playing hookey" which might have developed into a tragedy. After spending the day in the woods he emerged with his clothing torn to shreds, a terrified look in his eye, and a weird tale of being attacked by two negroes, beaten, bound, and gagged.

Inflamed Morrisonville citizens were soon up in arms. Posses were organized to hunt down the negroes and the countryside was scoured.

Luckily, persistent questioning by the youth's father broke down the alibi.

Suppose two unfortunate negroes fitting the descriptions had been found? It is not hard to visualize what their fate would have been.

Hundreds of southern negroes have met horrible death on less valid excuse. Established law, it seems, is not adequate for protection of society in the South. Southerners feel they are obligated to protect the virtue of women and the supremacy of the Nordic with flaming torch, rope, club, and gun.

The case against the Southern mob would be bad enough if it were only that justice is wrested from established authorities. The tragedy lies in the fact that too often a mistake is made, an innocent life is taken. Frenzied mobs do not give a "damned nigger" opportunity to prove his innocence. An accused negro hasn't a dog's chance once he falls into the hands of a blood thirsty mob bent on murder.

From 1889 through 1930 Georgia led the United States in lynchings with a total of 463. Four hundred thirty-nine of them were negroes. Do you want Georgia branded a state peopled with ignorant blood-thirsty, race-prejudiced animals?

As future citizens it is your duty to tolerate no mob violence and to bring these criminals of the mob to their deserved desserts.

Remember the Morrisonville case.

XTRA
ITION
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quiry
Harlem

ERE

Interest should abound for all in the several primary fights to be settled next Tuesday at the polls. Are you familiar with the issues? If not, turn to page 6 and read the editorial, "The Way Out."

EXTRA

MAN SLAIN IN

MOBS ATTACK THIRTEEN MEN IN WIDE AREA

Amsterdam News

Cops Rescue Victims as Crowds Attempt to Kill Them

9-13-33

Two attempted lynchings and a mob attack upon ten unemployed Negroes in various parts of New York on Sunday have been laid to increasing race hysteria. A third man was pursued by a crowd on lower Broadway [illegible] afternoon.

Alvin Alfred, 25, 129 West Twenty-first street, was rescued from a mob in Twenty-eighth street station of the west side I. R. T. subway after an alleged assault upon a white woman. Similarly an attempt to lynch Joseph Whitlock, 105-06 158th street, Jamaica, was thwarted by police intervention.

New York

The attack upon the unemployed men occurred in Hester Park early in the morning. They were set upon by a gang of white men as they were sleeping in the lower east side park.

Alfred was not identified by any of nine witnesses who appeared in court yesterday morning. He is alleged to have been in the women's washroom in the subway station and to have attempted to attack Mrs.

(Continued on Page Two.)

MOBS ATTACK THIRTEEN MEN

Cops Rescue Victims as Crowds Attempt to Kill Them

(Continued from Page One.)

Bertha Carroll, white, 32, 171 Clinton street, Brooklyn, when she entered. Attracted by the woman's screams her husband slugged the alleged assailant and was joined by others in mauling him.

Amsterdam News

Arraigned in Jefferson Maraket Court Monday, Alfred was held as a suspect for identification by women who claimed that they have been terrorized in Central Park recently by a man answering to his description. One hundred policemen joined in a manhunt over the week-end, combing the park in search for the suspect.

9-5-33

Whitlock is now under arrest in Kings County Hospital. He was critically injured from the effects of a beating given him by the Jamaica crowd. His injuries consisted of a possible fracture of the skull, internal injuries, cuts and bruises, and his righ eye practically torn from the socket. He will be arraigned in Jamaica Magistrate's Court on a charge of disorderly conduct as soon as his condition permits.

New York N.Y.

The complaint was made by Thomas Smullen, of 177-22 160th road, who said he awoke about 4 o'clock Sunday morning and saw a colored man peering in his bedroom window. Jumping out of the bed he ran out to the alleyeway, where he captured the man later identified as Whitlock. They scuffled in the dark, and the noise of the fight attracted several other residents, who left their beds and joined in. A nearby Democratic Club, which had been having a Saturday evening dance, contributed a score or more men, who also took a hand in beating Whitlock.

From the crowd, which joined in beating Whitlock, came cries of: "Get a rope." It is reported that several men came to scene with a strong piece of clothesline. Arriving in time to prevent a lynching, Patrolman Vincent Zigmont drew his gun to quell the mob. No member of the mob was arrested.

Severe lacerations of the scalp and painful body bruises were suffered by the men in the Hester Park attack. Stitches were required for the injuries sustained by Edward White, Andrew Finn and Sidney Dense, who were treated at Gouverneur Hospital. Others received special treatment from a physician of the Workers' International Relief.

The Daily Worker, Communist Organ, which reports the case, asserts that officials of the hospital dismissed the attack lightly as a "fight over a woman in the park." Also that police at Clinton-Delancey street station said they had never heard of the affair.

Captured after pursuit by passers-by and police, Joseph Rogers, 36, no home, was arrested and charged with attempted criminal assault. He is alleged to have attempted to kiss a white girl on Broadway near Twenty-sixth street on Monday afternoon.

HOTELS, R

HOTEL
DEWEY SQUARE